

NORTHWEST ATLANTIC FISHERIES ORGANIZATION



Meeting Proceedings of the General Council and Fisheries Commission September 2004–August 2005

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Foreword

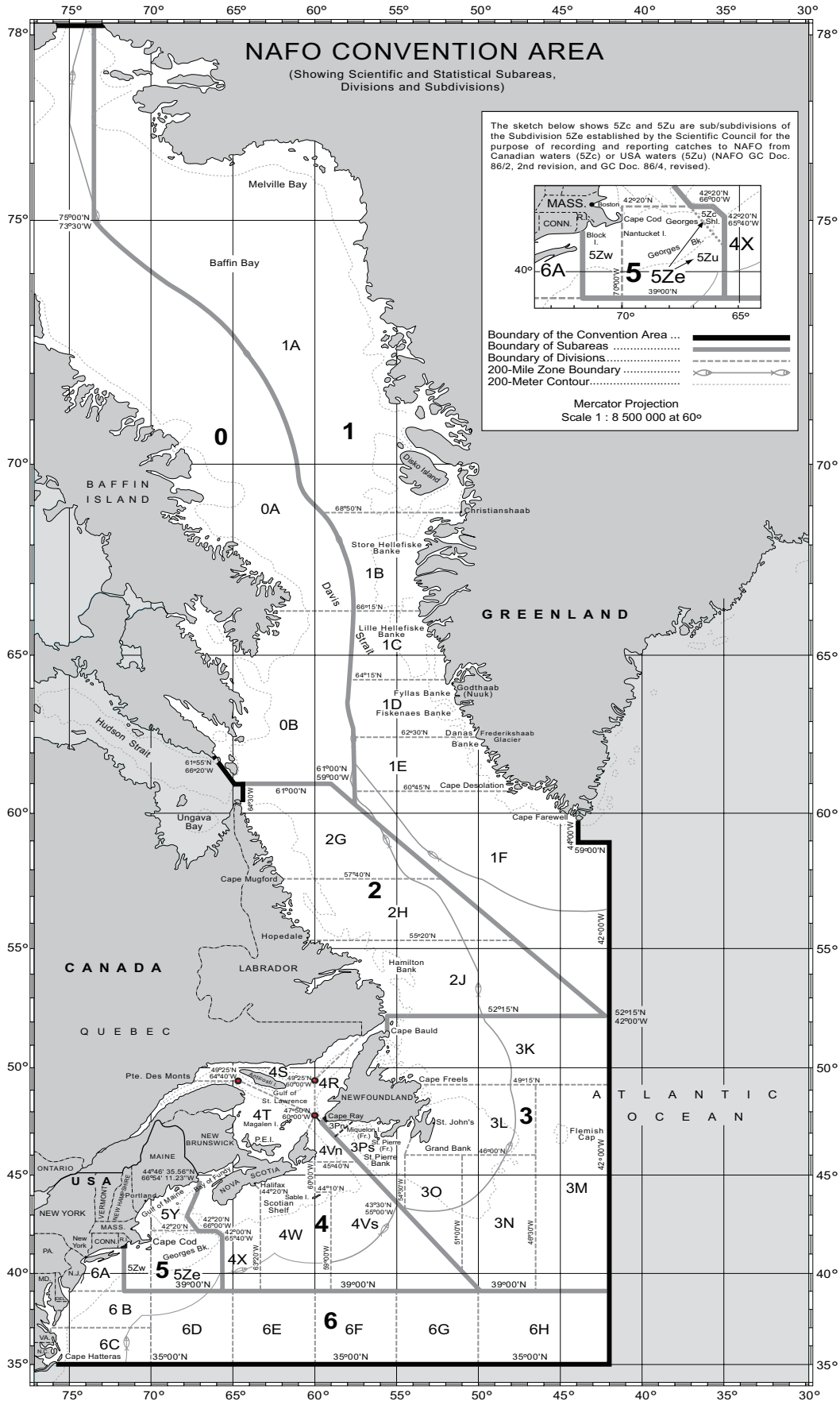
This issue of the Proceedings contains the reports of all meetings of the General Council and Fisheries Commission including their subsidiary bodies held in the twelve months preceding the Annual Meeting in September 2005 (between 1 September 2004 and 31 August 2005). This follows a NAFO cycle of meetings starting with an Annual Meeting rather than by calendar year.

This present 2004/2005 issue is comprised of the following sections:

SECTION I contains the Report of the General Council including subsidiary bodies reports (STACFAD and STACFAC), 26th Annual Meeting, 13-17 September 2004, Dartmouth, Nova Scotia, Canada.

SECTION II contains the Report of the Fisheries Commission including subsidiary body (STACTIC), 26th Annual Meeting, 13-17 September 2004, Dartmouth, Nova Scotia, Canada.

SECTION III contains the Report of the Standing Committee on International Control (STACTIC), 13-15 April 2005, Reykjavik, Iceland.



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**Structure of the Northwest Atlantic Fisheries Organization (NAFO)
(as at 15 May 2005)**

Contracting Parties

Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and United States of America (USA).

President

D. Bevan (Canada)

Constituent Bodies

General Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – D. Bevan (Canada) <i>Vice-Chair</i> – T. Lobach (Norway)
Scientific Council	Bulgaria, Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – J. Morgan (Canada) <i>Vice-Chair</i> – A. Vazquez (EU-Spain)
Fisheries Commission	Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), EU, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Norway, Russia, Ukraine and USA.	<i>Chair</i> – D. Swanson (USA) <i>Vice-Chair</i> – B. Prischepa (Russia)

Standing Committees

General Council	Standing Committee on Finance and Administration (STACFAD)	<i>Chair</i> – G. F. Kingston (EU) <i>Vice-Chair</i> – D. Kramer-Warner (USA)
	Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)	<i>Chair</i> – N. Bouffard (Canada) <i>Vice-Chair</i> – G. Martin (USA)
Scientific Council	Standing Committee on Fishery Science (STACFIS)	<i>Chair</i> – H. Murua (EU-Spain)
	Standing Committee on Research and Coordination (STACREC)	<i>Chair</i> – A. Vazquez (EU-Spain).
	Standing Committee on Publications (STACPUB)	<i>Chair</i> – M. Stein (EU-Germany)
	Standing Committee on Fisheries Environment (STACFEN)	<i>Chair</i> – E. Colbourne (Canada)

Fisheries
Commission

Standing Committee on
International Control (STACTIC)

Chair– H. Steinarsson (Iceland)
Vice-Chair – M. Nedergaard (Denmark
in respect of Faroe Islands & Greenland)

Secretariat

Executive Secretary	Johanne Fischer
Deputy Executive Secretary	Tissa Amaratunga
Fisheries Commission Coordinator	Ricardo Federizon
Administration Officer & Meeting Coordinator	Forbes Keating
Personal Assistant to the Executive Secretary	Bev McLoon
Finance Officer	Stan Goodick
Publications and Archives Officer	Ferne Perry
Graphic Arts/Printing Technician	Ron Myers
Graphic Arts/Printing Technician	Barry Crawford
Office Secretary	Dorothy Auby
Information & Web Manager	Barb Marshall
Fisheries Information Officer	Cindy Kerr

Headquarters Location

2 Morris Drive, Dartmouth, Nova Scotia, Canada

SECTION I
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(STACFAD and STACFAC), 26th Annual Meeting
13-17 September 2004
Dartmouth, Nova Scotia, Canada**

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PART I

Report of the General Council Meeting (GC Doc. 04/5)

26th Annual Meeting, September 13-17, 2004 **Dartmouth, Nova Scotia, Canada**

I. Opening of the Meeting (items 1-5 of the Agenda)

1. The Meeting was opened by the Chair of the General Council, David Bevan (Canada).

The Representatives of sixteen (16) Contracting Parties were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland-DFG), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and the United States of America (Annex 1). Bulgaria was unable to attend.

The Chair welcomed delegates to the 25th anniversary meeting of NAFO (Annex 2). He remarked that international fisheries had a long history on the Grand Banks and the Flemish Cap and remains part of our fabric and ties NAFO and its fishers historically, economically, socially and culturally. He pointed to the difficult times that the fishery has encountered during the past 25 years and to the need to invest in improved conservation, a strong science and a focus on stock rebuilding. He emphasized that the protection of ocean habitat and deep sea biodiversity has become more important than ever in light of biological limits being stressed in the world's ecosystems under an unprecedented combination of human activities and natural changes. While NAFO had made progress in addressing these issues in recent years, NAFO still had to strengthen its management and governance structure to manage the ocean resources in the NAFO Regulatory Area in a sustainable and profitable way. The Chair closed his opening statements by affirming the imperative role that close cooperation and collaboration play in facing the significant challenges.

The Heads of Delegations from Canada, European Union, United States, Ukraine, Korea, Russia, and Japan addressed their opening statements to the assembly (Annexes 3-9).

2. **Appointment of Rapporteur**

The Executive Secretary of NAFO, Dr. Johanne Fischer, was appointed as Rapporteur.

3. **Adoption of Agenda**

The adopted Agenda is attached in Annex 10.

4. **Admission of Observers**

Admission of Observers was addressed by the Executive Secretary reporting on her invitations to FAO, IBSFC, ICCAT, ICES, NAMMCO, NASCO, NEAFC and NPAFC in accordance with the Rules of Procedure. These organizations acknowledged NAFO's invitations. IBFSC, ICCAT, ICES, NASCO and NPAFC were unable to attend. FAO was represented by Mr. Hiromoto Watanabe (Fishery Liaison Officer, Fishery Policy and Planning Division), NAMMCO by Mr. Kolbeinn Arnason of Iceland and NEAFC by the delegate of Denmark (DFG). Also, Mr. Joao Neves from the NEAFC Secretariat will attend STACTIC sessions. WWF has applied a few weeks before the Annual Meeting to obtain status as observer at General Council, Fisheries Commission and Scientific Council. According to the Rules of Procedure of General Council and Fisheries Commission the request came too late to be processed this year. However, Scientific Council granted observer status to two WWF delegates for its sessions: Ms. Charlotte Mogensen (Fisheries Policy Officer for the WWF European Policy Office) and Dr. Robert Rangeley (Atlantic Director for the WWF Canada).

The representative of FAO delivered a statement to the General Council (Annex 11).

5. Publicity

The Secretariat submitted STACFAD WP 04/5 as a proposal for a new media policy of NAFO. Discussion of this proposal was deferred to STACFAD. Participants then agreed to the existing procedure for the present meeting, i.e. that no statements should be made to the media until after the conclusion of the meeting, when the NAFO Secretariat would issue a Press Release. The Press Release was finalized and issued at the closing session of the General Council, September 17, 2004 (Annex 12).

6. Record of Agreed General Council Decisions at the 2004 NAFO Annual Meeting

Last year, delegates had agreed that a summary record of agreed decisions should be produced for General Council and Fisheries Commission before the meeting ends and finalized during the last session. The Secretariat presented the format it had used last year for this purpose. Delegates agreed that the format shown should be continued to be used and that a list of agreed decision should be elaborated by rapporteurs and presented at the end of the meeting (Annex 13).

II. Supervision and Coordination of Organizational, Administrative And Other Internal Affairs (items 7-10)

7. Review of Membership

(a) General Council and (b) Fisheries Commission. The membership of NAFO is 17 Contracting Parties, they are members of the General Council and Scientific Council. The membership of the Fisheries Commission (those members participating in fishery in the NAFO Regulatory Area) is 16 as Bulgaria did not participate in a NAFO fishery.

Four Contracting Parties (Estonia, Latvia, Lithuania and Poland) have acceded to the European Union and have therefore submitted official notifications of withdrawal from NAFO. They will be integrated in the Delegation of the European Union starting 2005. The four Contracting Parties in question all addressed General Council stating that they will remain active participants in the Organization as members of the European Union delegation. The European Union expressed that it feels honoured that these four countries joined the Union and that, as the EU delegation operates by consensus, these NAFO Contracting Parties will indeed have an influence on the EU policy as active fishing states.

8. Administrative Report

Discussion of the Administrative Report was referred to STACFAD. At the closing session, on the advice of the Chair of STACFAD, the Report was adopted by the General Council.

9. Update on the web and electronic publications by the Secretariat

The Executive Secretary introduced new features of the NAFO member pages that have been re-organized some months ago. Electronic versions of the General Council and Fisheries Commission Meeting Proceedings and Scientific Council Meeting Reports have been elaborated. The Annual Report is now an electronic publication only and accessible through the NAFO website. The changes were noted by delegates and the Secretariat commended for its continued efforts to improve electronic communication.

10. Timely submission of fishery statistical data (request by SC)

In June 2004, Scientific Council's Standing Committee for Research Coordination had noted that there was a widespread lack of respect for the STATLANT submissions and particularly for the submissions of the STATLANT 21B and recommended that the General Council be reminded of the importance of these STATLANT data to the work of the Scientific Council (SC WP 04/22). As these recommendations mainly addressed Fisheries Commission, it was decided to defer this agenda item to the Fisheries Commission and invite SC Chair to present the recommendations in person to the Commission.

III. Coordination of External Relations (item 11)

11. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO)

The Executive Secretary reported on the North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting that took place in March 2004 in London. This regular meeting represents an important opportunity for Executive Secretaries of similar organizations to discuss work-related issues, coordinate their activities, and inform each other of innovations and progress achieved so far. In March 2004, IBSFC, NAMMCO, NASCO, NEAFC and NAFO Secretariats discussed a number of issues, e.g. practical cooperation on IUU fishing; exchange of information regarding the ecosystem approach to fisheries management; media and NGO attendance at meetings. It was agreed to hold the next meeting in conjunction with the fourth FAO Regional Fishery Bodies Meeting in Rome in 2005.

Denmark expressed support for the efforts of coordinating activities by the Secretariat of different Fishery Bodies and suggested that, for improved efficiency and feedback, in the future the NAFO Executive Secretary should decide who should represent NAFO at the meetings of other organizations. This proposal was accepted by General Council.

b) NAFO's accession to the Fishery Resources Monitoring System (FIRMS) Partnership

The Executive Secretary introduced a proposal from the NAFO Secretariat supported by Scientific Council to accede to the Fishery Resources Monitoring System (FIRMS). FIRMS is a partnership of international organizations, regional fishery bodies and national scientific institutes to report and share information on status and trends of fishery resources within a formal agreement. This information is published through the Fisheries Global Information System (FIGIS), a web-based information management tool operated by FAO. The Executive Secretary draw the attention of delegates to Annex 2 of the Partnership Agreement that is different for each FIRMS member and, in the case of NAFO, was drafted based on previous recommendations from Scientific Council and on discussion during the first meeting of the FIRMS Steering Committee. Scientific Council recommended that the General Council approve the FAO/FIRMS and NAFO Partnership Arrangement.

Delegates agreed that NAFO joins the FIRMS Partnership Arrangement as presented in GC Working Paper 04/3.

IV. Fishing Activities in the Regulatory Area Adverse to the Objectives of the NAFO Convention (items 12-15)

12. Report of STACFAC and joint STACFAC/STACTIC June Meetings

The June 2004 STACFAD reports were covered under agenda item 14.

13. Consideration of Non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting.

Canada reported that eight NCP vessels had been sighted in the NAFO Regulatory Area since the last Annual Meeting and proposed that STACFAC carefully consider all NCP vessel occurrences in the NAFO Regulatory Area and provide General Council with recommendations regarding a sensible approach to deal with this issue. This was agreed and the matter referred to STACFAC.

14. Report of STACFAC at the Annual Meeting and decisions on actions

STACFAC Chair, Ms. Nadia Bouffard (Canada), presented the STACFAC Report to General Council including a list of recommendations asking General Council to:

1. remind Contracting Parties of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.
2. ask the Secretariat to compile a package on the history of Non-Contracting Party fishing vessels using a

similar format as is used in the International Commission for the Conservation of Atlantic Tunas, to facilitate discussion at future STACFAC meetings;

3. have the letter in response to the sightings of Dominica-flagged vessels engaged in IUU fishing activities drafted by STACFAC and approved by General Council delivered by the EU to the Dominica representative in Brussels as a diplomatic démarche. Canada and USA have consented to participate in this démarche and other NAFO Parties are encouraged to also be part of this démarche.
4. mandate STACFAC to review and continue discussions on the Norwegian proposal (STACFAC Working Paper 04/8) on joint NAFO and NEAFC scheme to promote compliance by Non-Contracting Party vessels at the next NAFO annual meeting.
5. task the Executive Secretary to draft a response to the Belizean letter inserting paragraphs developed by STACFAC regarding the issue of Co-operating Non-Contracting Party status in NAFO as well as the availability of quotas.

Delegates adopted all recommendations by STACFAC. Norway requested that STACFAC WP 04/8 be annexed to the STACFAC report.

15. Dispute Settlement Procedures

Canada tabled GC Working Paper 04/4. The EU voiced concerns that this Working Paper appeared to ignore past efforts to resolve this issue and requested more time to further investigate the Working Paper and how it should be interpreted. Canada agreed that further discussions are needed to reconcile the different opinions within NAFO and suggested that the procedures for dispute settlement to be devised for NAFO should be in agreement with those described in the UN Fish Stock Agreement. The matter was deferred for discussion to the next Annual Meeting in 2005.

V. Finance (items 16-17)

16. Report of STACFAD at the Annual Meeting

Chair of STACFAD (Standing Committee on Finance and Administration), Mr. Fred Kingston (EU), presented the STACFAD report (Part II of this Report) to General Council with the following recommendations:

- 1) Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.
- 2) Contributions from Bulgaria be deemed uncollectible and that this amount be applied against the accumulated surplus.
- 3) The minimum balance in the Accumulated Surplus Account be \$125,000 in order to fulfil the financial obligations of the Organization in early 2005.
- 4) The discussion exploring a headquarters agreement for NAFO be deferred to the next Annual Meeting in 2005 to allow further analysis of this issue.
- 5) The General Council adopt the Media Policy concerning the conditions for attendance by media representatives at NAFO meetings outlined in Annex 4 of the STACFAD Report.
- 6) The General Council adopt in principle the recommendations contained in STACFAD W.P. O4/1 concerning a new NAFO classification system for the Secretariat Staff, but defer the decision as to the exact level of compensation to the next Annual Meeting.
- 7) The Working Group, recommended to be set up under recommendation 8 (STACFAD Agenda Item 12) to re-examine the NAFO Staff rules, also discuss issues connected to the special work situation of the NAFO staff, including their benefits and responsibilities, in comparison with Canadian government employees.
- 8) A Working Group be established to assist in this revision of the Staff Rules and this Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU, and the Chair of STACFAD
- 9) Endorsement of a Staff Association and Staff Representative.

- 10) Endorsement of the STACFAD WP 04/4 – Staff Committee.
- 11) General Council appoint the three nominees to the Staff Committee for one year.
- 12) After extensive discussions were held on the subject, there was no consensus on the means to adjust the Executive Secretary's salary or to modify the ceiling on the renewal of the Contract contained in Staff Rule 4.1.
- 13) For 2005, the specific goals for evaluating the eligibility of the Executive Secretary for a performance pay allowance are the following:
 - Re-structure the public NAFO webpages to increase user friendliness and access to NAFO-related information by the public and to enhance NAFO's profile in the public
 - Develop the NAFO electronic Journal
 - Propose necessary changes to the Staff Rules taking into account the specific situation of the NAFO Secretariat, the regulations of the Canadian government and UN regulations.
 - Contribute with substantial information to the determination of the level of compensation to be added to NAFO staff base salaries. This information should include definition of missing employment benefits in NAFO in comparison with Canadian government employees and, where possible, determination of the financial consequences this might entail. It also should detail added responsibilities and duties of NAFO staff that their peers employed by the Canadian government are not expected to perform.
 - Maintain effective capacity to produce the information requested by STACTIC for an annual compliance report to the Fisheries Commission.
- 14) A budget of \$20,000 be included in the 2006 and 2007 budget forecast, to be used for the purpose of hosting a NAFO Reception.
- 15) The budget for 2005 of \$ 1,499,000 be adopted. This figure was later revised (see item 17 below).
- 16) The dates for the 2007 Annual Meeting be as follows with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:
 - a. Scientific Council - 12-21 September
 - b. General Council - 17-21 September
 - c. Fisheries Commission- 17-21 September

17. Adoption of Budget and STACFAD Recommendations for 2005

General Council Chair informed meeting participants that Contracting Parties had reached a decision regarding a salary raise from 1 January 2005 and the allocation of a performance bonus regarding 2004 for the Executive Secretary and that they deferred a decision regarding alteration of the ceiling of contract renewal to the next Annual Meeting. He also stated that as a result of additional requirements by General Council, the budget had to be raised by \$25,000. Therefore, a budget of \$1,524,000 for 2005 was adopted.

Regarding item 16.6) above, the European Union noted their concern regarding the lower benefits that NAFO Secretariat staff receive in comparison with Canadian Government employees. The EU announced that for discussion of this matter at the next Annual Meeting, it will be important that the level of compensation be set at an adequate level, which should be no lower than 10%.

All other recommendations of STACFAD were adopted without further discussion.

VI. Closing Procedures (items 18-21)**18. Time and Place of the Next Annual Meeting**

The Estonian delegate issued an invitation for the next Annual Meeting to take place in Tallinn. Delegates welcomed the invitation and thanked Estonia for the kind offer. The 27th Annual Meeting will thus be held in Tallinn, Estonia, at the following dates:

Scientific Council	-	19-23 September 2005
General Council	-	19-23 September 2005
Fisheries Commission	-	19-23 September 2005

19. Other Business

No other business was discussed.

20. Press Release

The Executive Secretary drafted a Press Release that reflects the review and changes by the NAFO President (Annex 12).

21. Adjournment

The meeting adjourned at 14:00, September 17, 2004.

Annex 1. List of Participants

CANADA

Head of Delegation

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Annex 2. Opening Speech by the Chair of General Council, David Bevan (Canada)

Distinguished delegates, ladies and gentlemen,

With the 25th anniversary of NAFO, it is indeed an honour and a pleasure for me to serve as your Chair at this year's NAFO annual meeting.

As some of you will remember, I have spent many years working in various NAFO committees and meetings. I must say that I have always enjoyed the openness and professionalism that has transpired from those meetings.

As we begin today, I want to reflect on the importance of the work that this Organization undertakes.

Even before 1497, fisheries have been prosecuted on the Grand Banks and Flemish Cap, flourishing for most of its 500-year history. The northern cod stocks were the most bountiful food resource in the world. The great fishing fleets of Europe - the French, Spanish, Portuguese and English - had prosperous fisheries that led to the settlement of communities in Canada.

Despite many changes over the centuries, the fishery remains part of our fabric and ties us and our fishers historically, economically, socially and culturally.

The last 25 years have presented substantial challenges to NAFO. We have had difficult times - over at least the last 15 years dealing with collapsing groundfish stocks and the harsh reality of moratoria.

NAFO has always recognized the need to invest in improved conservation, the need for strong science, and a focus on stock rebuilding. Significant progress has been made, and as an organization, we all can take credit for what has been done.

While NAFO has over the years taken steps towards improving stock conservation, there are major challenges ahead of us to achieve the rebuilding of stocks that are fundamental to the life of so many coastal communities.

Many stocks continue to be at historically low levels, despite the fishing moratoria we have established. Progress to stock rebuilding has been very slow and fragile. Achieving recovery depends upon political will, the actions taken at NAFO to adopt the right conservation measures, and ensuring that these measures are implemented and adhered to.

But these are our day to day challenges. There are larger threats to fish stocks and NAFO is not the only one facing these threats. The biological limits of the world's marine ecosystems are being strained under an unprecedented combination of human activities and natural changes.

As a result, protection of ocean habitat and deep sea biodiversity has become more important than ever. Science is making great efforts to explain what those of us in fisheries have known for a long time - the elements of marine ecosystems are interconnected. How we manage human activities that impact particularly sensitive benthic areas such as seamounts, hydrothermal vents and cold-water corals will be reflected in the sustainability of fish stocks depending on these unique and vulnerable habitats.

We all know that over 70% of the world's fish stocks are fully or over exploited. World demand for protein, overcapacity in the fishing industry and the challenges of ensuring compliance are exerting tremendous pressures on many fragile ecosystems. As fisheries managers, we have a responsibility to work on the better use of marine resources. The Grand Banks are a very important and rich marine ecosystem that we have to use in a measured way.

While NAFO has been very conscious of these challenges and has made progress in addressing them in recent years, our job is far from finished. In the next quarter century, NAFO will need to strengthen its management and governance structure to manage the ocean resources of the NAFO Regulatory Area in a sustainable and profitable way.

Close cooperation and collaboration are essential to achieving our shared objectives of stock recovery, conservation and sustainable development for present and future generations. Given the interdependent reality of our world, they are imperative.

The challenges are significant. I am confident that through your leadership, NAFO will meet these challenges,

I would like to thank the NAFO Secretariat for the excellent arrangements undertaken for this meeting.

Thank you. I would now like to open the floor for opening statements.

Annex 3. Opening Statement by the Representative of Canada
(Jean-Claude Bouchard)

Mr. Chairman, distinguished Representatives, Ladies and Gentlemen,

Let me first introduce myself – my name is Jean-Claude Bouchard and I am the Associate Deputy Minister of Fisheries and Oceans Canada.

It is a pleasure for Canada to participate at this twenty-sixth annual meeting of NAFO in Dartmouth, Nova Scotia.

Mr. Chairman, we have experienced major challenges during the past 15 years. The fishing communities in Atlantic Canada, in particular, have suffered enormously.

NAFO Contracting Parties also have seen their share of difficult times. In particular, we have all had to deal with the hard reality of moratoria and the need to ensure strong conservation and enforcement measures.

Last year, NAFO responded positively and constructively to the evidence of a declining Greenland halibut stock and adopted a comprehensive, long-term strategy to rebuild the Greenland halibut stock.

Recovery will be possible only if we adhere to the established quotas and ensure that catches remain within these quotas. It is essential that we renew our commitment to the Rebuilding Plan and its effective implementation.

As NAFO parties, we have a responsibility not to let history repeat itself. We need to ensure the recovery of important stocks such as Greenland halibut as well as other groundfish and flatfish stocks.

Mr. Chairman, Canada has worked hard with other Contracting Parties for the recovery of straddling stocks. Yet, despite the continuing moratoria for stocks such as 3NO cod and 3LNO American plaice, we have seen no significant results – catches of these stocks have increased in recent years and are jeopardizing their rebuilding and recovery.

NAFO also has another important responsibility, and that is to ensure that agreed enforcement measures are respected in the NAFO Regulatory Area.

Non-compliance continues at an unacceptable rate in the NAFO Regulatory Area. In early May of this year, Canada increased its patrol presence in the NAFO Regulatory Area to detect and deter non-compliant fishing activities. To date, over 100 boardings and inspections have taken place this year with relatively few citations issued. We believe that the enhanced inspections have served as a deterrent and succeeded in changing fishing behaviour.

However, this is not enough. We need to see longer lasting change. Members and flag States need to take stronger actions to help deter and change these illicit behaviours in a more lasting way.

Moreover, there is no common approach to port inspections when vessels that have been cited for serious infringements return to port. In addition, strong follow-up on infringements is lacking in many instances. Without strong deterrents, non-compliance will continue to threaten stocks under moratoria.

We have a long and difficult road ahead to ensure the rebuilding of once plentiful stocks. Many stocks continue to be at historically low levels, despite the fishing moratoria. Progress towards stock recovery is very slow, and fragile. Achieving recovery depends on the actions taken around this table, to adopt the right conservation and enforcement measures, and back home, to ensure their adherence by fishing fleets.

It is clear to us that the well-being of groundfish and shrimp stocks – and the economic future of our fishing communities – depends upon the decisions we make here once we return home.

It is for this reason that NAFO is so important to the people who are represented by everyone around this table. In the absence of a commitment by all Contracting Parties to stock rebuilding and sustainable fishing practices, the future of our fishing industry is bleak. Canadian fishermen from Canada's Atlantic coast have nowhere else to go. Their future is directly and uniquely dependent on the success of NAFO in meeting its responsibility. We are accountable to them and to all fishermen who have and hope to continue to benefit from the fisheries resources of the Northwest Atlantic.

This meeting is being watched very closely in Newfoundland and Labrador, in Atlantic Canada and elsewhere in Canada. The level of scrutiny reflects not only the importance of the outcome to domestic interests, but also an increasing scepticism that NAFO can successfully address the challenges it must face.

This growing Canadian frustration with NAFO's performance has been expressed politically in the form of demands for strong action by the government to assert Canadian interests in the protection of straddling groundfish stocks.

Canadians expect strong action from NAFO to protect and rebuild stocks.

With this as a backdrop, I want to be clear about the Government of Canada's objective for this meeting. Our intent, and commitment, is to work with all Parties to achieve an objective which I believe we all share – to find ways to make NAFO more effective at rebuilding and managing the fish stocks of the Northwest Atlantic.

There is one issue that is particularly important for Canada in making NAFO work and that is to address currently unregulated stocks. Given pressures on stocks worldwide, it is unacceptable for states to allow these stocks to be fished in the absence of proper harvest limits.

We believe that making NAFO work can be advanced by showing that we are detecting problems of compliance; that there is a harmonized approach to at-sea and port inspections, that all Contracting Parties are following up to deter non-compliance; that we are adopting more effective conservation measures; and by demonstrating that science is the basis for setting TACs.

Making NAFO more effective is a collective challenge. Canada believes that this Organization can find the will to continue to strengthen its performance.

I am hopeful that all Contracting Parties will come together in a shared commitment, a shared purpose, and a shared priority to fisheries conservation, stock rebuilding, and sustainable fisheries management.

Canada is looking forward to a constructive and positive dialogue at this session – one which advances the interests of this Organization and its members, and provides a brighter future for all who depend upon the fisheries resources under our stewardship. Thank you.

Annex 4. Opening Statement by the Representative of the European Union
(John Spencer)

Mr Chairman, distinguished delegates, ladies and gentlemen

It is a great pleasure for me and my Delegation to be in Dartmouth for the 2004 Annual Meeting of NAFO. My Delegation is composed of both fisheries managers from my Member State Administrations and representatives of our fishing industry. We would like to thank Dr Fischer and the NAFO Secretariat for the excellent arrangements provided for this meeting.

I believe that this meeting will be particularly important in view of a number of challenges that NAFO is facing and certain adjustments that are required due to changing political circumstances. These issues need to be taken seriously by all NAFO Parties – affecting as they do the effectiveness of this multilateral organisation.

NAFO has, in fact, been subject of critical comments and scrutiny since our last meeting, in particular here in Canada, where NAFO is often compared to “a toothless tiger” by its critics. Non-Canadian fishing vessels, which in actual fact operate on less than 10 % of the fishing grounds on the Grand Banks, are frequently stigmatised unfairly in the press as being responsible for the destruction of key stocks in this Area.

It has even been argued by some commentators that Canada should extend its jurisdiction over the entire Grand banks and Flemish Cap through what is referred to as “custodial management”, a concept which remains mysteriously ill-defined and unexplained to us.

We believe if such action was undertaken, it would run counter to international law and seriously undermine NAFO, besides being predicated on basically unfair assumptions. We therefore wish to express our strongest political and legal reservations about such a line of action, and wish to sensitise all NAFO Members in this respect. NAFO’s Regulatory Area is, by definition, international waters for which this Organisation has been conferred competence, a competence that should not be diminished, but rather the contrary, reinforced by Members. The European Community is fully committed to the work of NAFO and to ensuring the conservation and management of the fishery resources in the NAFO Area. We believe all NAFO Parties must be equally associated to this common commitment.

In this regard, the Community proposed last year a 15-year Re-Building Plan for Greenland halibut. That plan was tabled following an unprecedented change in the scientific advice from 2002 to 2003. We took the initiative to propose this plan despite that it was our own fleet which would have to make the biggest sacrifices in reducing its fishing catches in 2004 compared to 2003. I must stress that this very drastic measure, unprecedented in its severity in international fisheries management terms, will continue to require a very intense effort over the next years.

The fact that all NAFO Parties supported our proposal and that those actively involved in the fishery in the NAFO area, committed themselves to a substantial reduction in catches over many years, eloquently demonstrates that NAFO can and does take decisive action and is not a “toothless” tiger. Regrettably, this fact has been ignored by media and those which see as their mandate to undermine the activities of this Organisation.

The adoption of this Rebuilding Plan further demonstrates the determination of the NAFO membership to take strong action and not to repeat past mistakes on many key stocks which are now under moratoria.

It should therefore be the aim of this Organisation to make it clear to the international community and media that it intends to fulfil its mandate to ensure the sustainable management of our stocks. We need a much higher profile internationally to ensure that NAFO’s work is fully understood.

I wish to draw the attention of delegates to a recent debate which risks undermining the Joint Inspection Scheme of NAFO. It is well known that the views of the European Community and those of Canada differ in respect of the status held by the NAFO Inspection Scheme in respect of the provisions of the United Nations Fish Stocks Agreement of 1995. Canada has made clear that it views the NAFO scheme as not being consistent with the Agreement, and that on such grounds, Canada reserves the right to apply the Agreement vis-à-vis any other NAFO Party that has ratified it, even if such application entails actions that do not respect NAFO provisions. In particular, this might imply the right of the inspection state under certain circumstances to bring a vessel to port, even in the absence of flag State consent.

We have made it quite clear to that Member that the European Community does not agree with such an interpretation of the UN Fish Stocks Agreement, which amounts to negating the power of Regional Fisheries Organisations, such as NAFO, to implement what their status already implies: a regional multilateral approach to fishery regulation and control based on international cooperation. Such interpretations further result in nullifying NAFO rules and creating discriminatory treatment among the membership. We strongly draw Contracting Parties attention to the seriousness of this debate.

The application of NAFO's boarding and inspection scheme has also received special attention following an initiative to increase considerably inspection activities, allegedly to address systematic non-compliance by Non Canadian fishing activities.

It is worth noting that these increased inspection activities have not led to a higher number of citations for infringements than in previous years, which reinforces the view that the compliance picture is not as bad or dramatic as it is often painted.

In any case, I must stress a number of points that are of great concern to our delegation; first, it is appropriate to recall that the boarding and inspection scheme is a carefully negotiated instrument intended to strike a balance between fishing interests and control needs. However, EC vessels continue to be over-inspected in relative terms compared to fishing vessels of other NAFO Members in the area. Furthermore, instances where inspection teams do not respect the agreed procedures in the Scheme, continue to be reported. We therefore insist that the Scheme is implemented objectively and in full respect of its provisions.

Mr Chairman, finally I would like to state that it is with great pleasure that the EC has welcomed Estonia, Latvia, Lithuania and Poland to its membership in May 2004. Co-operation within NAFO with these four countries had always been very cordial and productive. We are convinced, by having worked closely together already since 2003, that the enlarged Community cannot but enhance its commitment to the success of NAFO with the help and assistance of its new Members.

Mr Chairman, ladies and gentlemen, my Delegation looks forward to working with you all on these and other important matters during this meeting.

Annex 5. Opening Statement by the Representative of the United States
(Jack Dunnigan)

Thank you and good afternoon, Mr. Chairman, Fellow colleagues, Ladies and Gentlemen

On behalf of the United States of America let me say that we are pleased to be back again with our colleagues to discuss important issues for the conservation and management of the fisheries of the Northwest Atlantic Ocean – particularly this year as we celebrate the 25th Anniversary of the Northwest Atlantic Fisheries Organization.

At times like these we tend to look back and remember the highlights of the past, and that is as it should be. But let us also emphasize that NAFO is an organization with a future as well as a past. And the future holds ample opportunities for the parties around the table to forthrightly address the issues that bind us together. Our world is changing, and the requirements for fisheries conservation are changing as well. NAFO, like many other regional fisheries management organizations and like many of our internal fisheries management programs, has traditionally focused on single-species management strategies. But as our world changes, we will inevitably be challenged to move to newer, more comprehensive approaches.

We will be challenged to look more broadly at marine ecosystems. Our fish stocks and the oceans that they live in and the seabed are all interrelated. The international community is becoming more aware of the needs of safeguarding important values associated with habitat areas of particular concern. In the NAFO Convention area, many areas such as sea mounts have been identified that ought to receive special attention. The NAFO Scientific Council provided global leadership in providing needed focus and attention to these areas. These areas support a diverse array of species including cold water corals that are particularly vulnerable, and are a very important part of the ocean web that supports our fisheries.

Many issues that are being considered by the international community may have particular application to NAFO. FAO, for example, has noted particular concerns for sharks and closely related skates and rays, and for fishing capacity, both of which are issues that have been dealt with around this table. The United States continues to believe that NAFO needs to move forward with measures to conserve skates, and we will be looking very closely at the advice that we receive from the Scientific Council.

Improved systems of compliance and inspection will need to be a part of the future if NAFO is going to be effective. We note that at this meeting there will be an organized review of contracting party compliance through STACTIC, and we welcome that. Our anticipation is that NAFO will continue to build on the review to create a comprehensive suite of measures to support compliance by all parties fishing in the NAFO regulatory area. This is essential to having an effective program of control for non-contracting parties.

And our future will also, we believe, require that we openly discuss and prepare to improve NAFO's approach to bycatch. The United States continues to be concerned that NAFO cannot meet its goals for our shared fisheries without a more effective approach to controlling the incidental harvest of non-target species, including many that are subject to moratorium.

And so we believe that NAFO has a significant future ahead of it. The United States hopes to be a vital part of that future. Unfortunately, it is increasingly difficult for the United States to view its commitment to NAFO as being consistent with the investment that we make. Although we very much appreciate the interest and assistance that we received from our colleagues over the past year in pursuing fishing opportunities in the NAFO Convention Area, we continue to be disappointed that these efforts have not yet led to concrete results. We continue to believe that our position as a coastal state, our tradition of fishing in the Northwest Atlantic, and our substantial investment in time and money and leadership within NAFO warrant recognition with the NAFO system for allocations. It continues to be very difficult to justify the level of our country's commitment without having reasonable and practical fishing opportunities for our fishermen.

In closing, Mr. Chairman, let me also introduce to our colleagues around the table our new NAFO Commissioner representing our industry, Mr. James Salisbury. We will also be joined tomorrow by our new Commissioner representing the New England Fishery Management Council, Mr. John Pappalardo. I have had the pleasure of working with both Jim and John for a number of years. They look forward to meeting with all of you and your industry representatives, and working together to secure NAFO's future.

Thank you very much, Mr. Chairman.

Annex 6. Opening Statement by the Representative of Ukraine
(Vasyl Chernik)

Dear Chairman, Colleagues, Ladies and Gentlemen:

The Ukrainian delegation welcomes all the participants of the Northwest Atlantic Fisheries Organization anniversary session and wishes a successful meeting for all of us.

I believe we all remember the very important event in the history of fisheries in the Northwestern Atlantic, which occurred 25 years ago: the time when a new regional fisheries organization - NAFO - was established and took responsibility for the management of marine living resources in one of the richest fishing grounds on the planet. History of fisheries in the region counts at least 5 hundred years or even more. Fisheries in the area for many decades and centuries were the source of livelihood and income either for local coastal communities as well as for fishermen of long distance fleets from the countries at the other side of the Atlantic.

Addressing these welcome words to all the attendants, I would like to briefly remind of Ukrainian history of fisheries in the region. The Ukrainian fleet started fishing in the Northwest Atlantic in early 1970-ies under the Soviet Union flag – the time of NAFO predecessor (ICNAF). At that time, up to 10 medium and large Ukrainian trawlers operated at the shelf areas off New England and Nova Scotia, moving further north to Newfoundland and Labrador waters with later fisheries development. In 1975, Ukrainian catch in the Northwest Atlantic was above 130000 t, which was about 20% of the total Ukrainian distant water catch in the World Ocean. On average, Ukrainian catch in the area during 1971-1977 was equal to 10% of total distant water catch of Ukraine.

The Ukrainian fleet left the Northwest Atlantic in 1978 after introduction of the 200-miles exclusive economic zones. During that time we survived during difficult adaptation and hard learning of transition from fishing at the shelf waters of the ocean to operations in the high seas of Pacific, Indian and Antarctic Oceans.

Ukraine gains priceless experience of the operations in the regional fisheries management bodies areas, first of all in CCAMLR, and in the 200-miles EEZs of coastal countries. For all these years, Ukraine developed fisheries strictly founded on scientifically-based, rational, long-term use of marine living resources.

Ukrainian fishermen returned to Northwest Atlantic waters in 1994. During the 1990-ies, from 1 to 5 medium trawlers were operating again in the area searching for northern prawn at Flemish Cap under flags of Lithuania and Russia.

Ukraine joined NAFO in 1999, that hard time when stocks of many principal species such as cod, halibut and several others were overfished despite NAFO existence and efforts to manage fisheries on rational non-exhaustive manner. This is evidence of the fact that the current approach to management of marine living resources often are not based on sound scientific advice. Short-time interests of fishing companies or local communities sometimes prevail over long-term benefits of rational exploitation of marine living resources. In many cases, NAFO has no essential data for proper resources state prediction, responsible scientific and management advice. Research level which member countries may allow often does not bring information necessary for multi-species and of course ecosystem modeling of Northwest Atlantic.

Ukrainian vessels have been operating under Ukrainian flag for the third year already (2001, 2003, and 2004). We operate with strict compliance of all the conservation measures, fishery regulation, quota and fishing effort levels.

Ukraine comes to NAFO with firm expectancies to bring here all the best from our more than 40-years experience of research and fisheries management of World Ocean living resources. We intend to support all the efforts of Contracting Parties aimed at sound management of the fisheries in the region. We are ready to jointly fight against IUU fishing, bring efforts for fisheries research, observe the “Code of conduct for the responsible fisheries” and apply precautionary approach. Ukraine intends to support all the initiatives directed to long-term, rational use of the marine living resources, we support rebuilding plans of overfished species. We respect coastal state rights and respect interests of nations habitually fished for marine living resources of the Northwest Atlantic and not the last decade only.

At the same time, we expect that Contracting Parties will consider Ukraine not as a newcomer claiming extra rights which it cannot expect, but as a nation which has 30-years history of fisheries in the region and long-term history of

marine fisheries, fisheries research which were pioneering in the many areas of the World Ocean and have experience of non-exhaustive management of marine living resources.

Once again let me congratulate all of you with the start of anniversary NAFO session and wish all of us fruitful work.

Thank you for your attention.

Annex 7. Opening Statement by the Representative of the Republic of Korea
(Young Gyu Kim)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

It is my great honor and pleasure to meet with such a distinguished group of people at the 26th Annual Meeting of NAFO as the head delegate of the Korean delegation in this fabulous city, Dartmouth.

I would like to express my deepest gratitude to the Secretariat of NAFO, which helped to organize this year's NAFO Conference. My special thanks goes to the Canadian government, for helping to make this historic meeting possible.

Mr. Chairman,

I would like to take this opportunity to remind you that Korea is actively participating in global efforts to achieve sustainable fisheries as a responsible fishing nation as well as to develop and implement conservation and management measures for fish stocks in the Northwest Atlantic in close cooperation with other NAFO member states.

Even though, however, we joined NAFO in December 1993 and have made great contributions to its success, the fishing quota allocated to Korea has not reached the level which even one vessel can harvest. Since joining the Organization, Korea has suspended all fishing efforts in the NAFO Regulatory Area, as no profitable fishing quota was ever secured for us. Therefore, I would kindly ask that the fishing quota be allocated to Korea favorably in due consideration of historical fishing activities and our efforts to promote conservation and management.

Mr. Chairman,

I believe that all member countries of NAFO realize that, in spite of all those painful and precious activities, contributions and decisions of scientists, experts and decision makers of the Member States of NAFO, the TAC of some important stocks have been reduced substantially. Therefore, we need more conservation and management measures for those depleted stocks based on the scientific evidence.

Furthermore, we need more effective and strict compliance to prevent and impose penalties on any infringements, violation including IUU fishing activities and FOC fishing vessels in the NAFO regulatory Area.

I am optimistic that this annual meeting will now provide a strong basis for the conservation and management of fish stocks in the Northwest Atlantic. And, let me assure you that Korea is more ready than ever to play an integral part in this partnership for collective action.

Thank you very much, Mr. Chairman.

Annex 8. Opening Statement by the Representative of the Russian Federation
(Anatoly Makoedov)

Mr. Chairman, Distinguished Delegates, Ladies and Gentlemen,

We are glad to greet all the participants of the present meeting. We would like to express our gratitude to Canada for hosting this meeting and providing us with fine weather like it was last year.

Today we have not just an ordinary meeting but celebrate the 25th anniversary of the Organization. Today is the 13th of September and we are at the point of reducing the number of state flags on the table from 17 to 13. This is the last time when Estonia, Latvia, Lithuania and Poland that have recently accessed to the European Union act as independent Contacting Parties to NAFO.

One of the greatest achievements of the last year meeting was the Greenland halibut Rebuilding Plan. I do believe that during this meeting we will manage to solve all the problems facing us now including the plan to increase salary for the Executive Secretary. The rest of the issues we will discuss during long NAFO evenings.

Thank you.

Annex 9. Opening Statement by the Representative of Japan
(Taku Sasaki)

On behalf of Japanese Delegation, I wish to make some opening remarks at the beginning of the NAFO 26th annual meeting.

First of all, I would like to offer our congratulation on NAFO 25th anniversary and express our sincere respect to our predecessors who have contributed for the activities of this organization.

I would like to mention the following specific issues that Japan takes interest at this year's meeting.

First, at the last year's meeting, we adopted the 15 year rebuilding program for Greenland Halibut. This program shows NAFO's firm commitment to sustainable fishery for this stock and also gives a long term and stable guideline to the fishermen for conservation and management of the stock. We should maintain this momentum and implement this program steadily. Japan made a painful decision of vessel reduction in NAFO area from two to one in accordance with the program. We request the other states to implement appropriate measures following the program.

Second, the compliance issues are our great concern. The issues of the compliance and enforcement have been discussed for many years and the various enforcement measures developed in NAFO. Our fishing vessels are subject to strict inspection by both Canadian and EU inspectors. Equitable level of enforcement is needed to all the fishing fleets operating in the region to ensure the compliance.

Third, NAFO should take effective measures to combat IUU fishing operation. The issue is global problem and each regional fisheries management organization is taking various measures to eliminate IUU fishery. However IUU fishing operators always look for loopholes in the management restriction of fishing areas, species or fishing types. We should shut any loophole of fishing management on global level.

Finally, Japan would like to confirm its commitment to work with all the participants here for fruitful results of this meeting.

Thank you.

Annex 10. Agenda

1. Opening by Chairman, D. Bevan (Canada)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Record of Agreed General Council Decisions at 2004 NAFO Annual Meeting
7. Review of Membership
 - a) General Council
 - b) Fisheries Commission
8. Administrative Report (STACFAD)
9. Update on electronic publications by the Secretariat
10. Timely submission of fishery statistical data (request by SC)
11. a) Report of Executive Secretary on North Atlantic Regional Fisheries Management Organizations (NARFMO) Meeting in 2004
b) NAFO's accession to Fishery Resources Monitoring System (FIRMS) Partnership
12. Report of STACFAC and joint STACFAC/STACTIC June Meetings
13. Consideration of non-Contracting Party activity in the NAFO Regulatory Area and agreement on the task of STACFAC at the current meeting
14. Report of STACFAC at the Annual Meeting and decisions on actions
15. Dispute Settlement Procedures
16. Report of STACFAD at the Annual Meeting
17. Adoption of the Budget and STACFAD recommendations for 2005
18. Time and Place of Next Annual Meeting
19. Other Business
20. Press Release
21. Adjournment

**Annex 11. FAO Statement at the 26th Annual Meeting of the
Northwest Atlantic Fisheries Organization (NAFO)**
(Hiromoto Watanabe)

Mr. Chairman, distinguished delegates and observers:

FAO is very grateful for the invitation extended by the Secretariat of the Northwest Atlantic Fisheries Organization (NAFO), to observe Twenty-sixth Annual Meeting on the occasion of the Twenty-fifth anniversary of the organization. Please accept our sincere congratulations upon your successful achievements for last twenty-five years. FAO has been keeping a close and effective working relationship with NAFO and desires to continue such collaboration.

FAO appreciates, in particular, the cooperativeness of the NAFO Secretariat in responding to FAO's periodic requests for information relating to NAFO's activities. Most recently, FAO received questionnaire filled by the NAFO Secretariat for monitoring the implementation of the Code of Conduct for Responsible Fisheries and related international plans of action. Such collaboration greatly assists FAO in meeting its global fisheries reporting responsibilities.

The role of regional fishery bodies has been increasing its importance and highly expected in sustainable and responsible fisheries management all over the world. The Technical Consultation to Review Progress and Promote the Full Implementation of the IPOA to Prevent, Deter and Eliminate IUU Fishing and the IPOA for the Management of Fishing Capacity held in Rome, 24-29 June 2004, noted that Regional Fisheries Management Organizations (RFMOs) played a pivotal role in galvanizing regional action against IUU fishing and related activities. During the Consultation a number of initiatives were proposed including strengthening informal and formal networks between RFMOs and closing regional governance gaps that permitted IUU fishers to operate. The Technical Consultation to Review Port State Measures to Combat IUU Fishing, just held in Rome, 31 August – 2 September 2004, also highlighted that concerted action at the regional level should be encouraged for taking harmonized and coordinated Port State Measures to combat IUU fishing and agreed on the "Model Scheme", which would be considered as constituting principles and guidelines to be used by States as a reference for the negotiation and adoption of regional MOUs or of resolutions or recommendations within RFMOs, as well as alternatively for the adoption of measures by Port States at the national level. NAFO is one of the leading regional fisheries bodies having a long history and experiences in the sustainable fisheries management in the Northwest Atlantic Ocean and highly expected to take a leading role in any regional actions for sustainable and responsible fisheries management, in particular to combat IUU fishing.

Mr. Chairman,

FAO will convene the Twenty-sixth Session of the Committee on Fisheries (COFI) from 7 to 11 March 2005, followed by a Ministerial Meeting on Fisheries on 12 March 2005. Then the Fourth Meeting of Regional Fishery Bodies will be held also in FAO Headquarters on 14 and 15 March 2005. These are the best opportunities for any regional fishery bodies to exchange information and coordinate their actions at each regional level. As in previous years FAO looks forward to active participation of NAFO to these meetings.

I will carefully and conscientiously observe the proceedings of this meeting and report appropriately to the management of the FAO Fisheries Department.

Taking this opportunity, FAO wishes to express again the appreciation for the assistance and cooperation received from NAFO.

Finally I hope that the meeting will be marked with success and that the outcome will serve to promote sustainable and responsible fisheries in the Northwest Atlantic Ocean.

Thank you very much, Mr. Chairman, for the opportunity to make this statement on behalf of FAO.

Annex 12. Press Release

The 26th Annual Meeting of the Northwest Atlantic Fisheries Organization (NAFO) was held at the Holiday Inn Harbourview in Dartmouth, Nova Scotia, Canada, during 13-17 September 2004, under the chairmanship of David Bevan (Canada), President of NAFO.

Fisheries Commission

NAFO Fisheries Commission was chaired by Dean Swanson from USA. As always, the advice of NAFO Scientific Council was heard before discussions on TACs (Total Allowable Catches) and quotas took place. After very long and difficult negotiations, Fisheries Commission agreed on a number of new measures to increase NAFO's ability to protect the fishery resources of the Northwest Atlantic:

- **More fish stocks under regulations:** NAFO will now extend regulations to a number of important fish stocks previously unregulated, namely 3O redbfish, thorny skate and white hake. Regarding thorny skate, this is the first time that a Regional Fisheries Body has imposed management measures on the fishery of an elasmobranch species.
- **More long-term protection plans:** In line with the new strategy for more efficient protection that was developed last year for the first time for Greenland halibut, TACs for these newly regulated species have been set to a fixed level for the next 3 years.
- **NAFO starts implementing the Precautionary Approach:** NAFO adopted a framework for the Precautionary Approach (PA). As a first step towards its implementation Fisheries Commission requested Scientific Council to provide advice for selected stocks in 2005 within the PA framework. The outcomes from the evaluation of these selected stocks will be used to guide Fisheries Commission regarding the most appropriate application of the framework to all NAFO stocks.
- **The Greenland halibut rebuilding plan has been reviewed and will be continued,** as agreed in 2003, with a decrease in the TAC for 2005.
- **Yellowtail flounder stock responds to NAFO protection measures:** NAFO regards it as a success of their conservation measures that the regulated yellowtail flounder stock is showing signs of continued recovery.
- **First NAFO Compliance Report:** For the first time in the history of the Organization, NAFO has undertaken a compliance review with the goal to identify areas in which compliance with the NAFO measures can be improved. This report will be accessible on the NAFO public website.
- **Conservation and Enforcement Measures (CEM) further improved:** A number of amendments to the CEM introduced substantial improvements to the NAFO inspection scheme. Product labelling and storage plans are now obligatory for all species and vessels. Also harmonization of NAFO reports with formats already used in the Northeast Atlantic by NEAFC has made great progress. NAFO is confident that these improvements will contribute significantly to the transparency and efficiency of the Vessel Monitoring System that has been in place for many years now.
- **Rights of NAFO inspectors clarified:** NAFO clarified that inspectors are entitled to remain on board of fishing vessels in cases where citations for serious infringements have been issued.
- **Workshop for NAFO inspectors will enhance international cooperation for compliance:** EU has offered to host a workshop for inspectors to examine procedures and methods for inspections at sea and in port. The goal of this workshop is to increase confidence and to harmonize the approach of inspection authorities of NAFO Contracting Parties.

Attached is the table of Total Allowable Catches and quotas agreed at this session.

General Council

General Council, chaired by David Bevan from Canada, discussed administrative, financial and other matters including the following:

- **NAFO membership will be changing due to EU accessions.** Starting 2005, the membership of NAFO will change as four Contracting Parties, Estonia, Latvia, Lithuania and Poland, have acceded to the European Union. However, they will remain active participants in NAFO as part of the EU delegation.
- **Non-contracting party vessels (NCP) activities:** NAFO Parties were informed of NCP vessels believed to be fishing oceanic redfish in the NAFO Regulatory Area. These vessels are believed to be flagged to Dominica. NAFO Parties will be raising their concerns about these vessels with officials of Dominica. NAFO Contracting Parties are continuing work to make improvements to the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Enforcement Measures of NAFO.
- **The following election of NAFO officers took place:**

Standing Committee on Non-Contracting Party Fishing Activity in the Regulatory Area (STACFAC)

(1) **Chair:** Nadia Bouffard

(2) **Vice-Chair:** Gene Martin (USA)

- **A NAFO media policy is in place.** NAFO agreed on a media policy intended to express the desire of the organization to raise its profile and encourage media to report about the activities of NAFO including attendance at the opening sessions of the Organization. The media policy will be accessible through the NAFO webpages (www.nafo.int) and the Secretariat.
- **NAFO intends to enhance its webpages.** During the next year, the NAFO Secretariat will increase its efforts to provide relevant information on the Organization and on fishery issues to the public. The focus will be on enhancing the user-friendliness of the public NAFO webpages (www.nafo.int) by restructuring these pages and by including more summary documentation and links.

Scientific Council

The Scientific Council, under the chairmanship of Joanne Morgan (Canada), conducted assessments of stocks in the NAFO Convention Area during the past year, and advice was presented to the Fisheries Commission at this Annual Meeting. Most stocks in the NAFO Regulatory Area remain at low abundance, except for yellowtail flounder in Div. 3LNO and northern Shrimp in Div. 3M and Div. 3LNO.

Scientific Council expressed grave concern over the increase in catch for cod in Div. 3NO and American plaice in Div. 3LNO. Both of these stocks are below B_{lim} and under moratoria to directed fishing, yet fishing mortality over the last number of years has been at a level that will not allow the stocks to recover. Greenland halibut in Subarea 2 and Div. 3KLMNO is estimated to be at its lowest observed level and catches above 19000 t in 2005 will result in further stock decline.

Scientific Council also reported progress on the methods to estimate limit reference points and once again recommended that the Precautionary Approach framework developed by Council be adopted by the Fisheries Commission of NAFO.

General Information

The meeting was attended by 200 delegates from sixteen Contracting Parties - Canada, Cuba, Denmark (in respect of Faroe Islands and Greenland), Estonia, European Union, France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russia, Ukraine and United States of America.

Prior to the Annual Meeting, the following NAFO meetings were held during 2004: (1) FC Working Group on the Management of Div. 3O Redfish (St. John's, NL, Canada, 30-31 March); (2) Scientific Council Limit Reference Point Study Group (Lorient, France, 15-20 April); (3) Scientific Council Regular Meeting (Dartmouth, N.S., Canada, 3-17 June); (4) STACFAC Meeting (Copenhagen, Denmark, 15-16 and 18 June); (5) Joint STACFAC/STACTIC Meeting (Copenhagen, Denmark, 17-18 June) and STACTIC Meeting (Copenhagen, Denmark, 21-23 June).

Annex I.A Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2005 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Species	Cod			Redfish				American plaice		Yellowtail	Witch	
	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	1000 ^{2,4}	0	0	14624 ⁵		0
Cuba		0	-	0	1750		1000 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		25000 ^{2,3}	-	-	-		-
European Union		0 ¹²	0 ¹²	0 ¹²	7813 ¹³	7000	<u>25000^{2,3}</u> 6500 ^{2,16}	0	0 ¹²	-		0 ¹²
France (St. Pierre et Miquelon)		-	-	-	69		1000 ^{2,4}	-	-	300 ⁵		-
Iceland		-	-	-	-		25000 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	1000 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	1000 ^{2,4}	-	-	-		-
Norway		0	-	-	-		25000 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	25000 ^{2,3}	-	0	-		0
Ukraine						150	1000 ^{2,4}					
United States of America		-	-	-	69		1000 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 ⁵		0
TOTAL ALLOWABLE CATCH	*	*8	*	*	5000 ⁹	20000 ¹⁷	32500 ^{11,18}	*	*8	15000 ¹⁰	*	*8

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2112	N.S. ⁶	10833	
Cuba		0		-	510	144	
Denmark (Faroe Islands and Greenland)		-		244	-	144	
European Union	5000	0 ¹²	8500	8254 ¹⁹	<u>N.S.</u> ⁶ 611 ¹⁴	720 ¹⁵	
France (St. Pierre et Miquelon)		-		230	453	144	
Iceland		-		-	-	144	
Japan		0		1443	510	144	
Korea		-		-	453	144	
Norway		0		-	-	144	
Russia	500	0	2250	1796	749	144	
Ukraine						144	
United States of America		-		-	453	144	
Others	500	-	500	0 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500¹⁷	*	13500¹⁷	14079	34000⁸	13000	*

* Ban on fishing in force – The provisions of Article 9, paragraph 3 shall apply.

1. Any quota listed for squid may be increased by a transfer from any “coastal state” as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded.

Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.

2. The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.

3. Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.

4. Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 1 December 2004 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
6. The allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC (= 29,458 tons).
7. In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Applicable to 2005 and 2006.
9. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. Not more than 2500 tons may be fished before July 1, 2005. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC.
10. The provisions of Article 9, paragraph 3 of the Conservation and Enforcement Measures shall apply.
11. In the case of the NEAFC decision which modify the level of TAC for this stock in 2005 as compared to 2004, these figures shall be accordingly adjusted.
12. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
13. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
14. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
15. Including allocations of 144 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 13000 tonnes, following their accession to the European Union
16. Allocation of 5800 tonnes for Lithuania and 700 tonnes to Latvia following their accession to the European Union.
17. Applicable to 2005, 2006, and 2007.
18. The quota shares in footnotes 4 and 16 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 11 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
19. Including an allocation of 461 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.

Annex I.B
Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2005

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
Canada	456	16
Cuba	100	1
Denmark		
– Faroe Islands	1606	8
– Greenland	515	14
European Union	3293 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

¹ Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

Annex I.C
Rebuilding Plan for 3LMNO Greenland Halibut

Species	Greenland halibut	Greenland halibut	Greenland halibut	Greenland halibut
Division/ Contracting Party	3LMNO 2004	3LMNO 2005	3LMNO 2006	3LMNO 2007
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	244	238	206
European Union	8203	8254 ³	8038 ⁴	6951 ⁵
France (St Pierre et Miquelon)	-	230	224	194
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985 ¹	0 ²	0 ²	0 ²
TOTAL ALLOWABLE CATCH	14820	14079	13709	11856

¹ Of which no more than 60% may be fished before 1 May in each year.

² In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.

³ Including an allocation of 461 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

⁴ Including an allocation of 450 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

⁵ Including an allocation of 389 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

Annex 13. Decisions and Actions by the General Council

Substantive Issue (Agenda Item)	Decision/Action
5. Publicity	<u>Agreed</u> : Participants agreed to the existing procedure for the present meeting, i.e. that no statements should be made to the media until after the conclusion of the meeting when the NAFO Secretariat would issue a Press Release.
6. Record of Agreed General Council Decisions at 2004 NAFO Annual Meeting	<u>Agreed</u> : A list of agreed decisions should be elaborated by rapporteurs and presented at the end of the meeting using the same format as previous year.
8. Administrative Report	Adopted
10. Timely submission of fishery statistical data	<u>Agreed</u> : Defer this item to Fisheries Commission and invite SC Chair to present the recommendations in person to the Commission.
11. a) Report of Executive Secretary on NARFMO b) NAFO's accession to FIRMS Partnership	<u>Agreed</u> : In future the NAFO Executive Secretary should decide who should represent NAFO at the meetings of other organizations. <u>Agreed</u> : Delegates agreed that NAFO join the FIRMS Partnership Arrangement as presented in GC W.P. 04/3.
13/14. STACFAC report and recommendations	Adopted in whole
15. Dispute Settlement Procedures	<u>Deferred to 2005 Annual Meeting</u>
16/17. STACFAD report and recommendations	(a) Contracting Parties reached a decision regarding a salary raise from 1 January 2005 and the allocation of a performance bonus regarding 2004 for the Executive Secretary; (b) Decision regarding alteration of the ceiling of contract renewal was <u>deferred</u> to the next Annual Meeting; (c) Budget of \$1,524,000 for 2005 <u>adopted</u> ; and, (c) All other recommendations of STACFAD were <u>adopted</u> .
18. Next Annual Meeting	<u>Agreed</u> : Next Annual Meeting to be held in Tallinn, Estonia, on the following dates: Scientific Council: 19-23 September 2005 General Council/Fisheries Commission: 19-23 Sep 2005

PART II

Report of the Standing Committee on Finance And Administration (STACFAD)

1. Opening by the Chairman

The first session of STACFAD was opened by Fred Kingston (EU) on 13 September 2004.

The Chairman welcomed delegates and Dr. Johanne Fischer, Executive Secretary, Forbes Keating, Administrative Officer, and Stan Goodick, Finance Officer to the meeting.

Present were delegates from Canada, Denmark (in respect of Faroe Islands and Greenland), European Union, Japan, Latvia, Norway, Russian Federation, Ukraine, and the United States of America (Annex 1).

2. Appointment of Rapporteurs

Sofeia Horsey (Canada) and Stan Goodick (NAFO Secretariat) were appointed Rapporteurs.

3. Adoption of Agenda

The provisional agenda, as circulated to Contracting Parties (Annex 2), was adopted.

4. Auditor's Report for 2003

The Auditor's Report was circulated to the Heads of Delegation of the General Council and STACFAD delegates in advance of the Annual Meeting.

Delegates were advised that, subsequent to last year's recommendation to change the auditing agency, the firm of Grant Thornton had been engaged to review the financial status of the Organization. The Finance Officer for NAFO presented the Auditor's Report and Financial Statements of the Northwest Atlantic Fisheries Organization for the year ended 31 December 2003. The audit determined the financial affairs of the Organization had been conducted in accordance with the Financial Regulations and budgetary provisions of NAFO and presented a fair and accurate accounting of the financial affairs of the Organization. Committee members reviewed these statements in detail with all liabilities and variances in expenditures versus budgeted items explained in detail.

STACFAD recommended that the 2003 Auditor's Report be adopted.

5. Administrative and Financial Statements for 2004 (end July)

Delegates reviewed the Administrative Report and Financial Statements for 2004 (through July) provided in document GC Doc. 04/1, Revised.

It was agreed that starting 2005 this report should include two reporting periods. The Administrative Report will cover the last 12 months prior to the Annual Meeting, i.e. September of the previous year to August of the present year. This report will in the future also include a section titled "Proposed Meetings" to assist the budget forecasting process within STACFAD. The Financial Statements will cover the calendar year of the Annual Meeting at which they are discussed, which is the fiscal year of the Organization.

The Executive Secretary reviewed the elements of the Administrative Report, i.e. the Membership, NAFO officers, Secretariat Staff, Meeting Schedule, Publication List and Fishery Statistics.

STACFAD Chair relayed to participants concerns expressed by Scientific Council regarding the timeliness of submission of Catch Reports that are needed for the scientific assessment of fisheries activities. Delegates were urged to convey this message to their respective authorities and ensure future compliance with this NAFO requirement.

The Finance Officer for NAFO reviewed the Financial Statements for 2004 (up to the end of July) explaining the variances between projected and actual expenditures to date.

Highlights were:

Expenditures for the year 2004 are projected to total \$1,488,000 which is \$12,000 lower than the approved budget of \$1,500,000.

He calculated the NAFO salaries based on the assumption that the salary contracts currently under negotiation between the Government of Canada and the unions can be finalized before the end of December 2004. No salary increases were paid in 2003 nor are they expected to be paid in 2004 until contracts are ratified. However, a possibility exists that negotiations might not have concluded by the end of the NAFO fiscal year.

Against the Secretariat's expectations, publication costs could not be lowered significantly in 2004, because more Journal volumes than foreseen had to be published and because a new format of the NAFO Conservation and Enforcement Measures had to be produced and distributed. It is noted that the purchase of a modern high speed, high volume black & white printer by the Secretariat will have the effect that less staff will be required in the production of NAFO publications in the near future. At present, the total volume of printed material produced by the Secretariat has reached a minimum that is not expected to be further reduced in the near future. The Executive Secretary explained that she remains committed to exploring all avenues of reducing publication costs.

Assessed Contributions and Expenditures – concern was expressed regarding outstanding contributions from 6 Contracting Parties, representing about 16% of the total approved budget for 2004 (\$234,111.65). **STACFAD recommended that Contracting Parties take immediate action to meet their financial obligations and bring financial stability to the Organization.** Outstanding to date are:

Cuba	\$24,266.74
France	\$27,403.72
Lithuania	\$19,368.00
Poland	\$24,926.80
Russia	\$48,358.75
USA (balance owing)	\$89,787.64

Footnote: Bulgaria is now two years in arrears (for a total of \$ 45,746.26) of its contributions and is unlikely to meet its obligations to date in 2004.

STACFAD recommended that contributions from Bulgaria be deemed uncollectible and that this amount be applied against the accumulated surplus.

Annex 3 outlines total outstanding contributions from Bulgaria, which includes previous arrears. The EU reported on Bulgaria's possible intention to withdraw from the Organization.

6. Review of the Accumulated Surplus Account

Delegates reviewed the Statement of Accumulated Surplus for the Year Ending 31 December 2004 (Estimated from 31 July 2004) as reflected in Statement IV of the Financial Statements contained in NAFO/GC Doc 04/1(revised).

As a result of discussions at the September 2003 Annual Meeting, wherein the United States indicated it was not in a position to fully meet its financial obligations to NAFO in 2003 and possibly 2004, STACFAD had recommended that the minimum balance in the Accumulated Surplus Account be increased from \$75,000 to \$125,000 in order to fulfil NAFO's financial obligations in early 2004.

Given the current state of uncertainty as to the payment of several outstanding contributions and in order to provide financial stability to the Organization, **STACFAD again recommended that the minimum balance in the Accumulated Surplus Account be \$125,000 in order to fulfil the financial obligations of the Organization in early 2005.**

7. Meeting of the Pension Society

The meeting of the International Fisheries Commissions Pension Society (for international fisheries commissions based in North America) was held in Washington, DC 28-30 April 2004. Report of the proceedings was distributed under STACFAD W.P. 04/8 and presented by the Administrative Officer for NAFO.

Highlights included:

- the Review Directorate of Department of Fisheries and Oceans (DFO) was engaged to audit the Statement of Operations of the Society before its 2003 Annual General Meeting
- the audited records and financial statements were presented and approved by the Membership
- the normal cost for employer's contribution share remains the same at 9.3%
- the Department of Fisheries and Oceans Canada reaffirmed its commitment to continue to assist the Society in administrative operations at no charge to the Society.
- The investment manager, McLean Budden, will continue rebalancing the agreed asset-mix of the Canadian investment fund (60% equity/40% bonds split)
- a telephone conference is scheduled in November to review the status of ongoing and new initiatives.
- time and place of the next annual meeting is Victoria, BC 13-15 April 2005.

8. Headquarters Agreement

The item Headquarters Agreement of NAFO was discussed at the 2003 Annual Meeting and deferred to this Annual Meeting.

The representative of the EU noted that Article II.3 of the NAFO Convention seems to require that there be a Headquarters Agreement between NAFO and the host country, Canada, and expressed concern that such an agreement does not exist.

Discussions explored whether there existed a need to replace the current mechanism (Order-in-Council P.C. 1980-132) by a headquarters agreement. A Canadian law expert from Foreign Affairs Canada explained in detail that the present Order-in-Council recognizes NAFO as a legal international entity, and as such the Organization and its officers are provided with the full privileges and immunities described in the UN Convention on Privileges and Immunities of International Organizations.

The Government of Canada tabled correspondence dated 7 September 2004 which included the exchange of letters between the NAFO President (15 March 1979) and Director General of the Legal Bureau of the Dept. of External Affairs of Canada (29 January 1980). Appended to the Canadian letter was Order-in-Council SOR/80-64 registered 11 January 1980 which set out the privileges and immunities of NAFO.

The Canadian delegation explained that the Order-in-Council procedure by incorporating the provisions of Articles II, III, IV, V and VI of the Convention on the Privileges and Immunities of the United Nations incorporated all the elements found in more recent Canadian Headquarters Agreements including PICES and the North Pacific Anadromous Fish Commission. Canada indicated that its legal analysis determined that NAFO had the legal personality and diplomatic immunity called for in Article II(3) of the NAFO Convention.

The EU expressed the view that it is a matter of principle to have a Headquarters Agreement but wished to reserve further comments regarding the current Canadian practice until it had an opportunity to analyze the documentation circulated to the committee on the UN Convention and samples of Headquarters agreements.

Canada stated its view remained that the current agreement with NAFO fully met the needs of NAFO and that scarce staff resources, both of NAFO and member States, could be devoted elsewhere.

STACFAD recommended that the discussion exploring a headquarters agreement for NAFO be deferred to the next Annual Meeting in 2005 to allow further analysis of this issue.

9. Progress report on the website and electronic publications (presentation by the Executive Secretary)

The Executive Secretary presented a comprehensive review of the functions and features of the NAFO member website. Steps taken to modernize and improve the site have produced direct savings in publication costs and increases in efficiency, making most documents available either through the public or through the member pages.

Delegates were pleased with the progress to date. In 2005, the Secretariat will continue its efforts to improve the website concentrating on the public pages and on providing added features such as a link to the NAFO web structure and search functions.

Members were advised that a new member password for 2005 will be distributed to registered Annual Meeting Participant and a "Heads" Password to each Heads of Delegation during the Annual Meeting. These new passwords will be effective starting 1st October 2004.

10. Rules for media attendance at NAFO meetings (introduction by the Executive Secretary)

As a result of last year's deliberations, the Executive Secretary presented a draft media policy (STACFAD W.P. 04/5, revised) (Annex 4). The practice to date has been to observe a "media blackout" from the beginning of the opening to the closing of the meeting.

Extensive discussions took place defining the conditions and process for media attendance, following which **STACFAD recommended that the General Council adopt the Media Policy concerning the conditions for attendance by media representatives at NAFO meetings outlined in Annex 4.**

Contracting Parties offered to assist the Executive Secretary with advice regarding the nature of documents to be compiled for the media (press kits).

STACFAD agreed that the new policy is only intended to apply to media participation in NAFO meetings and contacts with NAFO officers, and does not affect the ability of delegations to manage their own contacts with the media.

Although consensus was reached that media would be allowed to be present during the opening remarks of the Chairman of General Council, there was a difference of opinion expressed whether they would be permitted to stay during the opening statements of Contracting Parties. It was decided the Chairman of STACFAD would highlight these opinions to General Council.

11. Secretariat Human Resources (Presentation by the Secretariat)

a) Proposed Rules and Procedures for the Assessment, Classification and Ongoing Review of the Secretariat Staff

Last year STACFAD had recommended and received agreement for the Secretariat to develop clearer and more detailed rules and procedures for the assessment, classification and ongoing review of NAFO Secretariat staff. It was further agreed that the Secretariat engage a Human Resources consultant to ensure that these rules and procedures were compatible with the system of the Public Service of Canada.

The Executive Secretary presented STACFAD WP 04/1. A cost-saving reduction of NAFO Secretariat staff in the near future (9 instead of 11) will be possible as a result of continuous modernization and parallel expansion of staff's expertise through hiring new and/or training existing staff. The suggested new structure of the Secretariat includes added areas of responsibilities as well as a flatter hierarchy and task sharing (reflected also in new job titles). For the purpose of classifying NAFO staff members, it is proposed to adopt the widely used "Hay" method. With the help of a Canadian job classification consultant, the Secretariat was able to achieve a fairly accurate determination of corresponding Canadian government salary categories for each NAFO position. To compensate NAFO staff for

comparatively low benefits without recurring to higher classification levels (as is done at present) it was proposed adding 10% to the gross salary of each employee (arriving to similar salary levels as the present ones). Annexes to this paper include a complete description of the proposed NAFO Classification System, detailed job descriptions for all NAFO Secretariat positions, and tables containing the results of the proposed classification method applied to NAFO positions along with the suggested Canadian salary categories and corresponding salaries.

After some discussion, consensus was reached that modernization of the Secretariat should be implemented using the proposed human resources strategy. Uncertainty remained with regard to the appropriate level of compensation which in the Secretariat's proposal was set at 10% to be added to the base salaries as determined in the classification review (and not on current salaries received).

Therefore, the Secretariat was asked to provide more information on (a) the disadvantages regarding benefits available to NAFO staff in comparison with Canadian government employees (see also STACFAD W.P. 04/11, revised) and (b) the added responsibilities of NAFO staff in comparison with a Canadian government employee of the same job classification (see also STACFAD WP 04/1, page 2 and 3). This should help STACFAD to determine an appropriate level of NAFO staff compensation above the base salary suggested. Several delegates expressed strong concerns about the disadvantages to the NAFO Staff identified in these Working Papers.

STACFAD recommended the adoption in principle of the recommendations contained in STACFAD W.P. 04/1 concerning a new NAFO classification system for the Secretariat Staff, but further recommended to defer the decision as to the exact level of compensation to the next Annual Meeting. As a consequence NAFO would be expected to implement this new classification system starting in 2006.

STACFAD also recommended that the Working Group, recommended to be set up under Agenda Item 12 to re-examine the NAFO Staff rules, also discuss issues connected to the special work situation of the NAFO staff, including their benefits and responsibilities, in comparison with Canadian government employees. This Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU and the Chair of STACFAD.

b) Future Staff Development Plan

The Executive Secretary acknowledged the need to continue modernizing the Organization while at the same time improving the cost efficiency of services rendered by the Secretariat in addition to expanding services to Contracting Parties. She outlined the manner in which this could be accomplished given the unique job sharing aspect of the proposed reorganization, thus reducing the number of staff by 2 full time employees.

As well, the new proposed organization structure would provide for developmental and senior level categories within some position classifications.

12. Staff Rules (Presentation by the Secretariat)

The Executive Secretary proposed to revise the NAFO Staff Rules in 2005 with input from Secretariat staff and delegates. To this end **STACFAD recommended that a Working Group be established to assist in this revision of the Staff Rules and this Working Group will be composed of the Executive Secretary, a representative of the NAFO Staff, Canada, EU, and the Chair of STACFAD.** STACFAD also recognized the possibility of hiring a consultant to assist in this matter.

The Executive Secretary also gave a presentation on STACFAD W.P. 04/3 (revised) NAFO Staff Association and Staff Representative (Annex 5). She reviewed the mandate of the Staff Representative and provided an overview of the Staff Association and election of Staff Representatives including the rights of the Staff Representative. It is proposed that this document be annexed to the Staff Rules when these are revised next year. STACFAD members agreed to the principles outlined in the document tabled. In an effort to ensure the interests of staff are included and/or adequately reflected during relevant decision-making processes, **STACFAD recommended the endorsement of a Staff Association and Staff Representative.**

13. Update on Staff Committee

In 2003, General Council supported, in principle, STACFAD recommendation to establish a Staff Committee with a mandate to provide advice and mediation in the event that a conflict within the Secretariat cannot be solved internally. The Secretariat drafted some minor re-wording (STACFAD W.P. 04/4) (Annex 6) of the proposal that was approved last year to (a) reflect the fact that this paper represents now an agreed policy and not a proposal and (b) to eliminate the requirement that one staff committee member should be local. **STACFAD recommended endorsement of the STACFAD WP 04/4.**

The Secretariat nominated three individuals to become members of the Staff Committee for the next year. These are: Fred Kingston, Joanne Morgan, and Jim Baird. **STACFAD recommended that General Council appoint the three nominees.**

14. Salary of the Executive Secretary in comparison with other Regional Fishery Bodies (presentation by the Secretariat)

In 2003, STACFAD recommended the issue of possible change in the job classification system and salary scale of the Executive Secretary as well as the possibility of enhanced duties and responsibilities be deferred to the 2004 Annual Meeting.

It was determined at that time that in order for informed discussions to take place, further information regarding the application of the UN system as well as how other regional organizations have determined the position classification and salary of their respective Executive Secretaries would be required.

The Executive Secretary presented STACFAD W.P. 04/2 (Revised) (Annex 7) in an attempt to provide a comprehensive overview of the various issues highlighted in previous discussions.

Delegates recognized that the salary of the NAFO Executive Secretary is significantly lower relative to other regional fisheries organizations for work that is of a similar nature. It was also recognized that the Executive Secretary's salary does not reflect the costs arising from expatriation or compensate for limited security of employment and other disadvantages relative to Canadian Government employees at the executive level. Most delegates expressed the view that an adjustment to the salary was warranted in order to attract suitable candidates at the international level and to reflect costs arising from geographic relocation.

After extensive discussions were held on the subject, **there was no consensus on the means to adjust the Executive Secretary's salary or to modify the ceiling on the renewal of the Contract contained in Staff Rule 4.1.**

15. Appraisal of eligibility of Executive Secretary for performance bonus

Pursuant to a decision of General Council at the 24th Annual Meeting and under Article IV, paragraph 4 of the current contract between NAFO and the Executive Secretary, the Executive Secretary is eligible for an annual performance bonus in addition to her base salary. This performance bonus is to be determined annually by the Heads of Delegation of General Council and would provide for up to a 10% increase on the base salary if key commitments are achieved or surpassed.

STACFAD recommended that for 2005, the specific goals for evaluating the eligibility of the Executive Secretary for a performance pay allowance would be the following:

- Re-structure the public NAFO webpages to increase user friendliness and access to NAFO-related information by the public and to enhance NAFO's profile in the public
- Develop the NAFO electronic Journal
- Propose necessary changes to the Staff Rules taking into account the specific situation of the NAFO Secretariat, the regulations of the Canadian government and UN regulations.
- Contribute with substantial information to the determination of the level of compensation to be added to NAFO staff base salaries. This information should include definition of missing employment benefits in

NAFO in comparison with Canadian government employees and, where possible, determination of the financial consequences this might entail. It also should detail added responsibilities and duties of NAFO staff that their peers employed by the Canadian government are not expected to perform.

- Maintain effective capacity to produce the information requested by STACTIC for an annual compliance report to the Fisheries Commission.

16. NAFO Reception

The headquarters of the Organization is in Dartmouth and as such the Annual Meetings are usually conducted in Dartmouth. On occasion a Contracting Party will offer to host the meetings in their country, as well as provide for a reception, but for the most part, NAFO is the host organization.

Given the likelihood that a number of meetings will be held in the headquarters area, the Canadian delegate proposed a general expenditure be included as a budget item for the purpose of hosting a reception for the Membership, when meetings are conducted in Dartmouth.

STACFAD recommended a budget of \$20,000 be included in the 2006 and 2007 budget forecast, to be used for the purpose of hosting a NAFO Reception. Should a Contracting Party offer to host the NAFO Annual Meeting in 2006 or 2007, the funds will be deferred to the following year's budget.

17. Budget Estimate for 2005

STACFAD recommended that the budget for 2005 of \$ 1,499,000 (Annex 8) be adopted.

Highlights of the 2005 budget are as follows:

- The salary levels include a 2.5% estimate of increase to be adjusted when contract negotiations of the Canadian government are concluded.

Salary step increase of the Information Manager will for this year comprise two steps to reflect the level of expertise and responsibility reached within the last 12 months.

As agreed in 2003, there will be an overlap of the Conservation and Enforcement Measures Officer with the Fisheries Commission Coordinator for the first 4 months of 2005 (estimated costs of \$ 21,000).

A performance bonus of 10% for the Executive Secretary depending on approval of General Council has been budgeted.

- There are 9 essential meetings in 2005 related to international cooperation that need to be attended by the Executive Secretary or other Secretariat members, estimated at \$40,000. A sum of \$5,000 has been budgeted for miscellaneous travel that cannot be foreseen at this time.
- The Communication budget is projected to remain on the same low level as in 2004.
- Publications budget includes a special printing of the NAFO inspections forms.
- Other Contractual Services include the first instalment of approximately \$8,000 for a high speed, high volume black and white printer intended to replace the outdated printing presses currently in use.
- Additional help has been requested by Scientific Council to enable the Secretariat to develop a realistic estimate of the costs to digitize the detailed portion of the observer reports (including retrospective work). A sum of \$3,000 has been budgeted.
- The Annual Meeting 2005 will take place in Estonia. The budget estimate includes travel costs for 9 Secretariat Members and 2 local assistants.
- For the Vessel Monitoring System an additional \$8,000 were budgeted for programming related to the harmonization of NAFO reporting formats with those of NEAFC.

A preliminary calculation of billings for the 2005 financial year is provided in Annex 9.

18. Budget Forecast for 2006 and 2007

STACFAD reviewed the preliminary budget forecast for 2006 (\$1,531,000) and 2007 (\$1,341,000) (Annex 10) and approved the forecasts in principle. It was noted that the budget for 2006 will be reviewed in detail at the next Annual Meeting. Items of note are:

- Due to the implementation of Secretariat restructure, the salary and benefits budgets will be lower.
- However, we foresee a one-time amount for international recruitment and relocation costs (\$44,000) when the Deputy Executive Secretary retires.
- We assume that the Annual Meeting will take place in Dartmouth and that the Secretariat will need funds (\$20,000) to organize a reception for delegates.

19. Time and Place of 2006 and 2007 Annual Meetings

The dates of the 2005 Annual Meeting (location to be announced) are as follows:

Scientific Council	-	19-23 September
General Council	-	19-23 September
Fisheries Commission	-	19-23 September

The dates of the 2006 Annual Meeting (to be held in Halifax, N.S., Canada, unless an invitation to host is extended by a Contracting Party and accepted by the Organization) are as follows:

Scientific Council	-	13-22 September
General Council	-	18-22 September
Fisheries Commission	-	18-22 September

Scientific Council Representative pointed out that the dates for all the next Annual Meetings coincide with the ICES Annual Meetings with the result that a number of scientists will not be able to come to the NAFO Annual Meeting. STACFAD stated that the dates for 2005 and 2006 are already agreed.

Nevertheless, STACFAD recommended the dates for the 2007 Annual Meeting be as follows with the location in Halifax, unless an invitation to host is extended by a Contracting Party and accepted by the Organization:

Scientific Council	-	12-21 September
General Council	-	17-21 September
Fisheries Commission	-	17-21 September

20. Other issues including any questions referred from the General Council during the current Annual Meeting

STACFAD understands that a member of the Secretariat, Gordie Moulton, will be retiring in 2005 after 35 years of dedicated service to NAFO. STACFAD wants to express its great appreciation for Gordie's service to this Organization and wishes him all the best in all his future endeavours.

STACFAD supports cooperation with other secretariats regarding the support of joint meetings or of meetings hosted by another organization. For this purpose, the NAFO Secretariat should take advantage of all possibilities of remote meeting support in the context of electronic communication tools. STACFAD encourages the Executive Secretary to seek and present possibilities to reduce costs to NAFO at all times.

21. Adjournment

The final session of the STACFAD meeting adjourned on 16 September 2004.

Annex 1. List of Participants

Name	Contracting Party
Sofeia Horsey	Canada
Bob Steinbock	Canada
Louis Simard	Canada
Fred Kingston	European Union
Manfred Stein	European Union
Staffan Ekwall	European Union
Keiko Suzuki	Japan
Ricards Derkacs	Latvia
Heidi Johansen	Norway
Vladimir Babayan	Russian Federation
Leonid Kokovkin	Russian Federation
Vasyl Chernik	Ukraine
Anatoliy Chernikov	Ukraine
Deirdre Warner-Kramer	USA
Pat Moran	USA
Johanne Fischer	NAFO Secretariat
Tissa Amaratunga	NAFO Secretariat
Stan Goodick	NAFO Secretariat
Forbes Keating	NAFO Secretariat

Annex 2. Agenda

1. Opening by the Chairman, G.F. Kingston (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Auditor's Report
5. Administrative and Financial Statements for 2004 (end July)
6. Review of Accumulated Surplus Account
7. Meeting of the Pension Society
8. Headquarters Agreement of NAFO
9. Progress report on the website and electronic publications (presentation by the Secretariat)
10. Rules for media attendance at NAFO meetings (introduction by the Secretariat)
11. Secretariat Human Resources (Presentations by Secretariat)
 - a) Proposed Rules and Procedures for the Assessment, Classification and Ongoing Review of the Secretariat Staff
 - b) Future Staff Development Proposal
12. Staff Rules (presentation by the Secretariat)
13. Update on Staff Committee
14. Salary of the Executive Secretary in comparison with other Regional Fishery Bodies (presentation by the Secretariat)
15. Appraisal of eligibility of Executive Secretary for performance bonus
16. NAFO Reception
17. Budget Estimate for 2005
18. Budget Forecast for 2006 and 2007
19. Time and Place of 2006-2007 Annual Meetings
20. Other issues including any questions referred from the General Council during the current Annual Meeting
21. Adjournment

Annex 3. Schedule of Outstanding Contributions from Bulgaria

The following is a summary of outstanding contributions from Bulgaria:

1 January – 31 December 1993	18,109.12
1 January – 31 December 1994	14,893.10
1 January – 31 December 1995	16,614.28
1 January – 31 December 1996	15,944.93
1 January – 31 December 1997	15,002.75
1 January – 31 December 1998	16,121.90
1 January – 31 December 1999	16,267.88
1 January – 31 December 2000	16,842.79
1 January – 31 December 2003	21,479.52
1 January – 31 December 2004	24,266.74
	\$175,543.01

Annex 4. Proposed NAFO Media Policy
(STACFAD W.P. 04/5, Revised)

Conditions for Attendance by Media Representatives at NAFO Meetings

- 1) All media requests for participation at each NAFO meeting or for interviews with NAFO officers shall be directed to the Secretariat.
- 2) After verification of media credentials, the Executive Secretary will inform the Chairs of the relevant NAFO bodies, the host country and the country in which the media organization is based, with as much advance notice as possible.
- 3) Media representatives shall register with the NAFO Secretariat on arrival at the meeting and provide a Press card or a letter of authorization or other documentation from the appropriate company.
- 4) The Executive Secretary can authorize attendance of media representatives at the Public Sessions of General Council, Scientific Council and Fisheries Commission, i.e. official opening and closing of the meetings, and other sessions so designated by the bodies concerned.
- 5) No more than two representatives of a particular publication or company shall be allowed to attend the meeting. They are required to remain in a designated area within the meeting room. Depending on the meeting facility, the total number of media representatives attending the meeting may have to be restricted.
- 6) Media representatives shall not be permitted to make statements or ask questions during sessions.
- 7) The use of cameras and/or recording equipment can be permitted by the Executive Secretary during the Public Sessions of NAFO meetings provided that it is set up and operated in a non-disruptive way. One additional person per team may be allowed into the meeting room for the operation of technical equipment (e.g. cameras).
- 8) Media representatives must leave the meeting premises when they are not attending sessions of NAFO bodies.
- 9) Background and other information material pertaining to the meeting in question will be compiled specifically for media representatives by the Executive Secretary and either handed out to them during meetings or sent electronically upon request prior to the meeting.
- 10) a) The Executive Secretary will prepare the Press Release in collaboration with the Chairs of the General Council, Fisheries Commission and Scientific Council and agreed upon at the end of the General Council meeting.
b) At the discretion of the President and the Executive Secretary, a Press Conference shall be held following the close of the Annual Meeting by the Chairs of the General Council, Scientific Council and the Fisheries Commission and the Executive Secretary.
- 11) Media representatives shall comply with these and with any other conditions determined by General Council or by the Executive Secretary.

Annex 5. NAFO Staff Association and Staff Representative
(STACFAD W.P. 04/3, Revised)

Mandate of the Staff Representative

It is the obligation of the Staff Representative (SR) to ensure that staff interests are adequately presented in relevant decision-making processes. The SR has the obligation to contribute to management transparency by informing the staff in a timely fashion about important developments and decisions. Confidential and personal information cannot be disclosed without consent in writing of the individual(s) concerned. If in need of guidance, the SR can call a Staff Association meeting. In the case of a conflict within the Secretariat that cannot be solved internally, the SR can call upon the Staff Committee.

Staff Association and Election of Staff Representative

The Staff Association (SA) guides and mandates the SR to take specific actions or present particular viewpoints to the employer. All NAFO staff on permanent or at least one-year contract excluding the Executive Secretary (ES) form the SA and shall have the right to vote at the SA meetings. Decisions are valid only if at least two thirds of the members participate at the meeting and only if all possible precautions have been taken to ensure that every member had the opportunity to participate. A decision should be reached by consensus; if that is not possible, a simple majority decides. Decisions can be taken by show of hands unless requested otherwise by at least one staff member. The rules of procedure of the SA can only be changed if at least 75% of the staff agrees.

The SA elects the SR (and Vice Staff Representative if such a position is desired by the SA) by secret ballot and by simple majority¹ for a term of 1 year starting January (if a SR is elected after January, his/her term still ends with the calendar year). Each staff member is eligible for the post and can be re-elected without restrictions. The SR can be voted out of office by simple majority at any time. The SA can decide to not have a SR. In this case, the SA must meet the following November, or prior to that upon request of 3 members, to re-discuss the issue. If the SR resigns, a meeting has to be called within a month to deal with the new situation.

The SR can call a Staff Meeting on his/her initiative. In addition, an extraordinary SA Meeting can be called upon request of at least 3 staff members with an agenda circulated at least 3 working days before the meeting.

Rights of the Staff Representative

To fulfil his/her duties the SR has a number of rights, namely

- Be informed about all issues (facts, events, plans, etc), negative or positive, regarding personnel matters and work situation in a timely and comprehensive fashion
- Advise the Executive Secretary on staff preferences regarding work time regulations, work safety and health issues, review of Staff Rules, and other staff-related matters
- Participate in STACFAD meetings when personnel matters and work situation are discussed
- Be partially freed from ordinary work in order to research issues relevant to his/her function (point in time and amount of time granted to be agreed upon by ES and SA but not to exceed 20% of annual work time).
- Be protected from reprimand/dismissal on the grounds of his/her activities in this function.

¹ If no candidate secures the required number of votes, then:

- (a) If there are only two candidates, voting shall be continued until a candidate is elected by simple majority.
- (b) If there are three or more candidates, the candidate receiving the lowest number of votes shall be eliminated and voting shall be continued until a candidate is elected. If there are two or more candidates receiving the lowest number of votes, it shall be decided by separate vote which candidate shall be eliminated.

Annex 6. Staff Committee

(STACFAD W.P. 04/4)

Mandate

Most conflicts within the Secretariat can be and should be solved internally. In the rare case that a conflict cannot be solved internally or that its resolution causes major concern (e.g. perceived unjust dismissal of a staff member) the Staff Committee can be asked to intervene. Solutions should be achieved through mediation between the parties involved in the conflict and, if the Staff Committee finds it necessary, by bringing the case before NAFO Contracting Parties.

The Staff Committee is mandated to advise and mediate in the rare event that conflicts within the Secretariat cannot be solved internally. The Staff Committee is composed of three (3) members nominated by members of the Secretariat and appointed by General Council. Members of the Staff Committee serve one year and can be re-elected at every Annual Meeting.

Guidelines for Staff Committee

1. It is the obligation of Secretariat staff and Executive Secretary to seek internal solutions to all disputes before bringing anything to the attention of the Staff Committee.
2. On a specific issue, one or more members of the Staff Committee can be approached by (a) the Staff Representative, and/or (b) the Executive Secretary and/or (c) 3 staff members^[1].
3. The Staff Committee will treat all cases in the strictest confidence. The Staff Committee will also not disclose any names without consent of the individual concerned throughout the mediations with Secretariat staff and/or Executive Secretary.
4. A reasonable period of time (1 month) after contacting the Staff Committee, a final decision in a case (if necessary) must be taken by the Executive Secretary considering all options presented.
5. If the resolution of a case does not satisfy the Staff Committee the matter should be presented to STACFAD and General Council at the next Annual Meeting. In severe cases, the Staff Committee may decide to contact NAFO Contracting Parties immediately and ask for guidance or action.

^[1] This means that at least 3 staff members have to agree that a conflict cannot be solved internally and is important enough to be brought before the Staff Committee bypassing Staff Representative and Executive Secretary. This will prevent frequent and unjustified calling on the Committee Members.

**Annex 7. Job Classification and Salary Scales of Executive Secretaries
in Regional Fishery Bodies
(STACFAD W.P. 04/2, Revised)**

In 2003, STACFAD asked the NAFO Secretariat to provide information on the United Nation's criteria in making a determination of position classification and level. Additional information was requested on how other regional fisheries organizations have determined the position classification and salary of their respective Executive Secretaries.

This revised version is updated to include UN September post adjustments. Also, it is now based on a comparison of net salaries instead of gross salaries to reflect UN salaries in a more common way (UN post adjustment is added to net salaries with no deductions; the former representation where it was added to gross salaries might therefore lead to confusion). This doesn't affect the overall results.

1. United Nations salary level and salary scales

UN level of salaries: The level of salaries for Professional staff is determined on the Noblemaire Principle (established in 1921) which states that the international civil service should be able to recruit staff from its Member States, including the highest-paid. Therefore, the salaries of internationally recruited (professional) staff are set by reference to the highest-paying national civil service.

The International Civil Service Commission (ICSC) makes a periodic check to identify the national civil service of the Member State which has the highest pay levels and which by its size and structure lends itself to a significant comparison. The federal civil service of the United States of America has to date been taken as the highest paid national civil service¹.

The application of the Noblemaire principle in the UN also takes into account a number of non-quantifiable factors as:

- Limited stability and security of employment
- Limited promotion prospects, and
- Costs arising from expatriation.

This has the effect that the salary levels are set **above** those paid by the comparator civil service (10-20%).

UN salary scales: The base/floor salary scales for the Professional and higher categories are based on five Professional grades (P-1 to P-5), two Director levels (D-1 and D-2) as well as the levels of Assistant Secretary-General and Under Secretary-General in some organizations and Assistant Director-General and Deputy Director-General in others (see Annex 1, Table 1). The scales are expressed as gross and net base salaries and applied uniformly, worldwide, by all organizations in the United Nations common system. Net base salary is obtained by deducting staff assessment from gross base salary.

"Post adjustment" is paid on top of the base/floor salaries as a means to ensure that professional salaries have the same purchasing power at all duty stations. To compensate for significant variation of cost-of-living between duty stations "post adjustment" (a percentage of the salary) is set at different levels at each duty station. ICSC measures differences in cost-of-living through periodic place-to-place surveys and publishes a monthly "post adjustment index" for all duty stations. In addition to base salary and post adjustment, the UN pays a number of subsidies, grants, allowances, and benefits to their professional employees.

¹ This system has been criticized over the years, primarily due to the direct linkage to a single salary system: Some said that the resulting UN salaries were too low as civil services in other countries can be higher (e.g. Germany in 1995), others maintained that they might appear excessive to governments and taxpayers of countries with lower national salary levels. FICSA (Federation of International Civil Servants' Associations) complains that the level of Professional salaries in the UN is too low, particularly when compared with the salaries of other international civil servants working in the World Bank, OECD, and the European Commission and with those offered in the comparators private sector (FICSA/C/57/PSA/4)

2. Comparison of the salary of NAFO's Executive Secretary with that of other Regional Fishery Bodies

The following comparison includes nine well-known Regional Fishery Bodies (RFBs) with headquarters in **North-America** (IATTC, USA; NAFO and PICES, Canada), **Europe** (ICCAT, Spain; ICES, Denmark; NEAFC, UK), **Australia** (CCAMLR and CCSBT), and **Africa** (IOTC, Seychelles). Each of these RFBs shares between four and twelve Contracting Parties (CPs) with NAFO (see Table 1; e.g. over half of the NAFO CPs are also members in ICCAT, 60% are also members in ICES and more than 70% are also members in CCAMLR). Canada is a member in ICES, ICCAT, CCAMLR, and PICES.

Six of the nine RFBs have adopted the UN salary scales for their Executive Secretary, mostly on the director level (D1 or D2) and in one case on the highest professional level (P5; CCSBT). The three North American RFBs follow local salary scales (NAFO, PICES, IATTC).

NAFO ignores the differences between an international contractual employee and a permanent national government employee

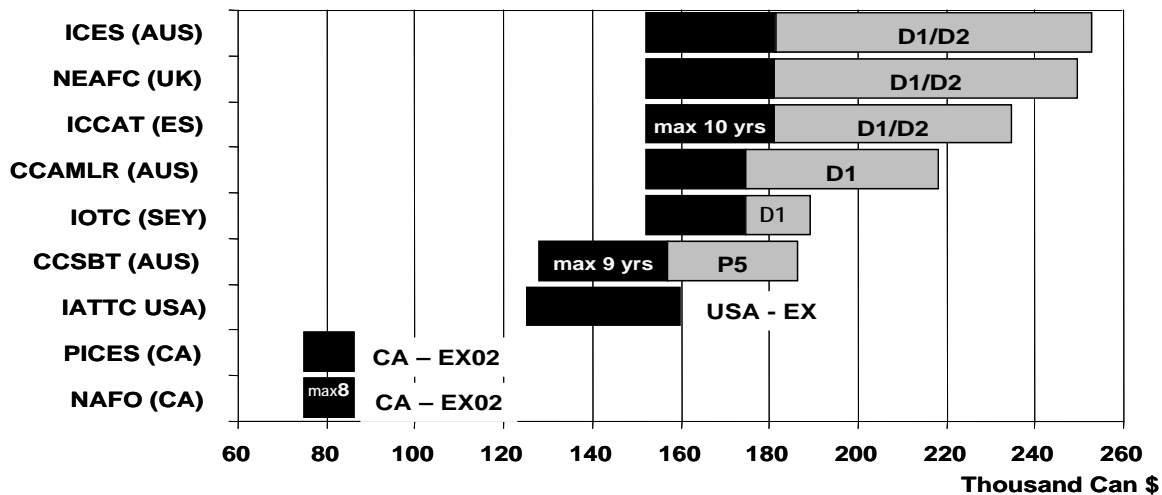


Figure 1. Net salaries of Executive Secretaries.

Black: net salary range after post adjustment of UN salaries for Montreal, Canada; Grey: actual net salaries at locality of the headquarter. ICCAT, IOTC and NAFO have a ceiling on contract renewal (maximum number of years).

Figure 1 shows a comparison of Executive Secretaries' salaries². The black portion of the bars represents the net salary ranges corrected for cost-of-living in Atlantic Canada (using the UN post adjustment index for Montreal, i.e.136.4 in September 2004³). In reality, Executive Secretaries of our sample organizations have a net income of up to Can\$ 253,000 with an average of Can\$ 176,000. After post adjustment for Montreal, the maximum net pay would be Can\$ 181,279 and the average net income would be about Can\$ 153,573⁴. The USA based IATTC does not follow a UN salary scale; however, the post adjustment index for Washington (138.5) is similar to that of Montreal suggesting comparable living costs between USA and Atlantic Canada. Both Canadian-based Executive Secretaries have by far the lowest salary ranges.

In addition to a comparatively very low salary, NAFO has introduced a ceiling of 8 years for contract renewal of its Executive Secretary. Besides NAFO only two other RFBs in our sample prohibit contract prolongation after a fixed number of years (IOTC after 9 years, ICCAT after 10 years) (see Figure 1) but these two RFBs offer very competitive salaries.

To see whether the low salaries of Canada-based Executive Secretaries can be explained by a difference in the responsibilities of their Executive Secretaries or the size of their organizations, the RFBs in our sample were

² Comparison is based on maximum salaries. These salaries are reached automatically after 6 (D1), 9 (D2), or 13 (P5) years.

³ This index results in a local conversion factor of 34.4% of the base salary which is added to the base salary.

Among NAFO CPs the post adjustment index varies between 123.6 for Estonia and 197.9 for Japan with an average of 142.4 for all NAFO member states (in Sep 2004).

⁴ After post adjustment for Montreal, net salary for a P5 would be from Can\$ 128,044 to 156,932, a D1 from Can\$ 152,060 to 174,695 and a D2 from Can\$ 165,164 to 181,279.

compared regarding their mandate, number of staff, number of Contracting Parties, and annual budgets. Table 1 compares these variables to the hypothetical average salaries of Executive Secretaries if the headquarters of their organization was in Montreal (i.e. after post adjustment for Montreal).

Organization	Location	Net salary after PA Montreal, in Can\$, rounded	Mandate	# Staff	# CPs (# NAFO CPs)	Annual Budget, rounded (million Can \$) ⁵
ICES	Copenhagen, Denmark	181,000	Scientific Advice	35	19 (10 + 9 EU)	5
NEAFC	London, UK	181,000	Management	4	6 (6)	3.8
ICCAT	Madrid, Spain	181,000	Sci. Adv. & Manag.	20	38 (9)	3
CCAMLR	N-Hobart, Australia	175,000	Sci. Adv. & Manag.	23	31 (12 + 9 EU)	2.5
IOTC	Victoria, Seychelles	175,000	Sci. Adv. & Manag.	11	22 (4)	1.5
IATTC	La Jolla, CA, USA	160,000 ⁶	Sci. Adv. & Manag.	45	14 (4)	6.5
CCSBT	Canberra, Australia	157,000	Sci. Adv. & Manag.	5	5 (2)	2
PICES	Sydney, Canada	86,000	Research Coordination	4	6 (5)	0.7
NAFO	Halifax, Canada	86,000	Sci. Adv. & Manag.	13	17	1.5

Table 1. Comparison of 9 RFBs regarding their average Executive Secretaries' (ES) net salaries (after post adjustment (PA) for Montreal, rounded to the nearest 1,000,) mandate, number of Contracting Parties (CPs), number of staff, and annual budget. Bracketed numbers under CPs indicate the number of NAFO CPs that are also members in the other organizations (in the cases of ICES and ICCAT, 9 members are individual EU countries that are represented through the EU in NAFO). Budget information may not be always up-to-date and has been rounded to the nearest 100,000.

Although there are differences between RFBs with regard to the features compared, these are not staggering but are on a relatively small scale. It is obvious that none of these features can explain why the NAFO Executive Secretary earns less than half of what Executive Secretaries of most other RFBs earn. NEAFC, IOTC, or CCSBT, for example, rank similarly or lower than NAFO and among the 3 highest paying RFBs, two do not have a double mandate and one also has low numbers of CPs and staff.

It appears that most RFBs subscribe to the Noblemaire Principle when determining the salary of their Executive Secretary, i.e. they wish to make sure that the salary is competitive enough to attract individuals from all their member states.

3. Conclusions

From the above, it is clear that NAFO offers its Executive Secretaries the least attractive employment conditions from the sample reviewed: Not only does NAFO pay about half or less of the average salary of most other Executive Secretaries but NAFO also restricts contract renewal of this position through a ceiling of 8 years with the result of high future uncertainty of employment of their Executive Secretaries.

⁵ Annual budgets tend to be closely linked to staff numbers (in general about Can\$ 110,000 to 180,000 per employee), with the exception of NEAFC (almost Can\$ 1 million per employee) and CCSBT (about Can\$ 400,000 per employee).

⁶ For IATTC only gross salary figures are available. The gross salary figure upon which this estimate is based is Can\$ 237,000.

By treating the NAFO Executive Secretary exactly like a permanent government employee of Canada, NAFO does not compensate for the particular situation of a non-national executive who

- is recruited internationally and from among all economic sectors (not just the public one),
- has to relocate to another country and continent,
- works on a contract basis and does not have a permanent position (nor unemployment insurance or generous termination benefits) or even the possibility to retire in his/her position through contract prolongation if younger than 57 when hired, and
- will have to leave the country after termination of assignment.

The lack of job security and the insecure employment situation after his/her assignment can be especially aggravating for a non-permanent international employee. During his/her long absence, contacts and networks of relations in the home country will have weakened or disappeared making it difficult to find a job. Also, individuals past the age of 50 have a poor chance of being newly employed anywhere. In addition, it is often very difficult for an accompanying spouse to find local employment of acceptable level (due to unaccepted professional certificates, language barrier, lack of contacts, etc) resulting in the loss of a salary.

Most international organizations agree that it is highly desirable that the positions of their executives attract well qualified individuals from all member states and also from the private sector (Noblemaire Principle). Among NAFO Contracting Parties quite a few have civil services offering higher salaries to their citizens than those offered by the Canadian civil service. The private sector in Canada and in most other NAFO member states also pays much higher remunerations. Therefore, international recruitment of the Executive Secretary is difficult for NAFO under its current conditions of salary and benefits that are not even very appealing for Canadian citizens and much less so for non Canadians. Another disadvantage for NAFO resulting from the present situation is that NAFO Executive Secretaries who cannot expect to retire in their present position will be forced to start searching for alternative employment before the end of their assignment which will diminish their overall work efficiency during those last years.

In the past, there has been resistance among NAFO Contracting Parties to introduce a UN salary scale for the NAFO Executive Secretary and it was argued that salaries paid to government executives of the host country, Canada, should constitute adequate compensation for this position. However, even by Canadian standards for its own non-permanent public executives the presently used EX 02 salary category is quite low. The Canadian government recognizes that their public executives working on a contract basis and recruited from private and public sectors require higher compensation than their permanent government executives. Crown Corporations, for example, are Canadian government operated companies⁷ with the objective to provide service to the public⁸ (non-profit). Consequently, Chief Executive Officers (CEOs) of Canadian Crown Corporations follow a different and higher salary scale than permanent government executives (see Table 2, a and b).

In the light of these findings NAFO Contracting Parties might wish to reconsider the present salary compensation of the NAFO Executive Secretary. Such a discussion could contemplate the salary scale of Canadian Crown Corporations as an alternative to a UN salary scale. However, it should take into consideration that these remunerations for non-permanent Canadian public executives do not compensate for the described additional disadvantages connected to international relocation experienced by a NAFO Executive Secretary. In addition, reconsideration of the present ceiling for contract renewal of the NAFO Executive Secretary could be discussed.

⁷ Direct control by government is exerted over the corporation's budget and the appointment of its chairperson and directors.

⁸ Canadian Crown corporations are used to control everything from the distribution, use, and price of certain goods and services, to energy development, resource extraction, public transportation, cultural promotion, and property management.

Table a: CEOs of Can. Crown Corp.	2004 Job Rates \$000	At-Risk Pay
Group 1	119.1	10%
Group 2	133.4	10%
Group 3	149.4	10%
Group 4	167.3	10%
Group 5	187.4	10%
Group 6	215.5	15%
Group 7	247.8	15%
Group 8	285.0	15%
Group 9	342.0	20%
Group 10	410.4	25%

Table b: permanent government executives	2004 Job Rates \$000	At-Risk Pay
EX01	102.5	10%
EX02	114.9	10%
EX03	128.5	10%
EX04	147.8	15%
EX05	165.5	15%
DM01	185.2	15%
DM02	212.9	20%
DM03	238.5	20%
DM04	267.2	25%

Table 2, a and b. 2004 Job Rates and At-Risk Pay for (a) CEOs of Crown Corporations and (b) for Canadian Government Executives and Deputy Ministers (from "Treasury Board of Canada Secretariat. Advisory Committee on Senior Level Retention and Compensation Sixth Report: May 2003").

Examples for Canadian Crown Corporations (from: "Treasury Board of Canada Secretariat. Advisory Committee on Senior Level Retention and Compensation Second Report: March 2000):

Group 1

Atlantic Pilotage Authority
Great Lakes Pilotage Authority

Group 2

Canadian Race Relations
Foundation
Enterprise Cape Breton Corporation
Laurentian Pilotage Authority
Pacific Pilotage Authority

Group 3

Defence Construction (1951)
Limited
Federal Bridge Corporation Limited
Freshwater Fish Marketing
Corporation
Standards Council of Canada

Group 4

Canadian Dairy Commission
Canadian Film Development Corp

Canadian Museum of Nature
National Arts Centre Corporation
National Gallery of Canada
Nat. Museum Science & Technol.
Corp.

Group 5

Canada Council
Canada Lands Company Limited
Canadian Commercial Corporation
Can. Museum of Civilization Corp.
Marine Atlantic Incorporated
National Capital Commission

Group 6

Canada Deposit Insurance
Corporation
Cape Breton Development
Corporation
Farm Credit Corporation
International Dev. Research Centre

Group 7

Business Development Bank of
Canada
Export Development Corporation
Royal Canadian Mint
Via Rail Canada Incorporated

Group 8

Atomic Energy of Canada Limited
Can. Mortgage and Housing Corp.

Group 9

Bank of Canada
Canadian Broadcasting
Corporation

Group 10

Canada Post Corporation
Benchm. of Current Cash
Compensation
External Benchmarking

Annex 8. Budget Estimate for 2005

NORTHWEST ATLANTIC FISHERIES ORGANIZATION
Budget Estimate for 2005
(Canadian Dollars)

	Approved Budget for 2004	Projected Expenditures for 2004	Preliminary Budget Forecast for 2005	Budget Estimate for 2005
1. Personal Services				
a) Salaries	\$842,000	\$842,000	\$856,000	\$864,000
b) Superannuation and Annuities	78,000	80,000	83,000	92,000
c) Group Medical and Insurance Plans	88,000	72,500	89,000	87,000
d) Termination Benefits	50,000	50,000	25,000	30,000
e) Accrued Vacation Pay	1,000	1,000	1,000	5,000
f) Termination Benefits Liability	10,000	10,000	10,300	10,300
g) Clerical (CR) Retroactive Salary Liability	27,000	27,000	27,000	27,700
2. Travel	19,000	17,500	38,700	45,000
3. Transportation	1,000	1,000	1,000	1,000
4. Communications	30,000	29,000	30,000	30,000
5. Publications	20,000	30,000	20,000	25,000
6. Other Contractual Services	50,000	50,000	43,000	47,000
7. Additional Help	1,000	1,000	1,000	3,000
8. Materials and Supplies	30,000	30,000	30,000	30,000
9. Equipment	20,000	17,000	20,000	15,000
10. Meetings				
Annual General Meeting and Scientific Council Meetings	75,000	77,000	73,000	72,000
Inter-sessional Meetings	45,000	36,000	40,000	36,000
Scientific Council Special Session	5,000	5,000	-	-
Annual Meeting Reception	-	-	-	-
Hospitality Allowance	-	-	-	3,000
11. Computer and Web Services				
Computer and Web Services	33,000	33,000	25,000	31,000
Vessel Monitoring System	75,000	79,000	35,000	45,000
12. Recruitment and Relocation	-	-	-	-
	\$1,500,000	\$1,488,000	\$1,448,000	\$1,499,000

Notes on Budget Estimate 2005
(Canadian Dollars)

Notes on Budget Estimate 2005
(Canadian Dollars)

Re Item 1(a)	Salaries Salaries budget estimate for 2005 includes a 2.5% economic increase. The actual increase will be based on the economic increases received in the equivalent classifications of the Public Service of Canada.	\$864,000
Re Item 1(b)	Superannuation and Annuities Employer's portion (includes employer normal cost, past service liability and early retirement provisions) and administration costs.	\$92,000
Re Item 1(d)	Termination Benefits This figure is for 2005 credits and conforms to NAFO Staff Rule 10.4(a).	\$30,000
Re Item 2	Travel Travel costs associated with the following:	\$45,000
	i) the Executive Secretary and the Chair of STACREC to the Co-ordinating Working Party on Fish Statistics (CWP), 21 st Session, and the Fisheries Resources Monitoring Systems (FIRMS) Steering Committee Meeting and Workshop, 2 nd Session, of the Food and Agriculture Organization of the United Nations (FAO), February/March 2005, Copenhagen, Denmark; and,	\$14,000
	ii) the 26 th Session of the FAO Committee on Fisheries (COFI) and the Fourth Meeting of Regional Fisheries Bodies (RFB), February/March 2005, at FAO Headquarters, Rome, Italy; and,	6,000
	iii) the Annual Meeting of North Atlantic Regional Fisheries Management Organizations (NARFMO), Rome, Italy; and,	6,500
	vi) the Annual Meeting of the International Fisheries Commissions Pension Society, April 2005, Victoria, British Columbia, Canada; and,	9,000
	v) the Review operations of the North-East Atlantic Fisheries Commission Secretariat; and,	5,000
	vi) Miscellaneous and unforeseen travel; and,	4,500
	vii) the Technical Working Group of Fisheries Resources Monitoring Systems (FIRMS).	
Re Item 4	Communications Postage Telephone Courier/Mail service Fax	\$30,000 \$13,000 12,800 3,200 1,000
Re Item 5	Publications Conservation and Enforcement Measures, Convention, Inspection Forms, Journal of Northwest Atlantic Fishery Science, Meeting Proceedings, Rules of Procedure, Scientific Council Reports, Scientific Council Studies, etc.	\$25,000

Re Item 6	Other Contractual Services	\$47,000
	Leases:	
	• Color laser printers (including buyout option)	\$9,400
	• Photocopier	8,000
	• Print department copier	7,900
	• Postage meter	3,900
	Maintenance Agreements:	
	• Photocopier, printers and telephones	4,000
	Other Contracts:	
	• Audit	7,000
	• Consulting & legal fees	4,000
	• Fidelity bond and fire insurance	2,500
	• P.O. box rental	300
Re Item 7	Additional Help	
	Additional help required for Scientific Council recommendation to complete task of digitizing observer data.	\$3,000
Re Item 10	Meetings	
	i) Annual General Meeting and Scientific Council Meetings:	\$72,000
	This figure includes the cost for the 27 th Annual Meeting, September 2005, Tallinn, Estonia, the Scientific Council Meeting, June 2005 and the Scientific Council Shrimp Meeting, November 2005, to be held in Halifax/Dartmouth, Nova Scotia, Canada.	
	ii) Inter-sessional Meetings:	36,000
	General provision for inter-sessional meetings	
	iii) Scientific Council Special Session	-
	iv) Annual Meeting Reception	-
	v) Hospitality Allowance	3,000
Re Item 11	Computer and Web Services	
	Computer and Web Services:	\$31,000
	• Computer supplies and equipment	\$13,000
	• Training and professional development	10,000
	• Software updates	5,000
	• Consulting and maintenance	2,000
	• Web hosting	1,000
	Vessel Monitoring System (VMS)	\$45,000
	• Annual Operating Expenses	\$37,000
	• Possible recommendation to come from STACTIC during the Annual Meeting for programming changes to harmonize the VMS message format and reports by fishing vessels consistent with the formats used in NEAFC. The budget amount has been estimated and will be updated during the Annual Meeting.	8,000

Annex 9. Preliminary Calculation of Billing for 2005

Preliminary calculation of billing for Contracting Parties
against the proposed estimate of \$1,499,000 for the 2005
financial year (based on 13 Contracting Parties to NAFO).
(Canadian Dollars)

Budget Estimate	\$1,499,000.00
Deduct: Amount from Accumulated Surplus Account	178,254.00
Funds required to meet 2005 Administrative Budget	<u>\$1,320,746.00</u>

60% of funds required =	\$792,447.65
30% of funds required =	396,223.75
10% of funds required =	132,074.60

Contracting Parties	Nominal Catches for 2002	% of Total Catch in the Convention Area	% of Total Catch in the Convention Area			Amount Billed
			10%	30%	60%	
Bulgaria	-	-	-	\$30,478.75	-	\$30,478.75
Canada	507,877	54.04%	\$81,998.61	\$30,478.75	\$428,238.69	540,716.05
Cuba	-	-	-	\$30,478.75	-	30,478.75
Denmark (in respect of Faroe Islands and Greenland) (1,2)	143,532	15.27%	23,173.77	\$30,478.75	121,006.76	174,659.28
European Union (1)	68,935	7.33%	-	\$30,478.75	58,086.42	88,565.17
France (in respect of St. Pierre et Miquelon)	3,196	0.34%	516.01	\$30,478.75	2,694.33	33,689.09
Iceland	6,878	0.73%	-	\$30,478.75	5,784.87	36,263.62
Japan	3,256	0.35%	-	\$30,478.75	2,773.57	33,252.32
Republic of Korea	-	-	-	\$30,478.75	-	30,478.75
Norway (1)	14,362	1.53%	-	\$30,478.75	12,124.45	42,603.20
Russian Federation	28,412	3.02%	-	\$30,478.75	23,931.92	54,410.67
Ukraine	-	-	-	\$30,478.75	-	30,478.75
United States of America (1)	163,429	17.39%	26,386.21	\$30,478.75	137,806.64	194,671.60
	939,877	100.00%	\$132,074.60	\$396,223.75	\$792,447.65	<u>\$1,320,746.00</u>
Funds required to meet 1 January - 31 December 2005 Administrative Budget						<u>\$1,320,746.00</u>

(1) Provisional Statistics used when calculating 2002 nominal catches which have not been reported from Contracting Parties.

(2) Faroe Islands = 9,149 metric tons
Greenland = 134,383 metric tons

Annex 10. Preliminary Budget Forecast for 2006 and 2007
(Canadian Dollars)

		Preliminary Budget Forecast for 2006	Preliminary Budget Forecast for 2007
1.	Personal Services		
	a) Salaries	\$ 802,000	\$ 738,000
	b) Superannuation and Annuities	79,000	74,000
	c) Group Medical and Insurance Plans	85,300	76,000
	d) Termination Benefits	38,000	25,000
	e) Accrued Vacation Pay	5,000	1,000
	f) Termination Benefits Liability	-	-
	g) Clerical (CR) retroactive salary liability	27,700	-
2.	Travel	35,000	35,000
3.	Transportation	1,000	1,000
4.	Communications	30,000	30,000
5.	Publications	25,000	25,000
6.	Other Contractual Services	41,000	41,000
7.	Additional Help	10,000 ^a	1,000
8.	Materials and Supplies	30,000	30,000
9.	Equipment	20,000 ^b	10,000
10.	Meetings		
	Annual General Meeting and Scientific Council Meetings	83,000 ^c	79,000 ^c
	Inter-sessional Meetings	36,000	36,000
	Scientific Council Special Session	5,000	5,000
	Annual Meeting Reception	20,000	20,000
	Hospitality Allowance	5,000	5,000
11.	Computer and Web Services		
	Computer and Web Services	31,000	31,000
	Vessel Monitoring System	78,000 ^d	78,000 ^d
12.	Recruitment and Relocation	44,000 ^e	-
		\$1,531,000	\$1,341,000

^a Additional help 2006 forecast is a continuation of Scientific Council recommendation of digitizing observer data.

^b Equipment 2006 forecast includes \$10,000 for office renovations.

^c Forecasted costs associated with Annual Meetings, September 2006/2007 and Scientific Council Meetings, June and November 2006/2007.

^d Vessel Monitoring System forecasts for 2006/2007 include \$40,000 each year for programming changes, if required.

^e Recruitment and Relocation costs forecast for 2006 are to replace the anticipated retirement of the Deputy Assistant Secretary.

PART III

Report of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. Opening by Chairman

As the Chair Mr. Daniel Silvestre (France – on behalf of St. Pierre et Miquelon) was unable to attend, the Vice-Chair Ms. Nadia Bouffard (Canada) opened the meeting at 10 AM on 13 September 2004. The meeting was attended by representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), France (on behalf of St. Pierre et Miquelon), Iceland, Japan, Norway, the Russian Federation, and the United States of America (Annex 1).

2. Appointment of Rapporteur

Ms. Nathalie Girouard (Canada) was appointed rapporteur.

3. Adoption of Agenda

The agenda was adopted (Annex 2).

4. Review of 2004 information on activities of Non-Contracting Party vessels in the Regulatory Area

The Chair drew attention to the STACFAC Working Paper 04/7, the compilation of the correspondence with Non-Contracting Parties prepared by the Secretariat, and its addendum, a report from Canada on Non-Contracting Party vessels sighted in the NAFO Regulatory Area.

Canada indicated that the following eight Non-Contracting Party vessels were sighted fishing in Subarea 2 and Division 1F of the NAFO Regulatory Area: Oyra, Ostroe, Okhotino, Olchan, Ostrovets, Ozherelye, Lisa and Pavlosk. The first five of these vessels were sighted engaged in fishing activities in the NAFO Regulatory Area in 2003 flying the flag of Dominica and in 2002, flying the flag of Belize. The vessel Lisa is believed to be the Kadri, which has changed its name and its flag. Canada explained that in attempting to determine the flag and the registration of these vessels, it had encountered conflicting information from Lloyds registry, Cypriot officials and the masters of the 4 vessels that were contacted. Specifically, Okhotino, Orchan, Ostrovets and Ozherelye were initially believed to be registered in Dominican Republic, but during the 2004 annual meeting, the EU was able to confirm that all these vessels are actually flagged by Dominica.

Based on the area in which the vessels were sighted as well of the time of year they were fishing, it may be inferred that they were directing their fishery for oceanic redfish.

It was suggested that the General Council task the Secretariat to reformat the review of information on Non-Contracting Party vessels, including the history of specific Non-Contracting Party vessels fishing from year-to-year in the NAFO Regulatory Area, in a manner similar to that of the International Commission on the Conservation of Atlantic Tunas.

It was further suggested that Contracting Parties be reminded of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.

5. Review of 2004 information on landings and transshipments of fish caught by Non-Contracting Party vessels in the Regulatory Area

No information on transshipments and landings of fish by Non-Contracting Parties in the NAFO Regulatory Area was presented for 2004.

Iceland noted that the following cargo vessels, though not sighted in the process of transshipping, were seen in the NEAFC Regulatory Area, in the general area of Non-Contracting Party vessels that were later sighted by Canada in the NAFO Regulatory Area (as mentioned in item 4):

Date	Name	Flag state	Vessel number
26 April 2004	Razna-ELPI3	Liberia	6149N-2918JJ
27 May 2004	Sunny Jane	Belize	6147N-3050JJ
10 June 2004	Caribbean Lady-9HBG7	Malta	6208N-3112JJ

6. Review of information on imports of species regulated by NAFO from Non-Contracting Parties whose vessels have fished in the Regulatory Area

No information on imports was presented for 2004.

7. Reports by Contracting Parties on diplomatic contacts with Non-Contracting Party Governments concerning fishing in the Regulatory Area

EU presented further information regarding the diplomatic demarches to Belize, Dominica and Dominican Republic as per the STACFAC Working Paper 04/7. Belize replied and indicated that it had deregistered the vessels in question. The Dominican Republic replied stating that they were not the flag states of the vessels: Seal, Ostroe, Okhotino, Olchan and Ostrovets, which were in fact flying the flag of Dominica when sighted in the NAFO Regulatory Area in 2003. It was noted that a demarche was subsequently delivered to the Commonwealth of Dominica on 23 February 2004. No reply has been received from Dominica.

STACFAC members agreed that another letter should be written to Dominica noting the lack of response to the initial letter of the 23 February 2004. The EU and Canada drafted the letter (Annex 3), which addresses again the concerns of NAFO members with the continuation of illegal fishing activities of these Dominica flagged vessels in the NAFO Regulatory Area. The letter requests Dominica authorities to investigate the reported activities by these Dominica-flagged vessels and to provide NAFO members feedback on the results of the investigation taken, as well on any administrative or legal actions that the Dominican authorities might have taken against these vessels.

The EU suggested that the letter be given to the Dominica representatives in Brussels as a diplomatic demarche. Canada and USA agreed to be part of the delivery of the letter. The EU also encouraged other Parties to participate in the delivery of this letter.

8. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO

Noting the significant progress achieved at the June 2004 intersessional meeting of STACFAC in addressing concerns raised previously, the chair suggested that the group begin its work on the EU text (STACFAC Working Paper 04/3, version 4) (Annex 4) by first discussing the remaining bracketed text before proceeding to a clause by clause examination. Japan, who was unable to attend the intersessional meeting, provided additional comments to the text.

Japan requested further precision on Article 6, regarding the scope of the definition of *fish* in the paragraphs 1 and 2. Japan voiced concerns about whether these provisions would also apply to import restriction and asked that wording specify fish under NAFO conservation and enforcement measures. Other Parties felt that this would actually weaken gains of the existing scheme and the brackets remained in Articles 6(1) and 6(2).

In addition, square brackets remain on Articles 2(5), 7(5), 7(6) and 10(1), which relate to the Norwegian proposal regarding the process for the automatic listing of Non-Contracting Party vessels. Some STACFAC members questioned whether automatic listing would jeopardize the rights of Non-Contracting Party vessels to due process if they are listed simply because they have not responded to NAFO's request. It was suggested that transferring vessels from a provisional list to the IUU list should occur only as a result of a decision by the General Council. Several STACFAC members questioned whether an annual process for listing would render the IUU list less effective and provide ample time for vessels to reflag or change ownership. No consensus was reached; therefore, Iceland asked to retain the bracketed text for future discussion on this matter.

Japan has requested that given an IUU list of Non-Contracting Party vessels will be put on the NAFO public website, any similar list of Contracting Party problem vessels should in the future also be on the NAFO public website. Japan indicated that this would be required to prevent discrimination under the World Trade Organization rules.

There was no consensus on the inclusion of provisions relating to trade restricted measures in the revised scheme. Several STACFAC members were concerned that a scheme calling for the imposition of trade measures against Non-Contracting Parties without a similar scheme applicable to Contracting Parties could be inconsistent with World Trade Organization's requirements for fair and non-discriminatory treatment. Canada, supported by Japan, maintains a reservation on the entry into force of the trade provisions of Article 10 until such time as a similar scheme would be adopted for Contracting Parties. One Party believed that such measures are the only means of addressing non-cooperation by Non-Contracting Parties whereas a different mechanism exists in NAFO to address non compliance by its members. This Party expressed the view that the adoption of this scheme without trade measures would render it ineffective and were unable to agree to a text without the measures envisaged in Article 10(3), 10(4) and 10(5).

The suggestion for a prohibition of exports of fishing vessels from Contracting Parties to certain Non-Contracting Parties was considered to be related to trade issues and remains in brackets (10(X)).

Although extensive discussions took place during the meeting and progress was made on a number issues no consensus was reached on the remaining bracketed text during the STACFAC meeting (STACFAC Working Paper 04/10, version 2) (Annex 5).

9. Election of a Chair and Vice-Chair

The Chair brought to the attention of the Committee that the terms of service of both the Chair and the Vice-Chair would soon expire. M s. Nadia Bouffard (Canada) was elected as Chair for the next two years. Mr. Gene S. Martin (USA) was elected as Vice-Chair for the next two years.

10. Report and Recommendations to the General Council

STACFAC recommends to the General Council that:

1. the General Council remind Contracting Parties of their obligations to inspect the Non-Contracting Party vessels when they enter Contracting Party ports, and to prohibit landings and transshipment from these Non-Contracting Party vessels, where warranted. Information shall be sent without delay through the Secretariat to all NAFO Contracting Parties, with a view to tracking the activities of these Non-Contracting Party vessels.
2. the General Council ask the Secretariat to compile a package on the history of Non-Contracting Party fishing vessels using a similar format as is used in the International Commission for the Conservation of Atlantic Tunas, to facilitate discussion at future STACFAC meetings;
3. the letter in response to the sightings of Dominica-flagged vessels engaged in IUU fishing activities be delivered by the EU to the Dominica representative in Brussels as a diplomatic demarche. Canada and USA have consented to participate and other NAFO Parties are encouraged to also be part of this demarche.

4. the General Council mandate STACFAC to review and continue discussions on the Norwegian proposal (STACFAC Working Paper 04/8) on joint NAFO and NEAFC scheme to promote compliance by Non-Contracting Party vessels at the next NAFO annual meeting.
5. the General Council task the Executive Secretary to draft a response to the Belizean letter inserting paragraphs developed by STACFAC regarding the issue of Co-operating Non-Contracting Party status in NAFO as well as availability of quotas.

11. Other Matters

Norway presented a proposal for a joint scheme between NAFO and NEAFC (STACFAC Working Paper 04/8) (Annex 6) for Non-Contracting Party vessels to promote the compliance of these vessels present in both NAFO and NEAFC Regulatory Areas. STACFAC members agreed to communicate any preliminary comments to Norway during the intersessional period. Members agreed to recommend to General Council that STACFAC be mandated to review the proposal for a joint NAFO and NEAFC scheme at the next NAFO annual meeting.

The Chair also drew attention on the STACFAC Working Paper 04/9 (Annex 7), an email sent to NAFO by the International Merchant Marine Registry of Belize (IMMARBE) requesting information on the procedures for becoming a co-operating Non-Contracting Party. The group acknowledged that no such formal mechanism exists in NAFO. Further, it was suggested that a response be drafted and sent to Belize by the President of NAFO. It should acknowledge Belize's willingness to cooperate, fully elaborate the measures with which they must cooperate and invite Belize to join as a member. The current status of fishing opportunities would also be explained.

The US drafted the following text to be included in the response letter that will be sent to IMMARBE:

“At this time, NAFO's rules and regulations do not offer any provision for granting a formal designation of Cooperating Non-Contracting Party. Non-Contracting Parties are not eligible for quotas of NAFO stocks. Nonetheless, NAFO encourages the cooperation and collaboration of non-contracting parties with NAFO's conservation and management regime. Whether flagged to a contracting party or non-contracting party, any vessels fishing for species covered by the NAFO Conservation and Enforcement Measures are expected to observe all applicable requirements. Many of these are elaborated below, but they also include rules regarding catch reporting, observer coverage, and the use of vessel monitoring systems.

Many NAFO stocks are in poor shape, and Contracting Party fishing opportunities for these species are very limited. However, we encourage Belize to consider becoming a contracting party to NAFO if there are Belizean vessels who are interested in fishing in the NAFO Regulatory Area.”

It was agreed that the General Council recommend the insertion of these two paragraphs in the reply letter that will be prepared by the Executive Secretary.

12. Adjournment

The Committee adjourned at 2100 hrs on 15 September 2004.

Annex 1. List of Participants

Canada	Nadia Bouffard Nathalie Girouard Heather Olsen Kym Purchase
Denmark (in respect of Faroe Islands and Greenland)	Dorthe Lillelund Emanuel Rosing
European Union	Fuensanta Candela Castillo Monica Martinez-Castañeda
France (in respect of St. Pierre et Miquelon)	Alice Rozié
Iceland	Kolbeinn Arnason Guðrður Kristjánsdóttir
Japan	Miwako Takase
Norway	Jan Pieter Groenhof
Russia	Alexander Okhanov
USA	Deirdre Warner-Kramer Gene Martin

Annex 2. Agenda

1. Opening by Chairman, Daniel Silvestre (France-SPM)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of 2004 information on activities of non-Contracting Party vessels in the Regulatory Area
5. Review of 2004 information on landings and transshipments of fish caught by non-Contracting Party vessels in the Regulatory Area
6. Review of information on imports of species regulated by NAFO from non-Contracting Parties whose vessels have fished in the Regulatory Area
7. Reports by Contracting Parties on diplomatic contacts with non-Contracting Party Governments concerning fishing in the Regulatory Area
8. Continuation of intersessional discussion on a modification of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the CEM established by NAFO
9. Election of Chair and Vice-Chair
10. Report and Recommendations to the General Council
11. Other Matters
12. Adjournment

Annex 3. Letter to Dominica

Mr Osbourne Riviere.
Minister for Foreign Affaires, Trade and Marketing
Government Headquarter, Kennedy Avenue
Roseau
Commonwealth of Dominica

Dear Mr. Minister:

I refer to my letter dated 24 February 2004 (attached in Annex 1) on the matter of certain vessels which have been sighted while engaging in fishing activities in the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO), and which, according to available information, are flagged to Dominica. I have once again been mandated by the members of NAFO to draw your attention to these activities.

In my previous letter, I referred to diverse reports that identified the vessels Seal, Oyra, Okhatino, Ostrovets, Olchan and Ostroe as sighted while engaging in fishing activities in the NAFO Regulatory Area during 2003. Reports concerning the vessel Kadri were also communicated. Relevant information regarding such reports was sent in attachment for your reference. Further, concern was expressed that these vessels were continuing their illegal fishing activities in the NAFO Regulatory Area under the flag of Dominica, thereby undermining the effectiveness of Conservation and Management Measures established by NAFO.

I wish to convey to you my displeasure and that of the NAFO Membership on account of the fact that your administration has not yet replied to my letter, in particular since our concerns have proven well-founded and new evidence pointing at the continuation of the illegal activities of Dominica-flagged vessels has been received and examined by NAFO during its 25th Annual Meeting held in Dartmouth, Canada, 13 to 17 September 2004.

In this respect, during the 2004 fishing season, a total of 8 vessels, which according to enquiries led by NAFO Members, are flagged to Dominica, were sighted while engaging in fishing activities in the NAFO Regulatory Area. The list of these vessels includes Oyra, Okhatino, Ostrovets, Olchan, Ostroe and Kadri, the latter under a new name, Lisa, all of which were reported last year, plus two further vessels, Pavlovsk and Ozherelye. Each of them was sighted at least twice in NAFO Division 1F during a period spanning July 27 to September 1 this year. Data retrieved from the Registry of Dominica internet site (Greece branch) identify all these vessels as flagged to Dominica, information effective May 2004. Information pertaining to these sightings and the registration data source is attached (Annex 2) for your convenience.

NAFO and its members note with concern that their efforts to ensure sustainable management of the fisheries resources placed under NAFO competence in the Northwest Atlantic are jeopardized by continued illegal, unreported and unregulated fishing activities (IUU fishing) carried out by vessels which do not submit to the Organization's rules. Under the current provisions of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Management Measures established by NAFO, it is required that instances such as those reported in relation to the vessels referred to above be brought to the attention of the flag state.

It is therefore with the utmost urgency that I once again ask of the Commonwealth of the Dominica to recognize the request of NAFO and its members to investigate the reported activities by Dominica-flagged vessels and to provide feedback on the results of such enquiries and investigations as well on any administrative or legal action the Dominica authorities might have taken to ensure that these vessels cease and desist from fishing activities that undermine the effectiveness of the NAFO Conservation and Management Measures.

In this respect, I would draw your attention, as in my previous letter, to the fact that the international community has recognized that global cooperation is needed to prevent, deter and eliminate IUU fishing and has committed that states not party to regional fisheries management organizations are not discharged from their obligation to cooperate with those organizations. To discharge this obligation to cooperate, states have agreed to apply the conservation and management measures adopted by the organization or adopt measures consistent with those conservation and management measures and should ensure that vessels entitled to fly their flag do not undermine such measures.

Integral to these undertakings is the need for flag states to be responsible for their vessels and to ensure that appropriate enforcement action is taken against vessels that do undermine conservation and management measures adopted by regional fisheries management organizations. While this may mean deregistration of vessels, it is vital that other appropriate measures on the vessels' activity be considered. These include prosecution, withdrawal of licenses to fish and sanctions that are adequate in severity to be effective in securing compliance, discouraging violations and depriving offenders of the benefits accruing from those activities.

There are tools available to assist responsible flag states in pursuing the global approach needed to ensure sustainable fisheries. For example, in doing the checks necessary to ensure that a flag state is not registering a vessel previously registered elsewhere and found to be engaged in IUU fishing, the International Network for the Cooperation and Coordination of Fisheries-Related Monitoring, Control and Surveillance Activities (International MCS Network) can be helpful. NAFO members would encourage Dominica to become a member of the International MCS Network and designate a contact for it. You can find information on the International MCS Network in the FAO Technical Guidelines on the Implementation of the IPOA on IUU (pages 17-20 and Appendix II) and online at <http://www.imcsnet.org>.

It is essential that all flag states take steps such as those noted above to avoid registration of IUU vessels and to act responsibly in enforcement matters if flag-hopping – the repeated and rapid changes of a vessel's flag for the purposes of circumventing conservation and management measures – is to be successfully combatted.

All of NAFO's Conservation and Enforcement Measures as well as additional information about the Organization may be found on the NAFO's web site at: <http://www.nafo.int>. [I would particularly draw your attention to the text of the Scheme to Promote Compliance by Non-Contracting Party Vessels with the Conservation and Management Measures established by NAFO as amended by the Organization during its 25th Annual meeting. The amended scheme will enter into force (---) and will as of then provide a basis for the establishment of a listing of vessels flying the flag of Non-Contracting Parties to NAFO that have been identified as engaging in IUU fishing in the NAFO Regulatory Area. Under these recently adopted provisions, NAFO Contracting Parties are called to take appropriate measures in respect of vessels included in the IUU list which may include, among others, refusal of landing, transshipment, refueling and re-supply and other operations in their ports, refusal of licenses to fish in waters under their jurisdiction and prohibition of chartering and re-flagging. Appearance on the list may result in trade restrictive measures in respect of the flag state. Finally, information relative to such vessels is shared with other Regional Fisheries Management Organizations for the purposes – as appropriate –of the implementation of similar Schemes that many among these other Organizations have also adopted.]

I thank you in advance for your earliest possible attention to these matters and I look forward to your prompt reply on any information you have with regard to the activities of the vessels mentioned above as well as any appropriate actions taken vis à vis these vessels.

Sincerely,

David Bevan
President of NAFO

cc: Caribbean Community (CARICOM)

**Annex 4. Working Paper presented by the EU on Modification of the NCP Scheme
at STACFAC Meeting, June 2004 (STACFAC W.P. 04/3, Version 4)**

**SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY
VESSELS WITH RECOMMENDATIONS ESTABLISHED BY NAFO**

(These amendments are intended to replace Chapter VI of the CEM Overhaul, pending the final adoption of that document. Numbering of articles in this section would thus need to be corrected.)

**Article 1
Scope and Objectives**

1. The purpose of this Scheme is to prevent, deter and eliminate fishing activities by non-Contracting Party vessels that undermine the effectiveness of the Conservation and Enforcement measures established by the Organization.]¹
2. Nothing in this scheme shall affect the sovereign rights of Contracting Parties to impose additional measures to promote compliance by NCP vessels, in accordance with international law.
3. This Scheme shall be interpreted in a manner consistent with international law, including the principles, rights and obligations in WTO agreements, and be implemented in a fair and transparent manner.

**Article 2
Definitions**

(These definitions would be inserted in Article 2 of the CEM Overhaul, where those of ‘Fishing activities’ and ‘Inspectors’ are already included, pending final adoption of the Overhaul.)

1. “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party, including vessels for which there are reasonable grounds for suspecting them to be without nationality.
- TO BE DELETED AS ALREADY IN CEM*
2. “Fishing activities” means fishing, fish processing operations, the transshipment of fish or fish products and any other activity in preparation for or related to fishing in the Regulatory Area.
 3. “Inspector” means an inspector of the fishery control services of the Contracting Parties assigned to the Scheme of Joint International Inspection and Surveillance.
 4. “IUU fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
 5. “IUU List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
 6. “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI.

¹Draft proposed by the Chair, not yet discussed by the Chairman.

Article 3

Sightings and identifications of non Contracting Party vessels / Presumption of NCP vessels undermining NAFO Conservation and Enforcement Measures

1. A non-Contracting Party vessel that has been sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Regulatory Area is presumed to be undermining the effectiveness of Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel, inside or outside the Regulatory Area, the presumption of undermining Conservation and Enforcement Measures applies to any other non-Contracting Party vessel that has engaged in such activities with that vessel.
2. Information regarding such sightings or identifications shall be immediately transmitted to the Secretariat. For sightings, the Surveillance Report provided in Annex XII shall be used. The Secretariat shall then transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the flag State as soon as possible.
3. The Contracting Party shall attempt to inform the vessel that it has been sighted or identified engaging in fishing activities, and is accordingly presumed to be undermining the Conservation and Enforcement Measures, and that this information will be distributed to all Contracting Parties, other Regional Fisheries Management Organizations and to the flag State of the vessel.

Article 4

Inspections at sea

1. NAFO inspectors shall, if appropriate, request permission to board non-Contracting Party vessels that are sighted engaging in fishing activities in the Regulatory Area. If the vessel consents to be boarded the inspectors' findings shall be transmitted to the Secretariat without delay. The Secretariat shall transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the Flag State as soon as possible. The non-Contracting Party vessel that is boarded shall be provided with a copy of the findings of the NAFO inspectors.
2. Where evidence so warrants, a Contracting Party may take such action as may be appropriate in accordance with international law. Contracting Parties are encouraged to examine the appropriateness of domestic measures to exercise jurisdiction over such vessels.

Article 5

Inspections in port

1. When a non-Contracting Party vessel referred to in Article 3(1) enters a port of any Contracting Party, it shall be inspected by authorised Contracting Party officials knowledgeable of the Conservation and Enforcement Measures (and this Scheme), and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area.
2. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall immediately be transmitted to all Contracting Parties and other relevant Regional Fisheries Management Organizations through the NAFO Secretariat, and as soon as possible to the relevant flag State(s).

Article 6
Fishing activities

- [1. Contracting Parties shall ensure that their vessels do not receive transshipments of fish from a non-Contracting Party vessel [referred to in Article 3] or engage in joint fishing operations with such vessels.]²
2. Landings and transshipments of all fish from a non-Contracting Party vessel to which this Scheme applies shall be prohibited in all Contracting Party ports, unless:
 - a) The vessel establishes that the fish were caught outside the Regulatory Area; or
 - b) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures.
3. Contracting Parties denying landings or transshipments shall inform the vessel, the flag State of the vessel and the NAFO Secretariat of this decision.

Article 7
Notification of presumed IUU activities and establishment of a Provisional List

1. Upon receipt of information from Contracting Parties pursuant to Articles 3 to 6, the secretariat shall enter the flag State, vessel name and letters and numbers of registration, and other identifying features of the vessel as available, on a Provisional List. The Secretariat shall place the Provisional List on a secure section of the NAFO website.

[In addition to sighting reports and information on sea or port inspections, Contracting Parties may at any time submit to the Secretariat any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing in the Regulatory Area.]³
2. At the same time, the Secretariat shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting party:
 - a. the reasons for the inclusion on the Provisional List and all relevant evidence upon which inclusion of the vessel on the list is based;
 - b. a copy of the NAFO Conservation and Enforcement Measures, including this Scheme;
 - c. request that it take measures in accordance with its applicable legislation to ensure that the vessel or vessels in question desist from any activities that undermine the effectiveness of Conservation and Enforcement Measures;
 - d. a reminder that trade restrictive measures may be imposed if the flag State does not take effective measures to ensure that the vessel or vessels in question desist from activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures;
 - e. a request to report back to NAFO [within 30 days from the date the letter is sent]⁴ on the results of enquiries and/or measures it has taken in respect of the vessel or vessels concerned.; and,
 - f. the dates when STACFAC and the General Council will be considering recommendations with respect to the composition of the IUU List, and an invitation to the non-Contracting Party to attend the meeting of STACFAC and the General Council as an observer, with the opportunity to further respond to the request specified in sub-paragraph e).
3. The Secretariat shall promptly provide non-Contracting Parties concerned with any additional information received pursuant to Articles 3 to 6 in respect of vessels flying their flag that have already been included on the Provisional List.

²Language bracketed pending outcome of discussions on a) the possibility of prohibiting at sea transshipment from all NCP vessels (not just those sighted etc) and b) the possibility that a proposal is made to the Organisation to prohibit all transshipments at sea.

³The Committee agreed on the substance of this paragraph – Article 8(2) of the initial proposal. Language not yet discussed.

⁴Deadline subject to the outcome of discussion on the general cycling of the listing procedure and the cutoff date established in Article 8.2, still to be decided. Cf. footnote 5.

4. The Secretariat shall promptly distribute any information received from non-Contracting Parties to all Contracting Parties.
5. [If a non-Contracting Party that has received information regarding one of the vessels entitled to fly its flag pursuant to paragraph 2 does not object to a listing by the deadline established under paragraph 2, subparagraph e), the vessel concerned shall be transferred from the Provisional List to the IUU List.
6. Vessels that have been transferred from the Provisional List to the IUU List in this manner shall be retransferred to the Provisional List if the flag State at any date prior to X days before the Annual Meeting of STACFAC reacts in writing to the information received. If the vessel is retransferred to the Provisional List in this manner the decision whether to put the vessel on the IUU List shall be referred to STACFAC.]⁵

Article 8
Establishment of the IUU list

1. STACFAC shall consider the Provisional List and as appropriate recommend to the General Council that the vessels either:
 - a) be removed from the Provisional List;
 - b) be retained on the Provisional List pending the receipt of further information; or,
 - c) be transferred to the IUU List.
2. [STACFAC shall only consider vessels for inclusion on the IUU list if the period referred to in Article 7.2.e) has elapsed.]⁶
3. STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained thereon or removed. STACFAC shall only recommend that the General Council remove a vessel from either the Provisional or IUU list if the flag State of the vessel concerned provides satisfactory information to establish that:
 - a) it has taken effective action in response to the IUU fishing in question, including prosecution and imposition of sanctions of adequate severity;
 - b) it has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing;
 - c) the vessel has changed ownership and the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it [and that the new owner has not participated in IUU fishing]⁷; or,
 - d) the vessel did not take part in IUU fishing.
4. The General Council shall review the recommendations made by STACFAC pursuant to this Article, and shall determine the composition of the IUU List.
5. The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the previous name (s), the previous flag state (s), the radio call sign.
6. The Secretariat shall provide to relevant flag States the names of vessels on the IUU List flagged to that state.

⁵ Reservations expressed with respect to automatic listing.

⁶ Cutoff date to be determined and subject to the outcome of discussions on the general cycling of the procedure. Cf. footnote 3.

⁷ Reservations expressed on preferences for more specific language.

Article 9
Follow-up action

CPs shall take all necessary measures to the extent possible in accordance with their applicable legislation, in order that:

- a) vessels appearing in the IUU List are not authorised to land, tranship, refuel or re-supply, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction;
- b) fishing vessels, including support vessels, refuel vessels, the mother ships and cargo vessels flying their flag do not in any way assist, or participate in transshipment or any other activity in preparation for or related to fishing or joint fishing activities with vessels appearing on the IUU List;
- c) the issuing of licences to vessels appearing on the IUU List to fish in waters under their fisheries jurisdiction is prohibited;
- d) the chartering of vessels appearing on the IUU List is prohibited;
- e) the granting of their flag to vessels appearing on the IUU List is prohibited;
- f) importers, transporters and other sectors concerned are encouraged to refrain from negotiating with and from transshipping fish caught by vessels appearing on the IUU List.
- g) appropriate information regarding vessels appearing on the IUU List is collected and exchanged with other Contracting Parties, non-Contracting Parties and other Regional Fisheries management Organisations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

Article 10
Actions vis-a-vis Flag States

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels appear on the IUU List to co-operate fully with the Organisation in order to avoid undermining the effectiveness of the Conservation and Enforcement Measures adopted pursuant to the Convention.
2. The General Council shall review, at subsequent annual meetings as appropriate, actions taken by such non-Contracting Parties and identify those that have not rectified their fishing activities.
3. ⁸ *[The General Council shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 2. In this respect, Contracting Parties may co-operate to adopt appropriate multilaterally agreed trade related measures, consistent with the World Trade Organisation (WTO) that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the General Council. Multilateral trade measures may be used to support co-operative efforts to ensure that trade of fishing products from the Regulatory Area does not in any way encourage IUU fishing or otherwise undermine the effectiveness of NAFO Conservation and Enforcement Measures which are consistent with the United Nations convention on the Law of the Sea 1982.]*

OR:

3. *[Where the Flag State of a vessel identified in paragraph 2 has:*
 - (a) failed or refused to exercise effective control over the vessel flying its flag so as to ensure that the vessel desists from undermining the effectiveness of the NAFO Conservation and Enforcement Measures; and,*
 - (b) received reasonable notice of the consequences of its failure to take effective control and has been provided with an opportunity to respond;*

⁸ Two alternative languages proposed. In addition, reservations on the concept of trade sanctions against NCPs being included in the Scheme.

the General Council may, where no other reasonable means are available to compel the Flag State to exercise effective control over the vessel, recommend that Contracting Parties adopt appropriate non-discriminatory trade restrictive measures against the Flag State in question, consistent with their international obligations

4. *Where trade measures are recommended pursuant to paragraph 3, the Chairman of the General Council shall inform the Flag State in question of the recommendation and again request the Flag State to exercise effective control over the vessel or vessels.*
5. *STACFAC shall review each year all trade restrictive measures that have been adopted and, where circumstances warrant, shall submit for the approval of the General Council, recommendations for the lifting of the measures.]*

[X. Where the flag State of a vessel identified in paragraph 2 has failed or refused to exercise control over the vessel entitled to fly its flag, Contracting Parties shall develop ways to ensure that the export and transfer of fishing vessels to such an identified flag State is prohibited.]⁹

**[Article 11
Entry Into Force¹⁰**

1. Contracting Parties shall adopt a comparable mechanism by no later than the close of the 2006 annual meeting of NAFO that includes additional measures to ensure that Contracting Parties fulfill their obligations not to undermine the NAFO Conservation and Enforcement Measures.
2. Article 10(3) of this Scheme shall not enter into force before the entry into force of the Contracting Party mechanism pursuant to 11(1).1].

⁹ Not yet discussed by the Committee.

¹⁰ Reservations expressed as to the inclusion of this provision in the Scheme. Paragraph 2 linked to the outcome of discussions on Article 10(3), bracketed.

**Annex 5. Revisions on the EU Modification of the NCP Scheme Agreed
during the 2004 NAFO Annual Meeting**
(STACFAC W.P. 04/10, Revision 2)

**SCHEME TO PROMOTE COMPLIANCE BY NON-CONTRACTING PARTY
VESSELS WITH RECOMMENDATIONS ESTABLISHED BY NAFO**

(These amendments are intended to replace Chapter VI of the CEM Overhaul, pending the final adoption of that document. Numbering of articles in this section would thus need to be corrected.)

**Article 1
Scope and Objectives**

1. The purpose of this Scheme is to promote compliance by non-Contracting Party vessels with recommendations established by NAFO and to prevent, deter and eliminate fishing activities by non-Contracting Party vessels that undermine the effectiveness of the Conservation and Enforcement measures established by the Organization.
2. Nothing in this scheme shall affect the sovereign rights of Contracting Parties to impose additional measures to promote compliance by NCP vessels, in accordance with international law.
3. This Scheme shall be interpreted in a manner consistent with international law, including the right of port access in case of force majeure or distress in accordance with the United Nations Convention on the Law of the Sea, and the principles, rights and obligations in WTO agreements, and be implemented in a fair and transparent manner.

**Article 2
Definitions**

(These definitions would be inserted in Article 2 of the CEM Overhaul, where those of ‘Fishing activities’ and ‘Inspectors’ are already included, pending final adoption of the Overhaul.)

1. “non-Contracting Party vessel” means any vessel not flagged to a Contracting Party, including vessels for which there are reasonable grounds for suspecting them to be without nationality.

TO BE DELETED AS ALREADY IN CEM

2. *“Fishing activities” means fishing, fish processing operations, the transshipment of fish or fish products and any other activity in preparation for or related to fishing in the Regulatory Area.*
3. *“Inspector” means an inspector of the fishery control services of the Contracting Parties assigned to the Scheme of Joint International Inspection and Surveillance.*
4. “IUU fishing” means activities as defined in paragraph 3 of the FAO International Plan of Action to prevent, deter and eliminate illegal, unreported and unregulated fishing.
5. “IUU List” means the list, established pursuant to **[Article 8 of Chapter VI] or [Article 7 and 8 of Chapter VI]**, containing the particulars of vessels that have been found by the General Council to have engaged in IUU fishing.
6. “Provisional List” means the list, established pursuant to Article 7 of Chapter VI, containing the particulars of vessels that have been identified as having engaged in fishing activities, according to information received pursuant to Articles 3 to 6 or information received in reports pursuant to Article 8 of Chapter VI.

Article 3

Sightings and identifications of non Contracting Party vessels / Presumption of NCP vessels undermining NAFO Conservation and Enforcement Measures

1. A non-Contracting Party vessel that has been sighted or by other means identified by a Contracting Party as engaging in fishing activities in the Regulatory Area is presumed to be undermining the effectiveness of Conservation and Enforcement Measures. In the case of any transshipment activities involving a sighted non-Contracting Party vessel, inside or outside the Regulatory Area, the presumption of undermining Conservation and Enforcement Measures applies to any other non-Contracting Party vessel that has engaged in such activities with that vessel.
2. Information regarding such sightings or identifications shall be immediately transmitted to the Secretariat. For sightings, the Surveillance Report provided in Annex XII shall be used. The Secretariat shall then transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the flag State as soon as possible.
3. The Contracting Party shall attempt to inform the vessel that it has been sighted or identified engaging in fishing activities, and is accordingly presumed to be undermining the Conservation and Enforcement Measures, and that this information will be distributed to all Contracting Parties, other Regional Fisheries Management Organizations and to the flag State of the vessel.

Article 4

Inspections at sea

1. NAFO inspectors shall, if appropriate, request permission to board non-Contracting Party vessels that are sighted engaging in fishing activities in the Regulatory Area. If the vessel consents to be boarded the inspectors' findings shall be transmitted to the Secretariat without delay. The Secretariat shall transmit this information to all Contracting Parties and other relevant Regional Fisheries Management Organizations within one business day of receiving this information, and to the Flag State as soon as possible. The non-Contracting Party vessel that is boarded shall be provided with a copy of the findings of the NAFO inspectors.
2. Where evidence so warrants, a Contracting Party may take such action as may be appropriate in accordance with international law.

Article 5

Inspections in port

1. When a non-Contracting Party vessel referred to in Article 3(1) enters a port of any Contracting Party, it shall be inspected by authorized Contracting Party officials knowledgeable of the Conservation and Enforcement Measures (and this Scheme), and shall not be allowed to land or tranship any fish until this inspection has taken place. Such inspections shall include the vessel's documents, log books, fishing gear, catch onboard and any other matter relating to the vessel's activities in the Regulatory Area.
2. Information on the results of all inspections of non-Contracting Party vessels conducted in the ports of Contracting Parties, and any subsequent action, shall immediately be transmitted to all Contracting Parties and other relevant Regional Fisheries Management Organizations through the NAFO Secretariat, and as soon as possible to the relevant flag State(s).

Article 6

Fishing activities

1. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of **[fish]** to or from a non-Contracting Party vessel referred to in Article 3 or engage in joint fishing operations with such vessels.
2. Landings and transshipments of all **[fish]** from a non-Contracting Party vessel to which this Scheme applies shall be prohibited in all Contracting Party ports, unless:

- a) The vessel establishes that the fish subject to the NAFO convention were caught outside the Regulatory Area; or
- b) The vessel establishes that it has applied all relevant Conservation and Enforcement Measures.

3. Contracting Parties denying landings or transshipments shall inform the vessel, the flag State of the vessel and the NAFO Secretariat of this decision.

Article 7

Notification of presumed IUU activities and establishment of a Provisional List

1. Upon receipt of information from Contracting Parties pursuant to Articles 3 to 6, the secretariat shall enter the flag State, vessel name and letters and numbers of registration, and other identifying features of the vessel as available, on a Provisional List. The Secretariat shall place the Provisional List on a secure section of the NAFO website.

In addition to information submitted from Contracting Parties pursuant to Articles 3 to 6, Contracting Parties may at any time submit to the Secretariat any further information, which might be relevant for the identification of non-Contracting Party vessels that might be carrying out IUU fishing in the Regulatory Area.

2. At the same time, the Secretariat shall, in consultation with the Chair of STACFAC, advise relevant non-Contracting Parties of the vessels flying their flag that have been included in the Provisional List and provide the following information to the non-Contracting party:

- a. the reasons for the inclusion on the Provisional List and all relevant evidence upon which inclusion of the vessel on the list is based;
- b. a copy of the NAFO Conservation and Enforcement Measures, including this Scheme;
- c. request that it take measures in accordance with its applicable legislation to ensure that the vessel or vessels in question desist from any activities that undermine the effectiveness of Conservation and Enforcement Measures;
- d. a reminder that trade restrictive measures may be imposed if the flag State does not take effective measures to ensure that the vessel or vessels in question desist from activities that undermine the effectiveness of the NAFO Conservation and Enforcement Measures;**
- e. a request to report back to NAFO within 30 days from the date the letter is sent on the results of enquiries and/or measures it has taken in respect of the vessel or vessels concerned.; and,
- f. the dates when STACFAC and the General Council will be considering recommendations with respect to the composition of the IUU List, and an invitation to the non-Contracting Party to attend the meeting of STACFAC and the General Council as an observer, with the opportunity to further respond to the request specified in sub-paragraph e).

3. The Secretariat shall promptly provide non-Contracting Parties concerned with any additional information received pursuant to Articles 3 to 6 in respect of vessels flying their flag that have already been included on the Provisional List.

4. The Secretariat shall promptly distribute any information received from non-Contracting Parties to all Contracting Parties.

[5. If a non-Contracting Party that has received information regarding one of the vessels entitled to fly its flag pursuant to paragraph 2 does not object to a listing by the deadline established under paragraph 2, subparagraph e), the vessel concerned shall be transferred from the Provisional List to the IUU List.

6. Vessels that have been transferred from the Provisional List to the IUU List in this manner shall be retransferred to the Provisional List if the flag State at any date prior to X days before the Annual Meeting of STACFAC reacts in writing to the information received. If the vessel is retransferred to the Provisional List in this manner the decision whether to put the vessel on the IUU List shall be referred to STACFAC.]

Article 8 Establishment of the IUU list

1. STACFAC shall consider the Provisional List and as appropriate recommend to the General Council that the vessels either:

- a) be removed from the Provisional List;
- b) be retained on the Provisional List pending the receipt of further information; or,
- c) be transferred to the IUU List.

2. STACFAC shall only consider vessels for inclusion on the IUU list if the period referred to in Article 7.2.e) has elapsed.

3. STACFAC shall undertake a review of the current IUU List and as appropriate recommend to the General Council that vessels are maintained thereon or removed. STACFAC shall only recommend that the General Council remove a vessel from either the Provisional or IUU list if the flag State of the vessel concerned provides satisfactory information to establish that:

- a) it has taken effective action in response to the IUU fishing in question, including prosecution and imposition of sanctions of adequate severity;
- b) it has taken measures to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing;
- c) the vessel has changed ownership and the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner does not have any legal, financial or real interest in, or exercise control over, a vessel that is on the IUU list or any equivalent type of list established by other Regional Fisheries Management Organizations; or,
- d) the vessel did not take part in IUU fishing.

4. The General Council shall review the recommendations made by STACFAC pursuant to this Article, and shall determine the composition of the IUU List.

5. The Secretariat shall place the IUU List on the NAFO website. This list shall include the name and flag state of the vessel and, where available, the previous name (s), the previous flag state (s), the radio call sign.

6. The Secretariat shall provide to relevant flag States the names of vessels on the IUU List flagged to that state.

Article 9 Follow-up action

CPs shall take all necessary measures to the extent possible in accordance with their applicable legislation, in order that:

- a) vessels appearing in the IUU List are not authorised to land, tranship, refuel or re-supply, engage in fish processing operations or in any other activity in preparation for or related to fishing in their ports or waters under their jurisdiction;

- b) fishing vessels, including support vessels, refuel vessels, the mother ships and cargo vessels flying their flag do not in any way assist, or participate in transshipment or any other activity in preparation for or related to fishing or joint fishing activities with vessels appearing on the IUU List;
- c) the issuing of licences to vessels appearing on the IUU List to fish in waters under their fisheries jurisdiction is prohibited;
- d) the chartering of vessels appearing on the IUU List is prohibited;
- e) the granting of their flag to vessels appearing on the IUU List is prohibited;
- f) importers, transporters and other sectors concerned are encouraged to refrain from negotiating with and from transshipping fish caught by vessels appearing on the IUU List;
- g) appropriate information regarding vessels appearing on the IUU List is collected and exchanged with other Contracting Parties, non-Contracting Parties and other Regional Fisheries Management Organizations with the aim of detecting, controlling and preventing false import/export certificates regarding fish from such vessels.

Article 10 **Actions vis-a-vis Flag States**

1. Contracting Parties shall jointly and/or individually request non-Contracting Parties whose vessels **[appear on the IUU List] or [have been placed or retained on the IUU list by the General Council in accordance with Article 8]** to co-operate fully with the Organization in order to avoid undermining the effectiveness of the Conservation and Enforcement Measures adopted pursuant to the Convention.
2. The General Council shall review, at subsequent annual meetings as appropriate, actions taken by such non-Contracting Parties and identify those that have not rectified their fishing activities.

[3. The General Council shall decide appropriate measures to be taken in respect of non-Contracting Parties identified under paragraph 2. In this respect, Contracting Parties may co-operate to adopt appropriate multilaterally agreed trade related measures, consistent with the World Trade Organisation (WTO) that may be necessary to prevent, deter, and eliminate the IUU fishing activities identified by the General Council. Multilateral trade measures may be used to support co-operative efforts to ensure that trade of fishing products from the Regulatory Area does not in any way encourage IUU fishing or otherwise undermine the effectiveness of NAFO Conservation and Enforcement Measures which are consistent with the United Nations convention on the Law of the Sea 1982.]

OR:

3. Where the Flag State of a vessel identified in paragraph 2 has:

(a) failed or refused to exercise effective control over the vessel flying its flag so as to ensure that the vessel desists from undermining the effectiveness of the NAFO Conservation and Enforcement Measures; and,

(b) received reasonable notice of the consequences of its failure to take effective control and has been provided with an opportunity to respond; the General Council may, where no other reasonable means are available to compel the Flag State to exercise effective control over the vessel, recommend that Contracting Parties adopt appropriate nondiscriminatory trade restrictive measures against the Flag State in question, consistent with their international obligations

4. Where trade measures are recommended pursuant to paragraph 3, the Chairman of the General Council shall inform the Flag State in question of the recommendation and again request the Flag State to exercise effective control over the vessel or vessels.

5. STACFAC shall review each year all trade restrictive measures that have been adopted and, where circumstances warrant, shall submit for the approval of the General Council, recommendations for the lifting of the measures.]

[X. Contracting Parties shall, to the extent possible in accordance with their applicable [laws] [legislation], prohibit the export and transfer of fishing vessels to non-Contracting Parties identified pursuant to paragraph 2.]

[Article 11
Entry Into Force

1. Contracting Parties shall adopt a comparable mechanism by no later than the close of the 2006 annual meeting of NAFO that includes additional measures to ensure that Contracting Parties fulfill their obligations not to undermine the NAFO Conservation and Enforcement Measures.

2. Article 10(3) of this Scheme shall not enter into force before the entry into force before the entry into force of the Contracting Party mechanism pursuant to 11(1).]

**Annex 6. Paper presented by Norway – Issues connected to a possible
Joint NAFO/NEAFC scheme to promote compliance by non-contracting
party vessels: An informal evaluation (STACFAC W.P. 04/8)**

1. Rationale and initial premises for evaluation

As a means of consolidating legal framework and furthering cooperation between RFMOs, the question is put whether it is possible for NAFO and NEAFC to adopt joint schemes, hereunder in particular a joint scheme to promote compliance by non-contracting party vessels. Such joint schemes could contribute to recognition of the role of RFMOs under the Law of the Sea, and could also be conducive towards furthering broader adoption of such schemes in other international bodies.

We will therefore investigate whether it is feasible within the existing legal framework to adopt such a joint scheme to apply for both Regulatory Areas. The merger of NAFO and NEAFC in terms of international law is well beyond the scope of this exercise, as are any changes that can not be accomplished within the framework of the Conventions.

The primary idea is to provide for a joint meeting of the General Council of NAFO and the NEAFC Commission and establish a joint scheme. An alternative would be to establish a Memorandum of Understanding between the two organizations for the purpose of interaction and mutual recognition or application of elements in the schemes. The joint scheme meeting is considered first and is the primary consideration of this paper. The MOU option has been added as an afterthought, and has not been given as much consideration. However, this may be equally feasible.

It is emphasised that this evaluation attempts to make a neutral analysis of the legal implications, and is not based on political or national preference for either outcome.

2. General Issues connected to any joint NAFO/NEAFC scheme

Competence of NAFO and NEAFC decision-making authorities

The competence of the decision-making authorities of NAFO and NEAFC is limited by convention frameworks. Thus, the adoption of a joint scheme can not lead to extension of authority beyond the scope of application. For instance, even if a joint scheme were to be adopted, the NEAFC secretariat would not have a mandate to concern itself with activities in the NAFO Regulatory Area, unless such a mandate was expressly granted by the NAFO parties. The implication is also that even if a joint scheme were adopted, both NAFO and NEAFC would *in principle* be free to change the substance of the scheme with regard to application under the respective conventions, in the ordinary manner those conventions prescribe. Neither NAFO nor NEAFC would *in principle* be tied to the scheme until such a time that a new joint meeting would change the substance.

It is difficult to see how a joint scheme formally could contain a requirement for both organizations not to change the substance of the joint scheme "unilaterally", without changing the substance of the conventions as such. Such a "clause of no return" would limit the competence of the decision-making bodies of both organizations, and this is outside our established intentions.

However, it is likely that a joint scheme, if adopted, would be respected in practice by parties to both organizations, and that requests for revision would be put to a new joint meeting rather than be changed "unilaterally" by one organization.

Scope of application – geographical and by species

NAFO and NEAFC scopes of application, geographically and by species, are defined in the respective conventions. It is expected that this would remain unchanged at the outset, however, depending on the substance of the scheme, some involvement beyond this could be envisaged. For instance, could inspectors from NAFO report to NEAFC on

transhipments of NEAFC species in the NAFO area and vice versa? And could this information be applied by the other organization? This would of course require the consent of both organizations.

Some NAFO parties are not party to the NEAFC convention.

Definitions

Special consideration must be used when employing specific definitions in a joint scheme.

In some cases definitions may be different in NAFO and NEAFC. In such cases definitions must be specified in a joint scheme to clarify the content of the scheme. In principle, definitions could be interpreted differently under the different conventions, but this would undermine the underlying idea of a joint scheme and should be avoided if possible.

In other cases, definitions may carry a different substance within the term. For instance, the term "non-contracting party vessel" in a joint non-contracting party scheme would be interpreted differently in the NAFO and the NEAFC area. A vessel from a contracting NAFO member state could therefore be a non-contracting party vessel in the NEAFC area. Particular care must then be taken when applying joint schemes, for instance with respect to joint redfish stocks.

An additional complicating element is that NEAFC recognizes cooperating non-contracting parties, and NAFO does not.

Chair

In principle, under the NEAFC convention, the chair should be elected from the NEAFC members, and this could in the strictest sense be taken to mean that a NEAFC member must chair the joint meeting. However, it is hard to imagine that this matter would be pressed by any of the NEAFC members.

Voting and Adoption

It follows from the basic premises in the introduction that adoption of a joint scheme must satisfy both the required majorities within the NAFO *and* the NEAFC conventions.

Any voting must therefore satisfy the requirements of both decision-making bodies.

The Rules of Procedure for voting differ in that the NEAFC Commission decides by a majority vote the method of voting (by show of hands, roll call etc.), whereas the NAFO Chair decides. This provides for a challenge in such a case that a majority of the NEAFC states require one specific method of voting and the NAFO Chair disagrees. Such an instance could occur, but is not likely, and could hopefully find its solution through a coffee break.

An objection placed by a member to one organization would not entail that the scheme would be invalidated for application in the other organization. However, it might well happen that the substance of a joint scheme does presume that the scheme is applied by both organizations, for instance in the case of some presupposed interaction.

Observers

Provisions for observer presence, participation and (not) voting are similar for NAFO and NEAFC. However, the rules of procedure for the General Council of NAFO provides that observers must have an interest in the NAFO species and *vice versa* for the NEAFC Commission. The NAFO General Council rules of procedure do not provide that observers that only have an interest in NEAFC species may be present at a General Council meeting. However, this could be alleviated if parties could agree to a liberal interpretation of what constitutes a relevant interest in case of a joint meeting, and would only pose a problem if any state were to object to the inclusion of a specific observer delegation.

Revision

In practice, a joint scheme would likely not be revised by either party until such a time that a new joint meeting could be held. This means that the need for new joint meetings could be necessary. A joint scheme should therefore not be undertaken lightly. It is possible to consider simplified rules of decision making, including electronic voting.

Other business

A solution would have to be found for sharing the burden economically.

3. Issues connected specifically to a NAFO/NEAFC non-contracting party scheme

There could be several advantages to a joint non-contracting party scheme if such a scheme were to be adopted. Some tentative thoughts are presented below.

As stated, a vessel from a contracting NAFO party could constitute a non-contracting party vessel in the NEAFC area. Depending on the substance, a non-contracting party scheme may therefore need to distinguish between non-contracting vessels from parties outside both or outside only one organization. The most feasible solution is perhaps to focus such a scheme primarily on non-contracting party vessels outside both organizations.

Effects of IUU vessel lists

It could be envisaged that a joint scheme could establish a joint IUU vessel list where the effects of being placed on the list would be sanctions from both organizations. There are varying means to do this with varying amount of safeguards involved in the process, either through establishment of a joint IUU vessel list in joint meetings at regular intervals, or through mutual recognition of IUU vessel lists from the other organization.

Fishing activities

Similarly, the provisions of prohibition of landings and transshipment from non-contracting party vessels by contracting party vessels or in contracting party ports, could be applied mutates mutandis by both organization with regard to stocks regulated under each Convention.

Inspectors

It should be feasible to have a scheme involving inspections and/or inspectors from both organizations, if such a joint scheme were adopted by both organizations. Inspector reports from another body could in theory be accepted as evidence of IUU activities of vessels, for instance transshipments of NAFO species in the NEAFC area.

NAFO/NEAFC MOU

As an afterthought, the question was posed whether or not an MOU established between NAFO and NEAFC might not accomplish the same as a joint scheme adopted by both organizations in a joint meeting. If so, this is likely a more economical approach.

The authority to coordinate the external relations of the Organization of NAFO lies with the General Council of NAFO and Commission of NEAFC. It is possible for those bodies to mandate a group of countries or the President to negotiate and/or adopt an MOU. A mandate can be very specific (with the risk of negotiating delegations not being able to reach a joint solution) or very broad (with the risk of producing a result which may be rejected if the MOU is to be adopted by the General Council and the Commission afterwards).

An MOU is in principle not a legally binding instrument. The question leaps to mind whether an MOU is sufficient in itself to provide for the mutual application, communication and recognition that might be desirable, or whether, depending on the substance contained in the MOU, each organization would have to make appropriate adjustments of their legal framework before an MOU could be finalized.

**Annex 7. Inquiry from the Internacional Merchant Marine
Registry of Belize (IMMARBE)
(STACFAC W.P. 04/9)**

From: [Valerie Savery \[valerie@immarbe.com\]](mailto:valerie@immarbe.com) Sent: Fri 8/27/2004 7:08 PM
To: [Johanne Fischer](#)
Cc:
Subject:
Attachments:



**INTERNATIONAL MERCHANT MARINE REGISTRY OF BELIZE
"IMMARBE"**

Marina Towers, Suite 204, Newtown Barracks
Belize City, Belize
tel:501-223-5026/223-5031
fax:501-223-5070/223-5048
email: immarbe@btl.net

Dear Johanne:

I refer to your e-mil of July 12, 2004 regarding NAFO membership. You gave a very detailed breakdown on the financial contributions for Contracting party. However, what we require at this time is your confirmation on the following.

1. Information/process on becoming Co-operating Non-Contracting Party.
2. The relative cost of becoming Co-operating Non-Contracting Party and how it is assessed.
3. The types of species regulated by your Commission
4. Closed seasons for each species, if any
5. Are quotas granted to Co-operating Non-contracting parties and Contracting Parties?

We would appreciate receiving an early response by return.

Regards,

Valerie Savery
Fishing Vessels Manager
IMMARBE- Belize
tel: 501-22-35026/35031/35047
fax:501-22-35070/35048

SECTION II
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(STACTIC), 26th Annual Meeting
13-17 September 2004
Dartmouth, Nova Scotia, Canada**

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PART I

Report of the Fisheries Commission Meeting

(FC Doc. 04/17)

26th Annual Meeting, September 13-17, 2004

Dartmouth, Nova Scotia, Canada

I. Opening Procedures (Items 1-5 of the Agenda)

1. Opening Remarks by the Chairman, D. Swanson (USA)

The meeting was called to order by the Chair, Dean Swanson (USA), at 0900 hrs on September 14, 2004. Representatives from the following Contracting Parties (CP) were present: Canada, Cuba, Denmark (in respect of the Faroe Islands and Greenland), Estonia, European Union (EU), France (in respect of St. Pierre et Miquelon), Iceland, Japan, Republic of Korea, Latvia, Lithuania, Norway, Poland, Russian Federation, Ukraine, and United States of America (Annex 1).

Denmark (in respect of the Faroe Islands and Greenland) addressed an opening statement to the assembly (Annex 2). Canada noted the importance of listening to the scientific advice and emphasized the necessity to discuss regulation of some presently unregulated fish stocks. Canada also pointed out that it looked forward to the first NAFO compliance report.

2. Appointment of Rapporteur

It was noted that starting with this meeting, the NAFO Secretariat will provide a rapporteur for the Fisheries Commission (FC). Dr. Ricardo Federizon was introduced as the new Fisheries Commission Coordinator of the Secretariat. At this meeting, he and Barbara Marshall will co-draft the report.

3. Adoption of Agenda

The agenda was adopted with a few amendments (Annex 3). Item 9 (Presentations on Compliance) was referred to STACTIC and it was noted that a compliance report will be discussed in conjunction with the presentation of the STACTIC report at the Annual Meeting (Agenda item 11). Accordingly, agenda item 9 was deleted with the understanding that working papers related to compliance could be circulated at any time during the meeting. Nevertheless, the original numbering of other agenda items will be retained.

It was noted that Article 14.13 of the NAFO CEM requires that chartering arrangements are reviewed at the Annual Meeting. It was decided to deal with this issue under agenda item 17 (see agenda item 17(bis) Review of Chartering Arrangements).

It was also noted that the General Council had referred their agenda item on "Timely Submission of Fishery Statistical Data" to the Fisheries Commission (SC WP 04/22) and it was decided to handle this discussion could under item 14 (Summary Advice by the Scientific Council, b. Other issues).

4. Admission of Observers

According to Rule 10 of the Rules of Procedure, the Executive Secretary invited the following international organizations: FAO, IBSFC, ICCAT, ICES, NAMMCO, NASCO, NEAFC and NPAFC in accordance with the Rules of Procedure. These organizations acknowledged NAFO's invitations. IBSFC, ICCAT, ICES, NASCO and NPAFC were unable to attend. FAO was represented by Mr. Hiromoto Watanabe (Fishery Liaison Officer, Fishery Policy and Planning Division), NAMMCO by Mr. Kolbeinn Arnason of Iceland and NEAFC by the delegate of Denmark (DFG). Also, Mr. Joao Neves from the NEAFC Secretariat will attend STACTIC sessions. WWF applied a few weeks before the Annual Meeting to obtain status as observer at General Council, Fisheries Commission and Scientific Council. According to the Rules of Procedure of General Council and Fisheries Commission, the request came too late to be processed this year. However, Scientific Council granted observer status to two WWF delegates for its sessions: Ms. Charlotte Mogensen (Fisheries Policy Officer for the WWF European Policy Office) and Dr. Robert Rangeley (Atlantic Director for the WWF Canada).

5. Publicity

As in past meetings, it was agreed that there would be no public statements until the conclusion of the meeting, at which time a press statement would be released. It was pointed out that a media policy for NAFO was scheduled for discussion at STACFAD. Some delegates expressed a desire for a new approach to media policy to raise the profile of NAFO. Such initiatives could include a more appealing press release and the introduction of an official NAFO press conference after the closing session.

II. Administrative (Items 6-7)

6. Record of Agreed Fisheries Commission Decisions at the 25th Annual Meeting

As presented last year, it was agreed that a draft record of decisions would be prepared and available at the close of the Fisheries Commission meetings. Such a record should include substantive but not procedural decisions. A draft record of decisions (FC WP 04/21, Rev.) was compiled and presented at the closing session of the Fisheries Commission. Delegates were asked to comment to the Secretariat by October 1, 2004. The final list of decisions by FC will incorporate the comments received from Contracting Parties (Annex 4).

7. Review of Commission Membership

The membership of the Fisheries Commission is 16, including all Contracting Parties except Bulgaria.

III. Conservation and Enforcement Measures (Items 8-13)

8. Report of STACTIC, June 2004 (Copenhagen)

The STACTIC June 2004 report (FC Doc. 04/3) was presented together with the STACTIC Report at the Annual Meeting under agenda item. 11.

10. Increase of Inspection Presence in the NAFO Regulatory Area

This agenda item is included in the STACTIC report and was discussed under agenda item 11.

11. Report of STACTIC at the Annual Meeting

The Chair of STACTIC, Martin Newman, presented the STACTIC report to Fisheries Commission.

1. STACTIC recommended adoption of the compliance report (STACTIC WP 04/32, Rev. 2) (Annex 5). STACTIC noted that this was the first time that NAFO undertook a compliance review. The result is satisfactory but it is understood that STACTIC will seek to improve the process and the issue will be addressed at the next intersessional meeting of STACTIC.
2. STACTIC recommended that a proposal jointly submitted by Iceland, Denmark and Norway (STACTIC WP 04/3, Rev.3) (Annex 6) regarding the harmonization of fishery reporting formats used by NAFO and NEAFC be adopted.
3. STACTIC recommended adoption of a new illustration and description of toggle chains (STACTIC WP 04/25) (Annex 7) to be annexed to the NAFO CEM.
4. STACTIC recommended to adopt proposed modification of NAFO CEM Articles 18 (Product labeling) and 19 (Recording of catch and stowage) (STACTIC WP 04/30, Rev. 5) (Annex 8). STACTIC pointed out that these requirements will require continuing review by STACTIC to keep up with new developments.
5. STACTIC recommended adoption of STACTIC WP 04/31, Rev. 2 (Annex 9), a proposal by Iceland regarding inspection protocol (CEM Article 32, para 5, 6 and 8).
6. STACTIC noted that the EU agreed to host and co-ordinate a workshop for inspectors to discuss procedures currently in use and improve international cooperation.
7. STACTIC noted that a clearer mandate from the Fisheries Commission is required for the elaboration of a Contracting Party Scheme similar to that for NCPs presently discussed at STACFAC.

8. STACTIC recommended that the Fisheries Commission request Contracting Parties to make available detailed observer data (catch and effort for each haul, location (longitude and latitude), depth, time of net on bottom, catch composition and discards) to the Scientific Council by submitting them in an electronic format to the NAFO Secretariat.
9. STACTIC noted that it is still too early for an evaluation of the Pilot Project on Observers, Satellite Tracking and Electronic Reporting.

The Fisheries Commission applauded the efforts made by STACTIC and the Secretariat to elaborate the first NAFO Compliance Review. It was remarked that this review is of a high level in comparison with similar efforts of many other fishery management bodies. Contracting Parties were encouraged to reflect on how the NAFO compliance review can be improved and with it the process of analyses and data quality on which it is based. Any recommendations should be passed on to STACTIC for its consideration at the next intersessional STACTIC meeting. Regarding the harmonization of the North Atlantic reporting format, Iceland offered to coordinate an intersessional discussion between the Secretariat and interested Contracting Parties. Delegates also remarked on the desirability of a workshop for inspectors that was viewed as an important short-term initiative to improve the level of confidence of inspectors and international coordination of inspections within NAFO. Regarding a clearer mandate for the elaboration of a CP Scheme, delegates advised to first await the results of the NCP Scheme presently elaborated by STACFAC. It decided to refer the matter to General Council.

The Fisheries Commission adopted all recommendations by STACTIC and thanked Martin Newman for the monumental task of chairing STACTIC.

12. Implementation of the Precautionary Approach

The Scientific Council had recommended in 2004 that its Framework for a Precautionary Approach (PA) (SCS Doc. 03/23) be adopted and implemented by the Fisheries Commission. This found general agreement among Contracting Parties and the SC Framework was adopted by Fisheries Commission. Canada had tabled a proposal for testing the SC Framework on two stocks (yellowtail flounder in Div. 3LNO and shrimp in Div. 3M) before applying it to all regulated NAFO stocks (FC WP 04/10, Rev) (Annex 10). This proposal was adopted by the Fisheries Commission.

13. Johannesburg “Plan of Implementation” and implications for NAFO

The Executive Secretary presented implications for NAFO resulting from the “Plan of Implementation” of the Johannesburg World Summit on Sustainable Development (FC WP 04/7). The Executive Secretary was applauded for this initiative that helps Contracting Parties to evaluate NAFO’s performance and maintain NAFO’s leadership role in fisheries management and Contracting Parties were asked to contribute to this task. The Secretariat was encouraged to perform similar evaluations for other important international agreements. Delegates were especially interested in an application of the ecosystem approach within NAFO and mentioned the ecological impact of fishing gear (bottom trawling), sea mounts, marine protected areas, by-catch problems, and others as possible areas of attention for NAFO in this context. The Fisheries Commission agreed that Contracting Parties and the Scientific Council be invited to comment on FC WP 04-7 and further steps that could be taken regarding the issues raised in advance of the next annual meeting. It also took note of an offer by the Scientific Council to assist in such evaluations of important international agreements.

IV. Conservation of Fish Stocks in the Regulatory Area
(Items 14-19)

14. Summary of Scientific Advice by the Scientific Committee

a) Stock Assessments and recommendations (Scientific Council Chair)

The Chair of the Scientific Council, Dr. Joanne Morgan, presented a summary of the scientific advice to Fisheries Commission for 2005 and 2006. This included information contained in SCS Doc. 04/16 from June 2004 and SCS Doc. 03/ 25 from November 2003 as well as from SC Working Paper 04/30 from this meeting.

The Chair of Scientific Council also presented trends of the physical environment (oceanography) of the NAFO waters and their influence on the marine resources. The year 2003 was a year of considerable oceanographic variability throughout NAFO waters. The highlights were:

- In West Greenland, warm-saline ocean conditions dominated during 2003.
- On the Newfoundland Shelf, 2003 was a year of extremes. The very cold spring conditions were responsible for the Smith Sound fish kill. The waters were warmed by early-summer and were above normal throughout the remainder of the year.
- Annually 2003 conditions remained above normal, continuing the warm trend established in 1996.
- Initial results from 2004 show ocean temperatures continuing to increase.
- Historical data shows evidence that in general, warm-saline ocean conditions were favourable for fish production (e.g. cod, capelin, and salmon)
- Periods of colder conditions coincided with increased invertebrate production (e.g. crab, shrimp)
- Environmental conditions appear to be important at early life history stages for some species.

The following stocks were fully assessed including elaboration of a scientific advice for 2005:

Species	Recommendation for 2005
Northern Shrimp in Division 3M	<ul style="list-style-type: none"> • The stock appears to have sustained an average annual catch of about 45 000 tons since 1998 with no appreciable effect on stock biomass. Of the year-classes that will be the main contributors to the fishery over the next few years, the 1999 year-class estimated to be strong, the 2000 weak and the 2001 average. The Scientific Council advises a catch of 45 000 tons for 2005. • no reason to change the advice in September
Northern shrimp in Division 3LNO	<p>Applying a 15% exploitation rate to the lower 95% confidence limit of the biomass estimates, averaged over the autumn 2000 to spring 2002 surveys, results in a catch of about 13 000 tons. Scientific Council reiterated that "the development of any fishery in the Div. 3L area take place in a gradual manner with conservative catch limits imposed and maintained for a number of years in order to monitor stock response". Scientific Council recommends that the TAC for shrimp in Div. 3LNO in 2005 should remain at 13 000 tons. Scientific Council reiterated its recommendations that the fishery be restricted to Div. 3L and that the use of a sorting grate with a maximum bar spacing of 22 mm be mandatory for all vessels in the fishery.</p>

Greenland halibut in Subarea 2 and Div. 3KLMNO	<p>Assuming that the catches in 2004 and 2005 do not exceed the TAC (20 000 tons, 19 000 tons) the 5+ exploitable biomass will remain stable at a low level. Fishing mortality, however, will remain high (~0.60).</p> <p>Furthermore, if catches during 2006 and 2007 equal the TACs established for these years in the Rebuilding Strategy, there is a high probability that stock biomass increases will occur in 2007 and 2008 and that fishing mortality will decline by about 50% (see figures below). The target biomass in the rebuilding plan has very low probability of being achieved by 2008.</p>
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The following stocks were fully assessed including elaboration of a scientific advice for 2005 and 2006

Species	Recommendation for 2005/2006
Cod in Division 3M	No directed fishery for cod in Div. 3M in years 2005 and 2006. Also, by-catch of cod in fisheries directed to other species on Flemish Cap should be kept at the lowest possible level.
American plaice in Division 3M	There should be no directed fishery on American plaice in Div. 3M in 2005 and 2006. By-catch should be kept at the lowest possible level.
Witch flounder in Divisions 3NO	No directed fishing on witch flounder in the years 2005 and 2006 in Div. 3N and 3O to allow for stock rebuilding. By-catches in fisheries targeting other species should be kept at the lowest possible level.
Yellowtail flounder in Divisions 3LNO	Scientific Council recommended that total catches should not exceed 15 000 tons in 2005 and 2006. This corresponds to catch projections based on $F = 2/3 F_{msy}$ and an assumed catch of 14 500 tons (= TAC) in the year 2004. Scientific Council noted that catches exceeded TACs in 1998-2001, but were lower than the TACs in 2002 and 2003. Scientific Council again notes that the advice applies to all removals (directed plus by catch).
Thorny skate in Divisions 3LNO	Scientific Council advised that catches in 2005 and 2006 not exceed 11 000 tons.
Northern shortfin squid in Subareas 3 and 4	<p>Based on available information (including an analysis of the upper range of yields that might be expected under the present low productivity regime), the Council advises that the TAC for years 2005 and 2006, for northern shortfin squid in Subareas 3+4, be set between 19 000 tons and 34 000 tons.</p> <p>The advised TAC range (19 000-34 000 tons) is applicable only during periods of low productivity. In periods of high productivity, higher catches and TAC levels are appropriate.</p>

The following stocks were monitored and there was no reason to change the advice given: Cod in Div. 3NO; American plaice in Div. 3LNO; Witch flounder in Div. 2J+3KL; Redfish in Div. 3M, 3LN and 3O.

Scientific advice was also presented on the following three stocks, following special requests by the Fisheries Commission:

Species/Stocks	Status and/or Advice
Pelagic Redfish in SA 1- 3	<ul style="list-style-type: none"> • Surveys indicate that the proportion of the biomass in NAFO area varies: 1999 34%, 2001 40%, 2003 8% • Two study groups, the ICES Study Group on Stock Identity and Management Units of Redfish (SGSIMUR) and the Northwestern Working Group (NWWG) reviewed the available information. There was a discussion in these groups regarding the splitting of redfish shallower than 500 m and deeper than 500 in separate units. This would give three management units rather than the current two. However, no consensus in SGSIMUR or NWWG was reached.
White hake in Div. 3NO	<ul style="list-style-type: none"> • Most catch are from Division 3O. Catches increased substantially in 2002 as directed fishery developed in the NAFO RA. • The most common bycatch in Canadian fishery is monkfish (<10%), and redfish (22%) in EU fisheries. • There is a significant degree of overlap of white hake with cod and American plaice indicating the potential for significant bycatch of these species. • To avoid potential and bycatch problems and rapid increase in the fishery, catches in the directed fishery for white hake should be limited to catches of the recent two years which averaged 5 800 mt. • In order to provide catch options advice that could be used in the context of management by Total Allowable Catch (TAC), more scientific activities and research are needed on the following: <ul style="list-style-type: none"> • determination of the species stock structure • continued and enhanced collection of information on levels of catches as well as size, sex and maturity of commercial catches • application of assessment models • age determination that would allow eventual utilization of age-based analysis • further work on maturity studies • examination of the spatial dynamics of various populations components in relation to environmental and fishery related influences • analysis of detailed, geo-referenced commercial fishery data corresponding to the directed white hake fishery in the NRA to quantify bycatch levels and to spatially define species interactions.
Redfish in Div. 3LN and 3O	<ul style="list-style-type: none"> • The issue of the relationship of redfish in Divisions 3L, 3N and 3O remains complicated and unclear. In the absence of more definitive information, managing these as separate stocks is still appropriate. • New information is likely available in 2005.

A discussion evolved around Greenland halibut. Some delegates remarked that the assessment of Greenland halibut in the past sometimes appeared to be optimistic. They were assured that the results of the current assessment are consistent with the analyses and projections accepted in the 2003 assessment. The Scientific Council Chair also explained that assuming that the catches within the next 4 years (until 2007) do not surpass the fixed TACs, the stock biomass will probably increase during 2007 and 2008 but that this increase has a very low probability of reaching the target biomass by 2008. However, projected results are based on uncertain estimates of recruitment.

Further discussion revealed that the advice for thorny skate was based on average catches from 1996-2003 and that the data available for an assessment of this species are rather poor. It is hoped that an analytical assessment of this stock can be introduced in the near future. A similar situation applies to white hake such that some types of analyses may not be possible.

It was noted that the biomass of yellowtail flounder continues to develop in a positive way. Some delegates thought that this process of recovery proves the efficacy of the relevant NAFO management measures.

b) Other issues (as determined by SC)

- i) The Scientific Council Chair noted the extreme difficulty encountered by the Scientific Council to derive catch estimates from the available catch statistics for stock assessment purposes. She reminded the Fisheries Commission of the June 2004 Scientific Council recommendation that “the Chair of Scientific Council formally communicate to the Chair of Fisheries Commission the concerns of Scientific Council regarding the derivation and accuracy of catch information available, and request that for the future, each year prior to the June meeting of Scientific Council, Fisheries Commission conduct its own evaluation of catch information derived from various sources under Rule 5.1 pertaining to STACTIC, and provide Scientific Council with their agreed estimates by Contracting Party/Country to be utilized by Scientific Council in the conduct of stock assessments” (SCS Doc. 04/16).

Delegates inquired whether the poor quality of data adversely affected the scientific advice and were told that a higher uncertainty of the advice could well be a possibility in future years if the situation continues.

The EU expressed a strong objection to the Scientific Council practice of utilizing data of undisclosed origin. The EU finds this practice discriminatory and doubtful and requested Scientific Council to abandon this practice in the future.

In conclusion, the Fisheries Commission did not accept this recommendation. The Fisheries Commission declined to conduct its own evaluation of catch information and asked Scientific Council to continue with this task as usual.

- ii) The Scientific Council Chair reiterated Scientific Council’s recommendation that the Precautionary Approach Framework developed by Scientific Council (SCS Doc. 04/12) be endorsed and implemented by the Fisheries Commission without further delay. This was accepted (see Item 12).

15. Management and Technical Measures for Fish Stocks in the Regulatory Area 2005.

15.1 Cod in Div. 3M

In accordance with the scientific advice, it was decided by consensus that the 2004 provisions for this stock will be continued in 2005 and 2006, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

15.2 American plaice in Div. 3M

In accordance with the scientific advice, it was decided by consensus that the 2004 provisions for this stock will be continued in 2005 and 2006, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

15.3 Shrimp in Div. 3M

The Scientific Council recommended a TAC of 45 000 mt for this stock. There was no unanimous agreement regarding management measures for this stock. Iceland maintained its previous position that the provisions and measures in the NAFO CEM concerning this stock are contrary to the scientific advice. The Fisheries Commission decided that the 2004 provisions be rolled over for 2005 and noted the reservation of Iceland.

16. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2005

16.1 Yellowtail flounder in Div. 3LNO

It was noted that this stock is a success story in NAFO. The USA presented FC WP 04/12, suggesting that the TAC could be increased to 17,500 mt since such a TAC would not exceed F_{msy} recommended by Scientific Council and requesting an allocation. Canada proposed a TAC of 15,000 mt and asked that the existing allocation formula be followed. The Fisheries Commission decided that a TAC of 15,000 mt be adopted with the following allocation: Canada 14,624 mt, France (St. Pierre et Miquelon) 300 mt, and "Others" 76 mt.

The USA expressed its reservation to this decision (see Annex 11).

16.2 Witch flounder in Div. 3NO

In accordance with the scientific advice it was decided by consensus that the 2004 provisions for this stock will be continued in 2005 and 2006, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

16.3 Squid (*Illex*) in Subareas 3 and 4

The scientific advice for this stock included a recommendation of TAC in the range of 19,000-34,000 mt. The Fisheries Commission decided that the current level of TAC 34,000 mt be rolled over for 2005 and 2006.

16.4 Shrimp in Div. 3LNO

The scientific advice for this stock recommended the TAC be 13,000 mt and that fishing of this stock take place in Div. 3L only. A mandatory sorting grate of 22 mm was advised.

A proposal was discussed to roll over all measures that had been in place for 2004. Denmark (in respect of the Faroe Islands and Greenland) proposed that catch history be considered as the main criterion for determining allocations (FC W.P. 04/20) and that the decision on the allocation be postponed until October 2004 when Scientific Council undertakes its shrimp assessment. The Fisheries Commission adopted a rollover of the 2004 management measures for 2005, noting the reservation of Denmark (in respect of the Faroe Islands and Greenland) on the criteria for allocation (see Annex 12).

16.5 Greenland halibut in Div. 3LMNO

Discussion for this item was held under item 17.

16.6 If available in the Regulatory Area:

i. Cod in Div. 2J3KL

In accordance with the scientific advice, it was decided by consensus that the 2004 provisions for this stock will be continued in 2005, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

ii. Witch flounder in Div. 2J3KL

In accordance with the scientific advice, it was decided by consensus that the 2004 provisions for this stock will be continued in 2005, i.e. no directed fishery for this stock and application of by-catch provisions as formulated in the NAFO CEM Article 9, paragraph 3.

16.7 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area

It was agreed that the TAC remain at the 2004 level of 32,500 mt.

16.8 Management of Currently Unregulated Stocks

i. Redfish in Div. 3O

Fisheries Commission decided on a TAC for 2005, 2006, and 2007 of 20,000 mt for this stock. The following allocation scheme will apply: Canada 6,000 mt, EU 7,000 mt, Japan 150 mt, Korea 100 mt, Russia 6,500 mt and Others 250 mt (FC W.P. 04/18, Rev.) (Annex 13).

Russia proposed that the minimum mesh size of 90 mm be adopted for this fishery. The Fisheries Commission referred a discussion on new mesh size requirements for this fishery to STACTIC.

ii. Thorny Skate in Div. 3LNO

The Fisheries Commission decided that the TAC of 13,500 mt be established for 2005, 2006, and 2007, as proposed by Canada (FC W.P. 04/17) (Annex 14). The allocation will be as follows: Canada 2,250 mt, EU 8,500 mt, Russia 2,250 mt, and Others 500 mt.

The USA expressed its reservation to this decision on the grounds that the TAC of 13,500 mt is higher than that recommended by the Scientific Council (Annex 15).

iii. White Hake in 3NO

The Fisheries Commission decided that a TAC of 8,500 mt be established for 2005, 2006, and 2007, as proposed by Canada (FC W.P. 04/19, Rev.) (Annex 16). The allocation will be as follows: Canada 2,500 mt, EU 5,000 mt, Russia 500 mt, and Others 500 mt.

The Quota Table for 2005, Effort Allocation Scheme for Shrimp Fishery in the NRA Div. 3M, 2005 and Rebuilding Plan for 3LMNO Greenland halibut (CEM Annexes I.A, I.B, I.C, respectively) can be found in Annex 17 to this Report.

17. Review of Greenland Halibut Rebuilding Plan

After some deliberations, the Fisheries Commission confirmed the TAC of 14,079 mt (NAFO CEM, Chapter 1, Article 7 and reflected in Annex IC).

17(bis). Review of Chartering Arrangements

The Secretariat tabled FC WP 04/5 (Overview of Charter Compliance). The Fisheries Commission noted that there was a difference in interpretation of NAFO CEM, Article 14.2 between Estonia and the Secretariat and deferred this matter for discussion to STACTIC. STACTIC confirmed the interpretation of the Secretariat (see STACTIC Report, Part II), a view that was adopted by the Fisheries Commission

18. EU Enlargement and consequent revisions to the distribution of fishing entitlements

The European Union proposed and the Fisheries Commission agreed that the allocations in the new quota table include adjustments reflecting the accession of four NAFO Contracting Parties, i.e. Estonia, Latvia, Lithuania, and Poland to the European Union. For detailed quota allocations, see relevant agenda items and/or quota table. Stocks under moratoria through 2005 were also adjusted in a like manner. (See Quota Table – Annex 17)

19. Formulation of Request to the Scientific Council

The FC WP 04/22, Revised (Annex 18) containing the request for scientific advice was adopted.

V. Closing Procedures (items 20-22)**20. Time and Place of the Next Meeting**

This agenda item was, as usual, deferred to the General Council.

21. Other Business

Iceland spoke for many delegates when it complained about the extreme delay of progress within the Fisheries Commission at this Annual Meeting. This had the consequence that delegates worked around the clock on Thursday and Friday, a very stressful and unhealthy situation that should not be repeated in the future. Iceland mentioned that it was unacceptable that a number of substantial proposals were discussed at 6 a.m. after a sleepless night without giving delegates adequate opportunity to consult with their governments.

22. Adjournment

The meeting was adjourned at 1:40 p.m. on Friday, 17 September 2004.

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Annex 2. Opening Statement by Denmark (in respect of the Faroe Islands and Greenland)

Mr Chairman, distinguished delegates, observers,

Firstly on behalf of the Faroe Islands and Greenland, I would like to express our pleasure in attending this year's meeting of the Fisheries Commission. As far as regional fisheries management organisations are concerned, NAFO is one of the oldest and most established, celebrating its 25th anniversary this year. And this particular Contracting Party was one of the founders of this organisation. So it is with humility and some degree of apprehension that I am heading our delegation to the FC this year for the first time. I know that many of you having been working within this organisation for many years. I am sure I can benefit from the experience, not only of my own delegation, but also of other delegations, as we delve into the details of our agenda.

Several opening statements made in the Council yesterday made particular reference to the importance of the Greenland halibut recovery plan adopted at last year's meeting. Our delegation shares the views expressed about this decision. It is indeed an indication of the ability of NAFO to take decisive action for the benefit of conservation and the long-term sustainability of the fishery, which must always go hand-in-hand – and not least motivated by the desire not to repeat past mistakes.

Through the conservation and management decisions taken in the Fisheries Commission, NAFO should not just be able to avoid past mistakes but also to correct ones it has itself made. The Faroe Islands and Greenland come to this annual meeting with the expectation that the Fisheries Commission is finally ready to address the issue of allocation of 3L shrimp in a constructive way and to agree on an equitable allocation with a basis in NAFO's own allocation principles, which are entrenched in the Convention and in NAFO practice. The present allocation adopted in 1999 was a mistake, and one we believe it is high time to correct.

We have outlined our views on this particular issue in more detail in a position paper which we will make available to all delegates during this meeting. We would ask you all to review the issue carefully and be ready to give it the serious attention it deserves. We believe that if this Commission once again fails to resolve the issue this year, it will seriously undermine the credibility of NAFO in general as a responsible fisheries management body.

There are of course many other stock-specific conservation and management items on the Commission's agenda for this meeting, as well as the need to consider the latest scientific advice and determine what further advice we require to be able to make well-founded and rational management decisions. There are also items related to compliance and inspection activities, and further discussion of how best to define and apply the precautionary approach in our management decisions.

Our delegation intends to approach all issues openly and in the same spirit of cooperation on which we always strive to base our international dealings, and we look forward to working constructively with all delegations.

Annex 3. Agenda

1. Opening by the Chairman, D. Swanson (USA)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Admission of Observers
5. Publicity
6. Record of Agreed Fisheries Commission Decisions at 2004 NAFO Annual Meeting
7. Review of Commission Membership
8. Report of STACTIC, June 2004 (Copenhagen)
10. Increase of inspection presence in the NAFO Regulatory Area
11. Report of STACTIC at the Annual Meeting
12. Implementation of the Precautionary Approach
13. Johannesburg "Plan of Implementation" and implications for NAFO (presentation by Executive Secretary upon request of FC Chair)
14. Summary of Scientific Advice by the Scientific Council
 - a) Stock assessments and recommendations (Scientific Council Chair)
 - b) Other issues (to be determined by SC)
15. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2005
 - 15.1 Cod in Div. 3M
 - 15.2 American plaice in Div. 3M
 - 15.3 Shrimp in Div. 3M
16. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2005
 - 16.1 Yellowtail flounder in Div. 3LNO
 - 16.2 Witch flounder in Div. 3NO
 - 16.3 Squid (*Illex*) in Subareas 3 and 4
 - 16.4 Shrimp in Div. 3LNO
 - 16.5 Greenland halibut in Div. 3LMNO
 - 16.6 If available in the Regulatory Area:
 - i. Cod in Div. 2J3KL
 - ii. Witch flounder in Div. 2J3KL
 - 16.7 Pelagic *Sebastes mentella* (oceanic redfish) in the NAFO Convention Area
 - 16.8 Management of Currently Unregulated Stocks:
 - i. 3O redfish (Report of the Working Group-FC Doc. 04/2)
 - ii. 3LNO Skate
 - iii. White hake in 3NO
17. Review of Greenland Halibut Rebuilding Plan
- 17(bis). Review of Chartering Arrangements
18. EU Enlargement and consequent revisions to the distribution of fishing entitlements
19. Formulation of Request to the Scientific Council for:
 - a) Scientific advice on the management of fish stocks in 2006
20. Time and Place of the Next Meeting
21. Other Business
22. Adjournment

Annex 4. Record of Decisions by the Fisheries Commission
(FC Working Paper 04/21, Final)

Substantive Issues (Agenda item):	Decision/Action:
8. Report of STACTIC, June 2004 (Copenhagen)	See item 11.
10. Increase of inspection presence in the NAFO Regulatory Area	See item 11
11. Report of STACTIC at the Annual Meeting	<p>STACTIC WP 04/32, Rev. 2 – Annual Compliance Review-2003 Adopted</p> <p>STACTIC WP 04/3 (Rev.3) – Harmonization Adopted</p> <p>STACTIC WP 04/25 – Toggle Chain Adopted</p> <p>STACTIC WP 04/30 (Rev. 5) – CEM Modifications Adopted – to be kept under STACTIC review</p> <p>STACTIC WP 04/31 (Rev. 2) – CEM – Inspection Adopted</p> <p>NAFO-NEAFC North Atlantic Format Iceland agreed to organize interested Contracting Parties using the NAFO Forum on the web</p> <p>The FC acknowledges the EU's offer to host a workshop for Inspectors</p> <p>FC takes note of STACFAC report and how to instruct STACTIC regarding Contracting Parties Scheme</p>
12. Implementation of the Precautionary Approach	FC WP 04/10 (Rev.) Adopted
13. Johannesburg "Plan of Implementation" and implications for NAFO	Noted Executive Secretary's report (FC WP 04/7) Deferred. CPs and SC encouraged to study
14. Summary of Scientific Advice by the Scientific Council	Noted Scientific Council Chair's report SC recommendation on determining catch estimates referred back to SC
15. Management and Technical Measures for Fish Stocks in the Regulatory Area, 2005	
15.1 Cod in Div. 3M	Rollover for 2005 and 2006 - No directed fishery, article 9, para. 3 of CEM.
15.2 American plaice in Div. 3M	Rollover for 2005 and 2006 – No directed fishery, article 9, para. 3 of CEM.

15.3 Shrimp in Div. 3M	Rollover for 2005 – Management measures reviewed in event Precautionary Approach highlights problems. Iceland reservation noted.
16. Management and Technical Measures for Fish Stocks Straddling National Fishing Limits, 2005	
16.1 Yellowtail flounder in Div. 3LNO	TAC 15,000 tons – US reservation noted
16.2 Witch flounder in Div. 3NO	Rollover for 2005 and 2006 - No directed fishery, article 9, para. 3 of CEM.
16.3 Squid (<i>Illex</i>) in Subareas 3 and 4	The current level of TAC is 34 000 tons. Rollover for 2005 and 2006 – TAC of 34 000 tons.
16.4 Shrimp in Div. 3LNO	Rollover of management measures for 2005
16.5 Greenland halibut in Div. 3LMNO	See agenda item 17.
16.6 If available in the Regulatory Area:	Rollover for 2005 - No directed fishery, article 9, para. 3 of CEM.
i. Cod in Div. 2J3KL	
ii. Witch flounder in Div. 2J3KL	Rollover for 2005 - No directed fishery, article 9, para. 3 of CEM.
16.7 Pelagic <i>Sebastes mentella</i> (oceanic redfish) in the NAFO Convention Area	Rollover for 2005 noting changes in allocations
16.8 Management of Currently Unregulated Stocks:	FC WP 04/18 (Rev) Adopted
i. Redfish in Div. (Report of the Working Group)	
ii. Skate in Div. 3LNO	FC WP 04/17 (Rev) Adopted with US comments noted.
iii. 3NO White Hake	FC WP 04/19 (Rev) Adopted
17. Review of Greenland Halibut Rebuilding Plan	Agree to carry over the provisions as laid out in the Greenland Halibut Rebuilding Plan (CEM Chapter 1, Article 7 and reflected in Annex I.C and I.A)
17 (bis). Review of Chartering Arrangements	See item 11
18. EU Enlargement and consequent revisions to the distribution of fishing entitlements	The quota table has been adjusted to reflect the accession of Estonia, Latvia, Lithuania and Poland to the European Union
Formulation of Request to the Scientific Council for:	Adopted (FC WP 04/22-Rev)
a) Scientific advice on the management of fish stocks in 2006	
20. Time and Place of the Next Meeting	To General Council
21. Other Business	None

Annex 5. Annual Compliance Review - 2003
(STACTIC Working Paper 04/32, Rev. 2 – now FC Doc. 04/13)

1. Introduction

In accordance with the terms of reference outlined in STACTIC W.P. 02/14 a review was undertaken by STACTIC in 2004 on compliance with the Conservation and Enforcement Measures (CEM) in 2003. It was acknowledged by delegations that the process was valuable but would need to be developed and improved in the light of experience.

Following the agreement of Contracting Parties at the STACTIC Meeting in Copenhagen in June 2004, data tables were prepared by the Secretariat and circulated to STACTIC participants in July 2004 (STACTIC W.P. 04/18 Revised) according to the lay out contained in the W.P. 04/8 . These tables, which number 13 in total, were drawn up on the basis of the obligations outlined in Conservation and Enforcement Measures (CEM) and provide an overview of the compliance of Contracting Parties or vessels with those obligations. The tables are contained in STACTIC Working Document 04/18 (Revised).

2. Observations on the data

The Secretariat provided a detailed explanation of the compilation that they had undertaken which is contained in STACTIC W.P. 04/1 (Revision 2). The Secretariat encountered the following difficulties and problems during the compilation:

1. Reports in different languages.
2. Unreadable or difficult to read reports because of poor quality of reproduction.
3. Incomplete information in the reports, e.g. no information on fishing dates, division or sub-area, mesh size, missing hail reports.
4. Inconsistent information on AI between the issuing report, cover letters, and Reports on Inspection and Surveillance Activities.
5. Lack of care in specifying units (kg or mt) and in placing decimal points in reporting catches.

3. Assessment of the compilation tables

An assessment was carried out table by table, of the incidences of non-compliance. This assessment is attached at the annex to this document. Tables 1 to 5 concern compliance by Contracting Parties and tables 6 to 13 concern compliance by vessels.

a) Compliance by Contracting Parties

The problems encountered by the Secretariat with regard to the data were confirmed. Parties agreed that a greater effort needs to be made to improve the information provided, in view of the significant discrepancies between a number of different data sources (observer reports, VMS and Port Inspections). It was also agreed that greater attention needs to be paid to quality control related to VMS communications.

On the whole Contracting Parties had fulfilled their obligations under the CEM with regard to providing reports to the Secretariat. Delays had been noted with regard to the notification of fishing vessels (Table 1) but in view of the amendment to the CEM whereby a vessel register had been introduced this would no longer be a requirement from 2004.

Delays were also noted concerning reports of follow up to citations of infringements (Table 4). However, such information had been provided at a later date. It was agreed that the normal STACTIC procedure whereby Contracting Parties notified the disposition of infringements (FC Doc. 04/5) provides a more accurate impression of the situation as it contains updated information.

b) Compliance by Vessels

According to an analysis of the tables, it was noted that there were recurring incidents of citations for infringements in 2003 for the following:

- directed fishing on species under moratoria
- misreporting of catch
- mesh violations
- VMS violations
- failure to carry independent and impartial observers.
-

Canada and the USA took the view that infringements should not be viewed as the only indicator of non-compliance and all relevant indicators should be considered.

Due to discrepancies in the data it was impossible to determine compliance with catch limits.

4. Additional information

In accordance with paragraph 3 of the terms of reference Canada requested that additional sources of information be examined in the review. Canada made a presentation in this regard.

The Canadian presentation concentrated on the issue of directed fishing for moratoria species. On the basis of economic analysis, observer data, VMS data, at-sea inspections and aerial surveillance, Canada took the view that masters were directing for moratoria species and misreporting catch of unregulated species in order to cover this activity. In addition, masters were using various strategies, such as covering catch with tarpaulin, to avoid detection of non-compliant behavior. Canada stated that this was a serious concern in 2003. Canada also took the view, which was supported by the USA that citations for infringements should not be considered the only indicator of non-compliance.

Canada recommended that a standardized port inspection protocol would provide for improved inspections and confirmation of catch as well as improved confidence in NAFO and transparency between Contracting Parties. Canada recommended that capping fisheries of unregulated species would prevent or minimize the potential for masters to use these fisheries as a cover for directed fisheries for moratoria species. It was also proposed that the Secretariat should undertake a comprehensive review of VMS reports to determine the frequency of missing reports. There was a discussion on these points but there was no consensus to bring them forward.

The presentation made by the EU (STACTIC W.P. 04/22) provided an overview of citations for infringements issued each year from 1994 to 2003.

5. Conclusions and Recommendations

Parties agreed that non-compliance was a threat to the conservation of vulnerable stocks and that the Compliance Review for 2003 had been a useful first exercise in determining such non-compliance.

However, it is clear from the first experience of undertaking a Compliance Review that a greater effort needs to be made in order to ensure a greater degree of accuracy in the data that is used as a basis for the review. It was also acknowledged that improvements need to be made in the process of its compilation and analysis.

The Secretariat made the following recommendations:

1. Reports in official language: English
2. Standardization of format of observer reports.
3. Electronic submission of reports.

Concerning citations, certain types of infringements by fleets were reported, as follows:

- EU, directing for moratoria species and misreporting of catch.
- Lithuania, VMS requirements
- Russia, mesh size
- Faroe Islands; Japan, lack of an independent observer (not confirmed by the Japanese authorities).

Significant discrepancies in the data from VMS, observer reports and port inspections are a generalized problem for which no obvious explanation could be provided in many cases. Parties concurred that it was important to do a critical analysis of the data and address discrepancies. Parties agreed on the need to ensure that compilation tables and information on the disposition of infringements in FC Doc.04/5 are up to date. The validity was questioned of comparing data from disparate sources, such as VMS, observer and port inspection data with provisional monthly catch and STATLANT 21 statistics.

ANNEX

Table 1 – Number of Vessels Notified to NAFO Secretariat (pursuant to Article 15 CEM)

Some delays were reported in the sending of notifications of fishing vessels to the Secretariat in 2003. The Secretariat also pointed out some problems in receiving data and in the quality of some data.

Given the amendments to the Article 15 (6) of the CEM establishing a vessel register, this will no longer be a requirement in 2004.

Table 2- Submission of Catch and Effort Data for 2003 by Contracting Parties (CPs) to the NAFO Secretariat, as of 30th June 2004

Parties discussed issues specific to their own activity such as further details on Port Inspections. Parties agreed to investigate missing data which included:

- Canada, Port Inspection data
- Cuba, provisional monthly catch data (explained by charter arrangement)
- France (SPM), only STATLANT 21 data submitted (explained by fact fishery occurs only in 3Ps)
- Denmark (FRO), information submitted after deadline
- Poland, only VMS and number of port inspections submitted,
- Ukraine provided data on VMS and provisional monthly catch only, (explained by charter arrangement.)

It was concluded that Table 2 dealing with submission of catch and fishing effort was completed in a satisfactory manner.

Table 3-Notification of Inspection Plans (Pursuant to IV CEM)

It was noted that only Canada, Denmark (FRO), and EU carried out inspections. All had submitted inspection plans and provided notification as required under the CEM. Denmark (FRO) did not submit by November 1 deadline as the inspection plan had not been finalized by that date.

Table 4- Reports on Infringement follow-up (pursuant to Article 35 CEM)

According to Table 4, reports on follow-up received by September 1, 2003 were as follows

- no reports had been received from the EU by the due date
- no report from Denmark (FRO) by the due date
- 1 of 2 reports received from Russia by the due date

Reports on follow-up received by February 1, 2004 were as follows:

- no reports received from EU by the due date
- no reports from Lithuania by the due date

Parties offered explanations for why some data was missing. In some cases, the follow-up was not reflected in the table but details had been provided at a later date.

It was noted that regarding Table 4, FC 04/5 Revised would be a better tool since it is updated on an ongoing basis.

It was concluded that the table is of limited value since it deals with reported infringements rather than follow-up and therefore shows only occasions when requirements under the scheme were not followed. It was agreed the quality and detail of the report i.e. whether any action was taken and the details of that action, was more important than the quantity of reports.

Table 5 – Annual Report on Inspection and Surveillance Activities (Pursuant to Article 36 CEM)

Only Canada, EU and Denmark (FRO) submitted reports as they are the only Contracting Parties with an inspection presence.

Table 6a – Catch Data (from VMS, observer, port, monthly provisional catch and STALANT 21 reports) and compliance with catch limits (pursuant to Articles 3 to 9 CEM)

Parties noted significant discrepancies between various sources of data. Japan noted their concerns as expressed in W.P. 04/18 (1) that the Japanese authorities could not confirm the failure to have an independent and impartial observer on board with respect to tables 6a, 6b, 9 and 13. Several parties expressed concerns about the accuracy of table 6a and possible explanations were provided but no firm conclusions established.

There was further discussion on the value of each of the various data sources. Some CPs questioned the validity of comparing VMS, observer and port inspection data with provisional monthly catch and STATLANT 21 statistics.

Table 6b – Catch data (from at-sea inspection reports) and compliance with catch (Pursuant to articles 3 to 9 CEM)

The reports contained in 6b are not comparable to other sources as the data is an indication of catch data between inspections on a particular vessel. The summary information was also in Tables 12 and 13.

Some CPs indicated that there was value in the Table 6b since it could identify instances of directed fishing or exceeding by-catch as outlined in the NCEM. The information is made available to flag states to analyze further as they choose.

Table 7 – Fishing Days at NAFO RA, including fishing days for shrimps at Area 3M (Pursuant to Articles 3 to 9 CEM)

Several parties expressed concern about the accuracy of data and noted a number of discrepancies. Parties discussed possible reasons for the discrepancies including transit time included as fishing days, time lag between entry and commencement of fishing, and technical failures. The Secretariat noted that days between entry and exit are the days that are included. There was a measure of unreliability with VMS data and it made comparison between VMS, observer reports and port inspection data more difficult.

Problems with language and legibility of some observer reports were also noted as well as lack of standard observer report. Parties discussed specific items related to their own activity and agreed to scrutinize figures and provide explanations where possible.

Table 8 – Catch reporting though hail reports (Pursuant to Articles 3 to 9 CEM) . Discrepancy between number of entries and exits was noted. The Secretariat offered an explanation for the difference between the number of days calculated from Catch on Entry reports (COE) versus VMS days . It was noted that this was further complicated by missing data. For example there were a number of discrepancies between COE/COX (catch on exit) which should in fact be identical.

Table 9 – Gear and Mesh size information (Pursuant to Articles 3 to 9 CEM)

Data was reviewed and the most prevalent type of violation cited by CP was noted including:

- Estonia, mesh size, 1
- EU, gear infringement, 1; mesh size, 2 (one not confirmed by Port Inspection)
- Japan, gear infringement, 1
- Russia, gear infringement, 1

Missing data from port inspection reports was noted. Parties provided corrections specific to their activity.

Table 10 – CP Summary on Satellite Tracking System (STS) Position Reports and Citations concerning STS

Concerns about VMS were raised and apparent discrepancies noted. Parties discussed concerns of quality control and cases where infringements were issued. Parties offered explanations for compliance areas that seemed to be problematic. Lithuania noted that new software is now in place and offered assurances that data would be improved.

Iceland noted there was a misunderstanding on the name of a vessel in an inspection report and that there had been a recording mistake by an operator, due in part to difference between NAFO and NEAFC regulations. This had been corrected with the Secretariat. Iceland suggested that the system should provide a warning to CP's if Catch on Entry is recorded without a following positional report. Assurances were offered that pertinent data would be improved.

Table 11 – CP Summary on AI regarding Prevention of Inspectors from carrying out their duties

There were no infringements for obstructing inspectors and therefore full compliance with this provision of CEM. It was recommended that Table 11 be simplified to one line that noted infringements only, if any.

Table 12 – Number of vessels cited with AI and number of citations

Discrepancies can easily be explained as during a single inspection, it was possible for a vessel to be cited for more than one infringement.

Table 13 – Details of Apparent Infringements Issued

It was noted that certain CPs had specific areas of non-compliance.

- EU, directing for moratoria species and misreporting catch.
- Lithuania, VMS requirements
- Russia, mesh size
- Faroe Islands; Japan, lack of an independent observer (not confirmed by Japanese authorities).

2 citations for Russia had been withdrawn.

Following review of tables, the details of dispositions of infringements contained in 04/5 were discussed. Some parties provided additional updates of ongoing dispositions. In cases where information could not be provided at this time, Parties agreed to investigate further.

Annex 6. Proposal by Iceland and Denmark (in respect of the Faroe Islands and Greenland) and Norway (NAFO/NEAFC message systems)

(STACTIC Working Paper 04/3, Rev. 3 – now FC Doc. 04/18)

Background:

At the STACTIC meeting in June 2003 it was agreed to establish an informal working group to compare the message system in NAFO and NEAFC and locate possible differences between the two systems. A report on the findings was presented during the Annual meeting in September 2003 and is available in STACTIC Working Paper 03/14.

Some of the findings have been taken incorporated in the latest version of the CEM (NAFO/FC Doc. 04/1) but there are still some items that need to be corrected and inserted.

The following proposal deals with the VMS message format in Annex IX and the format for communication of catches and reports by fishing vessels in Annex X.

Additionally a new Annex is proposed for clarification of the message system.

The proposed changes and amendments are based on harmonization, in order to make the messages and reports short and compact and for reasons of clarity.

**Annex IX
VMS Data Format**

The current template can only handle automatic VMS position reports. Following the recent changes to the message system where the Entry report was renamed as Catch on Entry and Exit as to Catch on Exit and the first positions detected either inside or outside the Regulatory Area transmitted as Entry and Exit accordingly, these could be taken into the same message template. Additionally, manual position reports could also be dealt with in the same template.

This can be achieved by giving option for different codes for type of message and two different formats for latitude and longitude, one for decimal degrees and the other for degrees and minutes.

The following changes are proposed:

1. Sequence Number (SQ) to be set as mandatory with a footnote (1) making it optional in case of a VMS message. By this, manual position report from vessels with a defective satellite tracking system will be sequentially numbered as other messages.
2. As it is proposed to use this template for other messages, the Type of Message is proposed to have a footnote (4) where the other types of messages are listed:

Position	=	POS
Entry	=	ENT
Exit	=	EXI
Manual position	=	MAN

3. In the current template, the data element Vessel Name and External Registration Number are set as mandatory. It is proposed to change these to optional. There is no need to transmit these every time a position is forwarded since this information is already registered in the databases by the notification message (NOT).
4. It is proposed to include the two existing data elements for position in the template. The LT/LG (decimal degree) to be used for automatic VMS messages (footnote 3). LA/LO (degrees and minutes) to be used for manual messages (footnote 2).

Current template includes the data elements Record Date (RD), Record Time (RT) and Record Number (RN). These elements are not found in the templates for communication of catches in Annex X. These are relevant there as well.

The data elements RD, RT and RN are the, date, time and sequence number from the relevant Contracting Party and are to be inserted into the messages and reports received from fishing vessels . It will therefore be proposed to list and describe these separately together with general information on the message format in a new Annex. (See # ??)

New Annex IX

The following template and notes are proposed for the VMS Data Format:

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination; "XNW" for NAFO
Sequence Number	SQ	M ¹	Message detail; message serial number in current year
Type of Message	TM ⁴	M	Message detail; message type, "POS" as Position report/message to be communicated by VMS or other means by vessels with a defective satellite tracking device
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Contracting Party Internal Reference Number	IR	O	Vessel registration detail. Unique Contracting Party vessel number as ISO-3 flag state code followed by number
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Latitude	LA	M ²	Activity detail; position at time of transmission
Longitude	LO	M ²	Activity detail; position at time of transmission
Latitude (decimal)	LT	M ³	Activity detail; position at time of transmission
Longitude (decimal)	LG	M ³	Activity detail; position at time of transmission
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

¹ Optional in case of a VMS message

² Mandatory for manual messages

³ Mandatory for VMS messages

⁴ Type of message shall be "ENT" for the first VMS message from the Regulatory Area as detected by the FMC of the Contracting Party.
Type of message shall be "EXI" for the first VMS message from outside the Regulatory Area as detected by the FMC of the Contracting Party, and the values for latitude and longitude are, in this type of message, optional. Type of message shall be "MAN" for reports communicated by vessels with a defective satellite tracking device in accordance with Article 21 (5).

Annex X
Format for communication of catches and reports by fishing vessels

Following changes are proposed to Annex X

ENTRY report

5. Delete template 2) “ENTRY” report and use the template in Annex IX instead. At the same time the data elements Vessel Name (NA) and External Registration Number (XR) will be optional (see point 3)

TRANSHIPMENT report

6. Change heading for 3) “TRANSHIPMENT” report to read as:
 - 2) “TRANSHIPMENT” report
7. Change data element Master Name (MA) in the Transshipment report to be optional. This information is already being transmitted in the Catch on Entry (COE) report.
8. Make the data elements Latitude (LA) and Longitude (LO) optional by a footnote; Optional if the vessel is subject to satellite tracking in accordance with Article 21 (1).

Catch on EXIT report

9. Change the heading for “Catch on EXIT” report to read as:
 - 3) “Catch on EXIT” report
10. Make the data element Master Name (MA) as optional.
11. Make the data elements Latitude (LA) and Longitude (LO) optional by a footnote; Optional if the vessel is subject to satellite tracking in accordance with Article 21 (1)
12. In the remarks column for the data element Catch (CA) is a reference to the last Catch report. The only Catch report is the CAX report in the Pilot Project so the reference must be to the CAX report .’....commencement of fishing in the R.A., or last Catch report (CAX) if such a report is sent according to the Pilot Project, in pairs as needed”.
13. In this template is a data element “Days Fished” (DF). This appears to be new and probably taken directly from the NEAFC system. There is no reference to this data element in older NAFO document. There is no real use for this data element since the number of days in the area will automatically be calculated from the day of entry, this should either be made optional or simply deleted.

EXIT report

14. Delete template 5) “EXIT” report and use the template in Annex IX instead. At the same time the data elements Vessel Name (NA) and External Registration Number (XR) will be optional (see point 3).

New Annex

15. It is proposed to add a new Annex to list “**Data Exchange Format and Protocols**”. The purpose of this Annex is to explain the structure of the data exchange format and to list or make reference to agreed communication protocols. Show template for Return messages (RET) with its error codes and list all data elements from the North Atlantic Format which are used in reports and messages in the NAFO Regulatory Area with explanation on the content and size of each.

Annex XXIII
Data Exchange Format and Protocols

A. Data transmission format

Each data transmission is structured as follows:

1. Data characters in accordance with ISO 8859.1
2. Each data transmission is structured as follows:
 - double slash (“//”) and the characters “SR” indicate the start of a message;
 - a double slash (“//”) and field code indicate the start of a data element;
 - a single slash (“/”) separates the field code and the data;
 - pairs of data are separated by space;
 - the characters “ER” and a double slash (“//”) at the end indicates the end of a record.

B. Data exchange protocols

Authorised data exchange protocols for electronic transmission of reports and messages between Contracting Parties and the Secretary shall be in accordance with Annex XX, Rules on Confidentiality.

New Annex...
C. Format for electronic exchange of fisheries monitoring information
(The North Atlantic Format)

Category	Data Element	Field code	Type	Contents	Definitions
System	Start Record	SR			Indicates start of the record
Details	End Record	ER			Indicates end of the record
	Return Status	RS	Char*3	Codes	ACK / NAK = Acknowledged / Not Acknowledged
	Return Error Number	RE	Num*3	001 – 999	Codes indicating errors as received at operation centre, see Annex XXIII D2
Message	Address destination	AD	Char*3	ISO-3166 Address	Address of the party receiving the message, "XNW" for NAFO
Details	From	FR	Char*3	ISO-3166 Address	Address of the transmitting party, (Contracting Party)
	Type of Message	TM	Char*3	Code	Code for the message type as
	Sequence Number	SQ	Num*6	NNNNNN	Message serial number
	Record Number	RN	Num*6	NNNNNN	Serial number of the record in the relevant year
	Record Date	RD	Num*8	YYYYMMDD	Year, month and date
	Record Time	RT	Num*4	HHMM	Hours and minutes in UTC
	Date	DA	Num*8	YYYYMMDD	Year, month and date
	Time	TI	Num*4	HHMM	Hours and minutes in UTC
Vessel	Radio Call Sign	RC	Char*7	IRCS Code	International Radio Call Sign of the vessel
Registration	Vessel name	NA	Char*30		Name of the vessel
Details	Ext. registration	XR	Char*14		Side Number of the vessel
	Flag State	FS	Char*3	ISO-3166	State of registration
	Contracting Party internal ref. number	IR	Char*3 Num*9	ISO-3166 +max. 9N	Unique vessel number attributed by the flag State pursuant to registration
	Port Name	PO	Char*20		Port of registration of the vessel/homeport
	Vessel Owner	VO	Char*60		Name and address of the vessel owner
	Vessel Charterer	VC	Char*60		Name and address of the vessel charterer
Vessel Character. Details	Vessel capacity	VT	Char*2 Num*4	"OC"/"LC" Tonnage	According to: "OC" OSLO 1947 Convention /"LC" LONDON ICTM-69 Capacity of the vessel in metric tons
	Vessel Power unit	VP	Char*2 Num*5	0-99999	Indication of which measurement unit applies "HP" or "KW" Total main engine power
	Vessel Length	VL	Char*2 Num*3	"OA"/"PP" Length in meters	Unit "OA" length overall, "PP" length between perpendiculars Total length of the vessel in meters, rounded to the nearest whole meter
	Vessel Type	TP	Char*3	Code	As listed in Annex V.A.
	Fishing Gear	GE	Char&3	FAO Code	International Standard Statistical Classification of the Fishing Gear as Annex VI
	Limited Authorization	LU	Char*3	Yes or No	Yes or No to indicate whether a limited authorization is valid or not

Category	Data Element	Field code	Type	Contents	Definitions
Activity Details	Latitude	LA	Char*5	NDDMM *WGS-84)	e.g. //LA/N6235 = 62°35' North
	Longitude	LO	Char*6	E/WDDMM (WGS-84)	e.g. //LO/W02134 = 21°34' West
	Latitude (decimal)	LT	Char*7	+/-DD.ddd	Value negative if latitude is in the southern hemisphere ¹ (WGS84)
	Longitude (decimal)	LG	Char*8	+/-DDD.ddd	Value negative if longitude is in the western hemisphere ¹ (WGS84)
	Trip Number	TN	Num*3	001-999	Number of the fishing trip in current year
	Catch	Species	CA	Char*3	FAO species code
Quantity		Num*7		0-9999999	
Quantity onboard	Species	OB	Char*3	FAO species Codes	Quantity onboard the vessel by species in kilograms live weight rounded to the nearest 100 Kg, in pairs as needed
	Quantity		Num*7	0-9999999	
Transferred species	Species	KG	Char+3	FAO species Codes	Information concerning the quantities transferred between vessels by species in kilograms live weight rounded to the nearest 100 Kg. whilst operating in the R.A.
	Quantity		Num*7	0-9999999	
Relevant Area		RA	Char*6	ICES/NAFO Codes	Code for the relevant fishing area
Directed Species		DS	Char*3	FAO species codes	Code for the species the vessel is targeting. Allow for several species, separated by a space. E.g. //DS/species species species//
Transhipped From		TF	Char*7	IRCS Code	International Radio Call Sign of the donor vessel
Transhipped To		TT	Char*7	IRCS Code	International Radio Call Sign of the receiving vessel
Master Name		MA	Char*30		Name of the vessels master
Pilot Project	Apparent Infringement	AF	Char*1	Y or N	For onboard observer to report his observations
Discard	Species	RJ	Char*3	FAO Species Code	Detailed information regarding discard in kilograms live weight, in pairs as needed.
	Quantity		Num*7	0 - 9999999	
Undersize	Species	US	Char*3	FAO Species Code	Detailed information regarding undersize catch in kilograms live weight, in pairs as needed.
	Quantity		Num*7	0 - 9999999	
Daily catch	Species	CA	Char*3	FAO species code	The cumulative catch retained on board by species, in kilogram live weight rounded to the nearest 100 Kg since the vessel entered the R.A. or since the last CAX report if such a report has been sent, in pairs as needed.
	Quantity		Num*7	0-9999999	
Mesh Size		ME	Num*3	0 – 999	Average mesh size in millimeters
Production		PR	Char*3	Code	Code for the production Annex XXI (c)
Log Book		LB	Char*1	Y or N	For onboard observer to approve the entries in the vessels log book
Hails		HA	Char*1	Y or N	For onboard observer to approve the hails sent from the vessel
Observer Name		ON	Char*30	Text	Name of the onboard observer
Free Text		MS	Char*255	Text	Activity detail; for further comments by observer

¹ The plus sign (+) does not need to be transmitted; leading zeros can be omitted.

D. 1) Structure of reports and messages as laid down in Annex IX and Annex X when forwarded by Contracting Parties to the Secretary.

Where appropriate, each Contracting Party shall retransmit to the Secretary reports and messages received from its vessels in accordance with Articles 21 and 22; subject to the following amendments:

- the address (AD) shall be replaced by the address of the Secretary (XNW)
- the data elements “record date” (RD), “record time” (RT), “record number” (RN) and “from” (FR) shall be inserted.

D. 2) Return messages.

If a Contracting Party so requests, the Secretary shall send a return message every time an electronic transmission of a report or message is received.

Return message format:

Data Element	Field Code	Mandatory/Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, Contracting Party sending the report
From	FR	M	Message detail; XNW is NAFO (who is sending the return message)
Type of message	TM	M	Message detail; message type RET for return message
Return Status	RS	M	Reporting detail; code showing whether the report/message is acknowledged or not (ACK or NAK)
Return error number	RE	O	Reporting detail; number showing the type of error: report/message unreadable (101), inconsistent data (102), sequence error (103)
Record number	RN	M	Reporting detail; record number of the report/message which is received
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of Record	ER	M	System detail; indicates end of the record

E. Types of reports and messages

Annex	Provisions	Code	Message / Report	Remarks
IV. A	Article 15	NOT	Notification	Notification of authorised fishing vessels
IX	Article 21(1)	ENT POS EXI	Entry Position Exit	VMS messages
	Article 21 (5)	MAN	Manual position	Reports transmitted by fishing vessels with a defective satellite tracking device to the Contracting Party
X	Article 22 (1a)	COE	Catch on Entry	Report transmitted by fishing vessels, prior to entering the R.A.
	Article 22 (1c)	TRA	Transshipment	Report on quantities on-loaded or off-loaded in the R.A.,
	Article 22 (1b)	COX	Catch on Exit	Report transmitted by fishing vessels, prior to leaving the R.A.
	Article 21 (1) Article 22 (2)	RET	Return	Automatic electronic message pursuant to reception of records
XXI (a)	1	CAX	Catch	Daily Catch report in Pilot Project
	2	OBR	Observer	Daily Observer report in Pilot Project

In the message template in Annex XXI (a) for the Observer report is a data element “Production” and in the Remarks column “code for the production”. There is no reference to where the codes are to be found. Therefore the following addition to Annex XXI is proposed.

Annex XXI (c)**Product form codes**

Code	Product form
A	Round – Frozen
B	Round – Frozen (Cooked)
C	Gutted Head on – Frozen
D	Gutted Head Off - Frozen
E	Gutted Head Off – Trimmed – Frozen
F	Skinless Fillets – Frozen
G	Skin on Fillets - Frozen
H	Salted Fish
I	Pickled Fish
J	Canned Products
K	Oil
L	Meal Produced from Round Fish
M	Meal Produced from Offal
N	Other (Specify)

**Annex 7. Proposal by Canada for Modifications to the
NCEM to illustrate and describe Toggle Chains**
(STACTIC W.P. 04/25 – now FC Doc. 04/9)

EXPLANATORY MEMORANDUM

This paper proposes the creation of an annex to describe and illustrate toggle chains. Vessels fishing for 3L shrimp are required by Article 10, paragraph 7 of the NAFO Conservation and Enforcement Measures to use toggle chains that are at least 72 cm in length. This provision is in place to reduce the capture of unwanted groundfish bycatch by requiring a minimum spacing between the footrope and the fishing line of at least 72 cm. The proposed revision to Article 10, paragraph 7 is as follows:

7. Vessels fishing for shrimp in Division 3L or 3M shall use sorting grids or grates with a maximum bar spacing of 22 mm. Vessels fishing for shrimp in Division 3L shall also be equipped with toggle chains of a minimum 72 cm in length, **as described in Annex XXII.**

Annex XXII

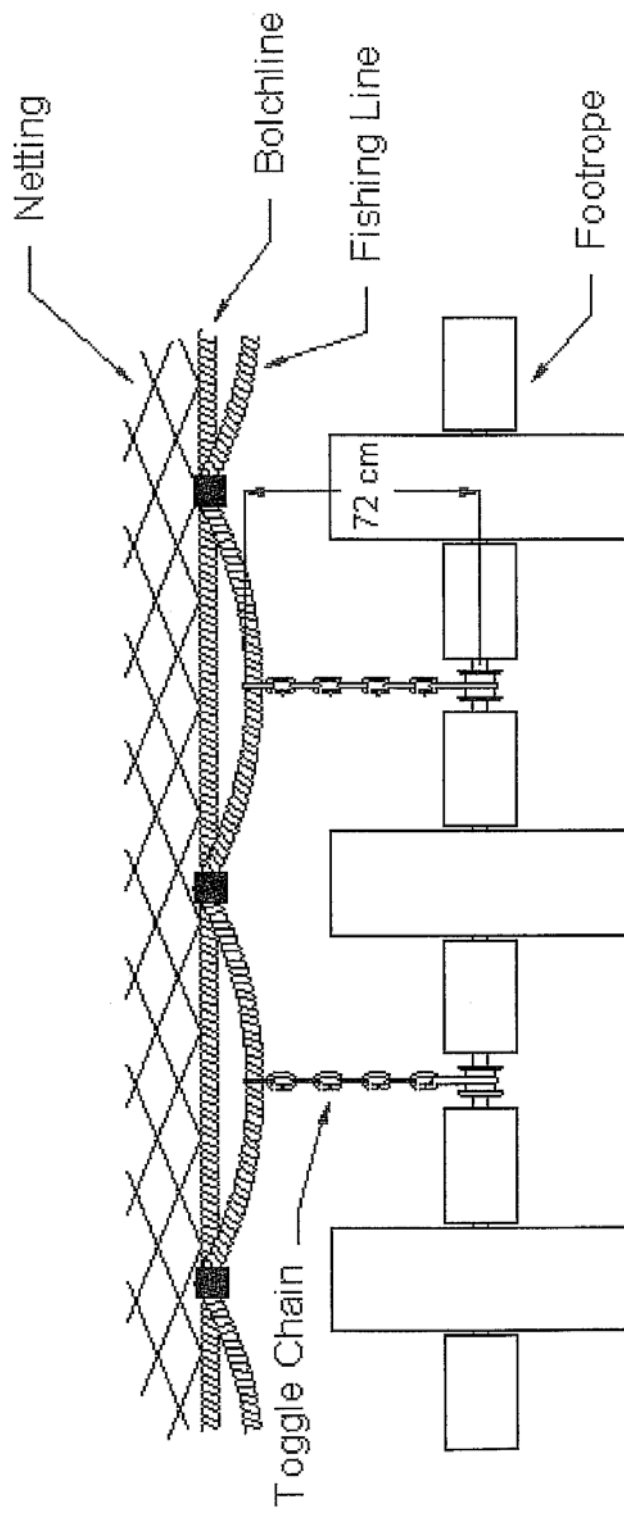
Shrimp Trawl Toggle Chains

Toggle chains are chains, ropes, or a combination of both, which attach the footrope to the fishing line or bolchline at varying intervals.

The terms “fishing line” and “bolchline” are interchangeable. Some vessels use one line only; others use both a fishing line and a bolchline as shown in the sketch.

The toggle chain length should be measured from the center of the chain or wire running through the footrope (center of footrope) to the underside of the fishing line.

The attached sketch shows how to measure the toggle and chain length.



**Annex 8. Proposed Modifications of NAFO CEM Articles 18 (Product labelling) and
19 (Recording of catch and stowage) – Working Paper presented by Denmark
(in respect of the Faroe Islands and Greenland)**
(STACTIC Working Paper 04/30, Revision 5 – now FC Doc. 04/10)

EXPLANATORY MEMORANDUM

The aim of the proposed modification is to ensure more effective inspection of fishing vessels at sea and in port by extending the provisions regarding product labelling and introducing the requirement for master of the vessels to keep stowage plans of the catch stored on board. It is also necessary to distinguish between catches taken inside and outside the NAFO Convention Area.

The Fisheries Commission agreed that the application of the measure shall be reviewed by STACTIC in 2006.

Article 18 is replaced by the following:

Article 18 – Product labelling

When processed all fish harvested in the Regulatory Area shall be labelled in such a way that each species and product category is identifiable. It shall also be clearly marked as having been caught in the Regulatory Area. Furthermore, all shrimp harvested in Division 3L and all Greenland Halibut harvested in Sub-area 2 and Divisions 3KLMNO shall be marked accordingly.

Article 19.4 replaced by the following article 19.4 and article 19.5 and 19.6 are added:

Article 19- Recording of catch and stowage

4. Fishing vessels shall record their cumulative production by species in a production logbook. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The production logbook shall be kept on board until the vessel has been unloaded completely.
5. Taking into consideration the legitimate safety and navigational responsibilities of the master of the vessel, the following shall apply: Catches of the same species may be stowed in more than one part of the hold, but in each part of the hold where it is stowed it shall be kept clearly separate (for example by plastic, plywood, netting etc.) from catches of other species. Similarly all catches taken inside the NAFO Convention Area shall be stowed separately from all catches taken outside the area.
6. Fishing vessels shall keep a stowage plan that shows the location of the different species in the holds as well as the quantities of such species on board in product weight stated in kilograms. It shall be updated every day for the preceding day reckoned from 0000 hrs (UTC) until 2400 hrs (UTC). The stowage plan shall be kept on board until the vessel has been unloaded completely.

**Annex 9. Proposal by Iceland for amendments to the NAFO Conservation
and Enforcement Measures re Inspection Protocol**

(STACTIC Working Paper 04/31, Rev. 2 – now FC Doc. 04/11)

Background

The changes to these paragraphs are meant to ensure the continuity of inspections of vessels that have been cited cf. paragraph 2 of the same article. The proposal is in the first place aimed at making it possible for the inspector that makes the citation to stay onboard the vessel until it is certain that an inspector from the Flag Contracting Party is present and in a position to inspect the vessel. Secondly the inspector is allowed to stay onboard while the Contracting Party inspector conducts a follow up inspection. This makes the whole procedure more transparent and excludes the opportunity to alter the situation onboard between the citation and the inspection by the Flag Contracting Party inspector. By sharpening of the wording of the article the effectiveness and continuity of the procedure laid out in this article is more secure.

To enable the fishing vessel to resume its normal fishing operation after an inspection has been completed and possible evidences sealed or saved, one sentence has been added to paragraph 6 to facilitate for that.

The current reading of paragraph 8 is that inspectors from other Contracting Parties are allowed to board and remain onboard while the vessel proceeds to port pursuant to paragraph 7. The change in the wording of paragraph 8 is only to underline that the inspector that made the citation is allowed to remain onboard during that time as well.

Article 32 paragraphs 5, 6 and 8 shall read as follows:

5. The inspector is entitled to remain on board the vessel for the period necessary to provide information to the authorised inspector concerning the infringement. During this time, the inspector shall complete the inspection and, within a reasonable period of time, communicate with an inspector or competent authority of the Contracting Party of the inspected vessel. Following the arrival of the Contracting Party inspector, the inspector may remain aboard the inspected vessel while the Contracting Party inspector conducts an inspection, provided that the competent authority of the Contracting Party of the inspected vessel does not require the inspector to leave the vessel.
6. As long as the inspector remains aboard, the master may not resume fishing until the inspector is reasonably satisfied, as a result of either the action taken by the vessel's master or the inspector's communication with an inspector or competent authority of the Contracting Party of the inspected vessel, that the infringement will not be repeated. However, in cases where the inspector is unable to communicate with the authority of the Contracting Party of the inspected vessel, the master may resume fishing as soon as the inspector has completed the inspection and secured evidence according to paragraph 4.
8. When a vessel is required to proceed to port pursuant to paragraph 7, an inspector from another Contracting Party may board and/or remain on board the vessel as it is proceeding to port, provided that the competent authority of the Contracting Party for the inspected vessel does not require the inspector to leave the vessel.

Annex 10. Precautionary Approach Framework (Proposal by Canada)
(STACTIC Working Paper 04/10, Rev. – now FC Doc. 04/12)

Canada endorses the application of a precautionary approach framework that can be used by the Fisheries Commission to make decisions for NAFO-managed stocks.

Canada proposes the practical implementation of the PA, by the Fisheries Commission, on selected stocks to ensure there is a sound understanding of the aspects of moving forward within the proposed framework.

It is suggested that the outcomes from the evaluation of these selected stocks be used to guide the Fisheries Commission regarding the most appropriate application of the framework to all NAFO stocks.

Canada proposes that the Scientific Council be requested to provide their advice for selected stocks in 2005 within the PA framework. The SC should be further requested to provide a description of how the advice using the PA framework differs from advice provided in the traditional manner.

With this in mind it is proposed that the implementation of the PA to be considered for the following stocks:

- Yellowtail flounder in Divisions 3LNO
 - a data rich stock in good health
 - general production based assessment
 - managed by TAC/Quota

- Shrimp in Division 3M
 - a data poor stock in good condition
 - managed by effort controls

Annex 11. Statement of the United States regarding Conservation and Management of Yellowtail Flounder in Division 3LNO

Thank you, Mr. Chairman.

NAFO has accomplished much important business this week. It is now the first regional fishery management organization in the world to impose conservation and management measures for an elasmobranch species, thorny skates. The United States has been seeking this for many years. NAFO has also initiated management on other unregulated stocks, and taken steps to move forward with the precautionary approach.

It should come as no surprise, however, to those who have watched and worked with our delegation over the years that we have been at NAFO, that we are deeply disappointed that NAFO, once again, has failed to acknowledge the legitimate interests of the United States by providing its fishing industry a reasonable, practical opportunity to pursue a NAFO fishery.

The United States clearly meets relevant criteria. We are a coastal state. We have a tradition of fishing in this area and for this stock. We have contributed significantly to the science that supports NAFO and the management of this stock. We are the second-largest financial contributor to NAFO.

And there can be no doubt about the health and productivity of this stock. The recovery of yellowtail flounder in Division 3LNO is one of the great success stories of which NAFO should justly be proud. A fishery management organization that unduly restricts the utilization of a stock, after the painful price of recovery has been paid and stock rebuilding achieved, is not serving its members, our fishermen, and our fishing economies. This kind of restriction undermines the credibility of a responsible fishery management organization.

The United States believes that our proposal for the management of yellowtail flounder was reasonable, prudent, conservative and precautionary. We heard objections that it was inconsistent with scientific advice. That is clearly not true. The Scientific Council analyzed alternative fishing mortality rates, and concluded at even at the highest rate analyzed, the chance of the stock falling below its Bmsy at any time in the next 14 years is less than 12%.

We heard objections that harvests need to be limited because of bycatch considerations. But bycatch is an acknowledged problem in many fisheries, including some for which we provided new fishing authorizations today. Why single out yellowtail to special concern. Why allege that this is a priority when at the same time NAFO data indicates that thousands of tons of moratorium species are being taken in other NAFO fisheries. There is a question of logic and equity here that strains belief.

We also heard objections that the U.S. proposal was somehow a surprise. This one hurts most, because it implies that our government has been less than forthcoming with our partners. Let me assure everyone here today that nothing could be further from the truth with regard to our intentions. For the past two years we have been urging NAFO to allow fishermen to begin to reap the benefits of the yellowtail flounder recovery by increasing the target fishing mortality rate. Last year, we successfully urged the Scientific Council to analyze the impacts and harvest levels that would be associated with specific target fishing mortality rates. We all received that advice, and it was publicly known and discussed. To imagine that we -- or some other party -- would not take advantage of this scientific advice and propose that we all have the opportunity to begin reaping the benefits of a conservative management program, is completely unbelievable.

We heard that scientific advice needs to be followed, and yet many of our decisions today have departed from scientific advice. We heard that allocation keys could not be revised, and yet we have today revised allocation keys. And why would these be done? Because parties had requirements that needed to be met in order to have an effective management system among equal, sovereign states. Almost every party's needs were able to be addressed, with the outstanding exception of the United States.

Mr. Chairman, this is patently unfair. It is not worthy of an organization such as NAFO to treat a party who has made so many contributions, who is a coastal state, and who has a tradition in this fishery, with such cavalier rejection.

Mr. Chairman, as we have noted to our colleagues in the past, the United States, as any other party, has many priorities. We all allocate our limited and precious time and our energy and resources to those priority issues where our interests are most at stake. It is becoming increasingly clear to us that for the United States, NAFO may not be such a priority. The unfortunate action that NAFO is taking today only serves to strongly reinforce this impression.

We continue to wish NAFO and our colleagues well. We genuinely appreciate the efforts of the Canadian government and its industry to work with us to find a solution to this problem. Unfortunately we were unable to do so, and the ultimate results are unfair, unreasonable, and simply unacceptable to the United States.

Annex 12. Denmark (in respect of Faroe Islands and Greenland) Intervention on 3L Shrimp

Mr Chairman,

Our delegation has been discussing with other delegations on the issue of the allocation of shrimp in 3L. As you know, we do not have what we can call an allocation key for this stock. We have an unsatisfactory ad hoc arrangement of equal portions to 15 Contracting Parties in the NRA, with 5/6 of the TAC going to Canada as coastal state.

We have during this meeting been trying to gauge the level of concern and interest among Contracting Parties in resolving this issue. It is a problem not just for this Contracting Party, but for all Parties as members of NAFO.

I won't dwell on the details of our grievances, Mr Chairman, you have all heard them many times.

We would like to offer to the Commission a proposal for a way forward on the allocation of shrimp in 3L (FC Working paper 04/20). We do this in the spirit of compromise and with a genuine desire to see a final resolution of this issue.

We remain steadfast in our view that catch history must be the main criterion for allocation in the NRA, but we are of course also sensitive to the entitlements that other Contracting Parties have become accustomed to since 2000.

In short, this proposal is to postpone the decision on the TAC and its division and allocation until after this year's Oct/Nov meeting of the Scientific Council, which will be requested to deliver new advice for 2005.

A process of gradual reallocation would result form an increase in the TAC, firstly addressing the level of the share to DFG with an amount of 1000 t, then addressing the coastal state share in proportion to this adjustment. Additional increase would be divided between the coastal state and the NRA in the fixed proportion. Further increase in the share to the NRA over and above the 1000 t to DF would be divided proportionally between all Contracting Parties with shares in the NRA.

This may sound complicated, but in fact we believe this way forward is a simple transparent procedure to rectify the situation. The pace at which it can be implemented will of course depend on the level of any increase in the TAC. We are not trying to pre-empt the scientists, but all indications are that the stock is in good shape and that we can all look forward to benefiting from the further development of the shrimp fishery in 3L.

This optimistic outlook, Mr Chairman, gives us now an excellent opportunity to correct the mistake made by this Commission in 1999 in a pragmatic and rational way.

Annex 13. Proposal by Canada for 3O Redfish
(FC Working Paper 04/18, Revised – now FC Doc. 04/15)

During 2002 the Scientific Council recommended that an initial conservation measure should be to bring this stock under a quota management regime that is applicable throughout the stock area.

During the 2004 WG on the Management of 3O Redfish the United States, Japan and Canada suggested that the Fisheries Commission should consider a TAC for this stock in the range of 13,000 to 20,000 t.

It is proposed that a Total Allowable Catch of 20,000 t be established for 3O Redfish for three years (2005-2007).

Standard allocation criteria suggest a substantial allocation for Canada. These are: Coastal state status, percent biomass inside and outside Canada's 200 mile EEZ, coastal community dependence and contribution to science and enforcement.

In an effort to provide a compromise position on this issue Canada is prepared to forego its claim related to these basic criteria.

Canada currently has set a TAC of 10,000 t for this stock. However, Canada is prepared to accept a downward adjustment to an amount that reflects the average proportion of the entire harvest during the past decade.

Therefore the following allocations are proposed:

Country	Allocation
Canada	6000
EU	7000
Japan	150
Korea	100
Russia	6500
Others	250

The allocations for the EU, Russia and others also generally reflect fishing patterns of the recent period.

Annex 14. Proposal by Canada for 3LNO Skates
(FC Working Paper 04/17 – now FC Doc. 04/14)

Canada proposes that a Total Allowable Catch of 13,500 t be established for 3LNO Skates for 3 years (2005-2007).

Canada proposes, based on standard allocation criteria (Coastal state status, percent biomass inside and outside Canada's 200 mile EEZ, coastal community dependence and contribution to science and enforcement, catch history), the following allocations:

Country	Allocation
Canada	2250
EU	8500
Russia	2250
Others	500

Annex 15. United States Statement regarding Skates in Division 3LNO

The United States is pleased that NAFO has decided this year to initiate regulation of thorny skate catches from Div. 3LNO, thereby taking the lead in international management of elasmobranchs (sharks, skates and rays). These are unique resources that are seriously overfished. Their vulnerable life histories make them particularly prone to decline from overfishing. FAO and other international organizations have strongly urged States and regional fisheries management organizations to take action to protect these species. NAFO is the first regional fishery management organization to take this kind of action for an elasmobranch species.

I must say that we are disappointed, however, that the 13,500 t TAC for this vulnerable species was set above the Scientific Council's advice for a maximum catch limit (11,000 t in 2005 and 2006). We are also disappointed that this recommendation is for three years rather than the two recommended by the Scientific Council. Considering that skates' life history characteristics lead to low resilience to fishing mortality, the United States is concerned that the NAFO skate TAC for 2005-2007 is not sufficiently precautionary and that three years is too long to maintain a TAC at levels in excess of scientific advice.

The Scientific Council reported that thorny skate biomass in Div. 3LNO markedly declined from 1985 to 1994 and has since remained low. Abundance on the Grand Bank is currently near a historic low and the stock is now concentrated on the southwestern part of the Grand Bank, a phenomenon similar to that observed for northern cod just prior to collapse. This "hyper-aggregation" leaves thorny skates increasingly vulnerable to exploitation.

The FAO *International Plan of Action for the Conservation and Management of Sharks*, recommends application of the precautionary approach to ensure sustainable catches of sharks, skates, rays and chimaeras with special attention to vulnerable or threatened stocks of these species.

We have taken important, landmark action today. It is extremely disappointing that we did not do more.

Annex 16. Proposal by Canada for 3NO White Hake
(FC Working Paper 04/19, Revised – now FC Doc. 04/16)

During 2004 the Scientific Council reported that to avoid potential overfishing and bycatch problems, catches in the directed fishery for white hake should be limited to catches of the recent two years which averaged 5800 t. This average was based on catch estimates as used by Scientific Council. A similar calculation, based on official NAFO statistics, results in an average of 6250 t.

It is proposed that a Total Allowable Catch of 8500 t be established for 3NO White Hake for three years (2005-2007).

Canada proposes, based on standard allocation criteria (Coastal state status, percent biomass inside and outside Canada's 200 mile EEZ, coastal community dependence and contribution to science and enforcement, catch history), the following allocations:

Country	Allocation
Canada	2500
EU	5000
Russian Federation	500
Others	500

Annex 17. CEM Annexes I.A, I.B, I.C

Annex I.A Annual Quota Table

QUOTA TABLE. Total allowable catches (TACs) and quotas (metric tons) for 2005 of particular stocks in Subareas 1-4 of the NAFO Convention Area. The values listed include quantities to be taken both inside and outside the 200-mile fishing zone, where applicable.

Species	Cod			Redfish				American plaice		Yellowtail	Witch	
	3L	3M	3NO	3LN	3M	3O	Sub-Area 2 and Div. 1F+3K	3LNO	3M	3LNO	3L	3NO
Canada		0	0	0	500	6000	1000 ^{2,4}	0	0	14624 ⁵		0
Cuba		0	-	0	1750		1000 ^{2,4}	-	-	-		-
Denmark (Faroe Islands and Greenland)		0	-	-	69		25000 ^{2,3}	-	-	-		-
European Union		0 ¹²	0 ¹²	0 ¹²	7813 ¹³	7000	25000 ^{2,3} 6500 ^{2,16}	0	0 ¹²	-		0 ¹²
France (St. Pierre et Miquelon)		-	-	-	69		1000 ^{2,4}	-	-	300 ⁵		-
Iceland		-	-	-	-		25000 ^{2,3}	-	-	-		-
Japan		-	-	-	400	150	1000 ^{2,4}	-	-	-		-
Korea		-	-	-	69	100	1000 ^{2,4}	-	-	-		-
Norway		0	-	-	-		25000 ^{2,3}	-	-	-		-
Russia		0	0	0	9137	6500	25000 ^{2,3}	-	0	-		0
Ukraine						150	1000 ^{2,4}					
United States of America		-	-	-	69		1000 ^{2,4}	-	-	-		-
Others		0	0	0	124	100	-	0	0	76 ⁵		0
TOTAL ALLOWABLE CATCH	*	*8	*	*	5000 ⁹	20000 ¹⁷	32500 ^{11,18}	*	*8	15000 ¹⁰	*	*8

Species	White hake	Capelin	Skates	Greenland halibut	Squid (Illex) ¹	Shrimp	
Division/Contracting Party	3NO	3NO	3LNO	3LMNO	Sub-areas 3+4	3L	3NO
Canada	2500	0	2250	2112	N.S. ⁶	10833	
Cuba		0		-	510	144	
Denmark (Faroe Islands and Greenland)		-		244	-	144	
European Union	5000	0 ¹²	8500	8254 ¹⁹	<u>N.S.</u> ⁶ 611 ¹⁴	720 ¹⁵	
France (St. Pierre et Miquelon)		-		230	453	144	
Iceland		-		-	-	144	
Japan		0		1443	510	144	
Korea		-		-	453	144	
Norway		0		-	-	144	
Russia	500	0	2250	1796	749	144	
Ukraine						144	
United States of America		-		-	453	144	
Others	500	-	500	0 ⁷	794	0	
TOTAL ALLOWABLE CATCH	8500 ¹⁷	*	13500 ¹⁷	14079	34000 ⁸	13000	*

* Ban on fishing in force – The provisions of Article 9, paragraph 3 shall apply.

1. Any quota listed for squid may be increased by a transfer from any “coastal state” as defined in Article 1, paragraph 3 of the NAFO Convention, provided that the TAC for squid is not exceeded. Transfers made to Contracting Parties conducting fisheries for squid in the Regulatory Area shall be reported to the Executive Secretary, and the report shall be made as promptly as possible.
2. The Contracting Parties shall notify the Executive Secretary every second week of catches taken by its vessels from this allocation until accumulated reported catch reaches 50%, after which time weekly notification shall apply. The Executive Secretary shall notify without delay all Contracting Parties the dates on which accumulated reported catch taken by vessels of Contracting Parties estimated equal to 50% and then 100% of that allocation.
3. Quota to be shared by vessels from Denmark (Greenland and Faroe Islands), European Union, Iceland, Norway and Russia. Catches in the NAFO Convention Area shall be deducted from the quotas allocated in the NEAFC Convention Area.
4. Quota to be shared by vessels from Canada, Cuba, France (St. Pierre et Miquelon), Japan, Korea, Ukraine and USA.
5. Contracting Parties shall inform the Executive Secretary before 1 December 2004 of the measures to be taken to ensure that total catches do not exceed the levels indicated.
6. The allocation to these Contracting Parties are as yet undetermined, although their sum shall not exceed the difference between the total of allocations to other Contracting Parties and the TAC (= 29.458 tons).
7. In 2005, the previous 935 t “Others” quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.
8. Applicable to 2005 and 2006.

9. Each Contracting Party shall notify the Executive Secretary every second week of catches taken by its vessels from this stock until accumulated reported catch reaches 50%, after which time weekly notification shall apply. Not more than 2500 tons may be fished before July 1, 2005. The Executive Secretary shall notify without delay all Contracting Parties of the date on which, for this stock, accumulated reported catch taken by vessels of the Contracting Parties is estimated to equal 50% and then 100% of the TAC.
10. The provisions of Article 9, paragraph 3 of the Conservation and Enforcement Measures shall apply.
11. In the case of the NEAFC decision which modify the level of TAC for this stock in 2005 as compared to 2004, these figures shall be accordingly adjusted.
12. Including fishing entitlements of Estonia, Latvia, and Lithuania following their accession to the European Union and in accordance with sharing arrangements of the former USSR quota adopted by the Fisheries Commission at its Annual Meeting in 2003 (FC Working Paper 03/7).
13. Including allocations of 1571 tonnes each for Estonia, Latvia and Lithuania out of a sharing of 20,000 tonnes, following their accession to the European Union.
14. Allocations of 128 tonnes each for Estonia, Latvia and Lithuania as well as 227 tonnes for Poland out of a TAC of 34,000 tonnes, following their accession to the European Union.
15. Including allocations of 144 tonnes each for Estonia, Latvia, Lithuania and Poland out of a TAC of 13000 tonnes, following their accession to the European Union
16. Allocation of 5800 tonnes for Lithuania and 700 tonnes to Latvia following their accession to the European Union.
17. Applicable to 2005, 2006, and 2007.
18. The quota shares in footnotes 4 and 16 can only be fished in the NAFO Regulatory Area. If an increase in the overall TAC as defined in footnote 11 leads to an increase in these shares, the first 500 tonnes of that increase shall be added to the quota share referred to in footnote 4.
19. Including an allocation of 461 tonnes for Estonia, Latvia, and Lithuania following their accession to the European Union.

Annex I.B
Effort Allocation Scheme for Shrimp Fishery in the
NAFO Regulatory Area Div. 3M, 2005

CONTRACTING PARTY	NUMBER OF FISHING DAYS	NUMBER OF VESSELS
Canada	456	16
Cuba	100	1
Denmark		
– Faroe Islands	1606	8
– Greenland	515	14
European Union	3293 ¹	33 ¹
France (in respect of St Pierre et Miquelon)	100	1
Iceland	N/A	N/A
Japan	100	1
Korea	100	1
Norway	1985	32
Russia	2100	N/A
Ukraine	100	1
USA	100	1

¹Including fishing entitlements transferred from Poland (100 fishing days with one vessel), Estonia (1667 fishing days with 8 vessels), Latvia (490 fishing days with 4 vessels) and Lithuania (579 fishing days with 7 vessels) following their accession to the European Union.

Annex I.C
Rebuilding Plan for 3LMNO Greenland Halibut

Species	Greenland halibut	Greenland halibut	Greenland halibut	Greenland halibut
Division/ Contracting Party	3LMNO 2004	3LMN O 2005	3LMNO 2006	3LMNO 2007
Canada	2223	2112	2056	1778
Cuba	-	-	-	-
Denmark (Faroe Islands and Greenland)	-	244	238	206
European Union	8203	8254 ³	8038 ⁴	6951 ⁵
France (St Pierre et Miquelon)	-	230	224	194
Iceland	-	-	-	-
Japan	1519	1443	1405	1215
Korea	-	-	-	-
Norway	-	-	-	-
Russia	1890	1796	1748	1512
Ukraine	-	-	-	-
United States of America	-	-	-	-
Others	985 ¹	0 ²	0 ²	0 ²
TOTAL ALLOWABLE CATCH	14820	14079	13709	11856

¹ Of which no more than 60% may be fished before 1 May in each year.

² In 2005, the previous 935 t "Others" quota was assigned to three Contracting Parties. When the TAC exceeds 30,000 t the next 1,300 t beyond 30,000 will be allocated to an Others quota which can be accessed by those who do not hold Greenland halibut allocation. In deciding the relevant contributions of Contracting Parties to the 1300 t Others quota, the Fisheries Commission will take into account the fact that some Contracting Parties received a benefit from the 935 t quota which was reassigned in 2005.

³ Including an allocation of 461 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

⁴ Including an allocation of 450 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

⁵ Including an allocation of 389 tonnes for Estonia, Latvia and Lithuania following their accession to the European Union.

**Annex 18. Fisheries Commission's Request for Scientific Advice on Management in 2006
of Certain Stocks in Subareas 2, 3 and 4**

(FC W.P. 04/22, Revised – now FC Doc. 04/7)

1. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 2005 Annual Meeting, provide advice on the scientific basis for the management of the following fish and invertebrate stocks or groups of stocks in 2006:

Shrimp (Div. 3M, 3LNO)
Greenland halibut (Subarea 2 and Div. 3KLMNO)

2. The Fisheries Commission with the concurrence of the Coastal State as regards shrimp in Div. 3LNO requests Scientific Council, at its meeting of November, 2004 in review of the most recent data to provide advice concerning the scope for an adjustment to the TAC for 2005 from the currently advised level of 13,000 t.
3. The Fisheries Commission with the concurrence of the Coastal State as regards the stocks below which occur within its jurisdiction, requests that the Scientific Council, at a meeting in advance of the 2005 Annual Meeting, provide advice on the scientific basis for the management of the following fish stocks on an alternating year basis:

Cod (Div. 3NO; Div. 3M)
Redfish (Div. 3M; Div. 3LN; Div. 3O)
Yellowtail flounder (Div. 3LNO)
American plaice (Div. 3LNO; Div. 3M)
Witch flounder (Div. 2J3KL; Div. 3NO)
Skates (Div. 3LNO)
Capelin (Div. 3NO)
Northern Shortfin Squid (Subareas 3 and 4)

- In 2004, advice was provided for 2005 and 2006 for cod in 3M, American plaice in 3M, yellowtail flounder in 3LNO, witch flounder in 3NO and northern shortfin squid in SA 3&4. These stocks will next be assessed in 2006.
- In 2005, advice will be provided for 2006 and 2007 for cod in 3NO, American plaice in 3LNO, witch flounder in 2J3KL, redfish in 3M, redfish in 3LN, redfish in 3O and capelin in 3NO. These stocks will next be assessed in 2007. For redfish in Div. 3O the Scientific Council is requested to also provide its advice in the context of the 3-year management plan.

The Fisheries Commission requests the Scientific Council to continue to monitor the status of all these stocks annually and, should a significant change be observed in stock status (e.g. from surveys) or in by-catches in other fisheries, provide updated advice as appropriate.

4. The Fisheries Commission with the concurrence of the Coastal State requests Scientific Council, at a meeting in advance of the 2005 Annual Meeting, to provide advice on the scientific basis for the management of white hake in Div. 3NO including recommendations regarding the most appropriate TAC for 2006 and 2007 in the context of the 3-year management plan. This stock will be assessed in alternate years thereafter.
5. The Fisheries Commission with the concurrence of the Coastal State requests Scientific Council, at a meeting in advance of the 2005 Annual Meeting, to provide information on the status of the Greenland halibut in SA 2+ Div. 3KLMNO in relation to the Rebuilding Strategy including commentary on progress in relation to targets described in the Strategy.

6. The Commission and the Coastal State request the Scientific Council to consider the following in assessing and projecting future stock levels for those stocks listed above:
- a) The preferred tool for the presentation of a synthetic view of the past dynamics of an exploited stock and its future development is a stock assessment model, whether age-based or age-aggregated.
 - b) For those stocks subject to analytical-type assessments, the status of the stocks should be reviewed and management options evaluated in terms of their implications for fishable stock size in both the short and long term. As general reference points, the implications of fishing at $F_{0.1}$ and F_{2004} in 2006 and subsequent years should be evaluated. The present stock size and spawning stock size should be described in relation to those observed historically and those expected in the longer term under this range of options.
 - c) For those stocks subject to general production-type assessments, the time series of data should be updated, the status of the stock should be reviewed and management options evaluated in the way described above to the extent possible. In this case, the level of fishing effort or fishing mortality (F) required to take two-thirds MSY catch in the long term should be calculated.
 - d) For those resources for which only general biological and/or catch data are available, few standard criteria exist on which to base advice. The stock status should be evaluated in the context of management requirements for long-term sustainability and the advice provided should be consistent with the precautionary approach.
 - e) Spawning stock biomass levels considered necessary for maintenance of sustained recruitment should be recommended for each stock. In those cases where present spawning stock size is a matter of scientific concern in relation to the continuing reproductive potential of the stock, management options should be offered that specifically respond to such concerns.
 - f) Information should be provided on stock size, spawning stock sizes, recruitment prospects, fishing mortality, catch rates and TACs implied by these management strategies for the short and the long term in the following format:
 - I. For stocks for which analytical-type assessments are possible, graphs should be provided of all of the following for the longest time-period possible:
 - historical yield and fishing mortality;
 - spawning stock biomass and recruitment levels;
 - catch options for the year 2006 and subsequent years over a range of fishing mortality rates
 - (F) at least from $F_{0.1}$ to F_{max} ;
 - spawning stock biomass corresponding to each catch option;
 - yield-per-recruit and spawning stock per recruit values for a range of fishing mortalities.
 - II. For stocks for which advice is based on general production models, the relevant graph of production as a function of fishing mortality rate or fishing effort should be provided. Age aggregated assessments should also provide graphs of all of the following for the longest time period possible:
 - exploitable biomass (both absolute and relative to B_{MSY})
 - yield/biomass ratio as a proxy for fishing mortality (both absolute and relative to F_{MSY})
 - estimates of recruitment from surveys, if available.
 - III. Where analytical methods are not attempted, the following graphs should be presented, for one or several surveys, for the longest time-period possible:
 - time trends of survey abundance estimates, over:
 - an age or size range chosen to represent the spawning population
 - an age or size-range chosen to represent the exploited population
 - recruitment proxy or index for an age or size-range chosen to represent the recruiting population.
 - fishing mortality proxy, such as the ratio of reported commercial catches to a measure of the exploited population.

For age-structured assessments, yield-per-recruit graphs and associated estimates of yield-per-recruit based reference points should be provided. In particular, the three reference points, actual F , $F_{0.1}$ and F_{max} should be shown.

7. Noting the Precautionary Approach Framework as endorsed by Fisheries Commission, the Fisheries Commission requests that the Scientific Council provide the following information for the 2005 Annual Meeting of the Fisheries Commission for the following stocks under its responsibility requiring advice for 2006: yellowtail flounder in Div. 3LNO, Shrimp in Div. 3M
 - a) the limit and precautionary reference points as described in Annex II of the UN Fisheries Agreement indicating areas of uncertainty (for those stocks for which precautionary reference points cannot be determined directly, proxies should be provided);
 - b) the stock biomass and fishing mortality trajectory over time overlayed on a plot of the proposed PA Framework (for those stocks where biomass and/or fishing mortality cannot be determined directly, proxies should be used);
 - c) information regarding the current Zone the stock is within as well as proposals regarding possible harvest strategies to move the resource to (or maintain it in) the Safe Zone including medium term considerations and associated risk or probabilities which will assist the Commission in developing the management strategies described in paragraphs 4 and 5 of Annex II in the Agreement.
 - d) A description of the advice using the Precautionary Framework differs from advice provided in the traditional manner.
8. The following elements should be taken into account by the Scientific Council when considering the Precautionary Approach Framework:
 - a) References to “risk” and to “risk analyses” should refer to estimated probabilities of stock population parameters falling outside biological reference points.
 - b) Where reference points are proposed by the Scientific Council as indicators of biological risk, they should be accompanied by a description of the nature of the risk associated with crossing the reference point such as recruitment overfishing, impaired recruitment, etc..
 - c) When a buffer reference point is proposed in the absence of a risk evaluation in order to maintain a low probability that a stock, measured to be at the buffer reference point, may actually be at or beyond the limit reference point, the Scientific Council should explain the assumptions made about the uncertainty with which the stock is measured.
 - d) Wherever possible, short and medium term consequences should be identified for various exploitation rates (including no fishing) in terms of yield, stability in yield from year to year, and the risk or probability of maintaining the stock within, or moving it to, the Safe Zone. Whenever possible, this information should be cast in terms of risk assessments relating fishing mortality rates to the trends in biomass (or spawning biomass), the risks of stock collapse and recruitment overfishing, as well as the risks of growth overfishing, and the consequences in terms of both short and long term yields.
 - e) When providing risk estimates, it is very important that the time horizon be clearly spelled out. By way of consequence, risks should be expressed in timeframes of 5, 10 and 15 years (or more), or in terms of other appropriate year ranges depending on stock specific dynamics. Furthermore, in order to provide the Fisheries Commission with the information necessary to consider the balance between risks and yield levels, each harvesting strategy or risk scenario should include, for the selected year ranges, the risks and yields associated with various harvesting options in relation to Blim, and Flim and target F reference points selected by managers.

9. Many of the stocks in the NAFO Regulatory Area are well below any reasonable level of Blim or Bbuf. For these stocks, the most important task for the Scientific Council is to inform on how to rebuild the stocks. In this context and building on previous work of the Scientific Council in this area, the Scientific Council is requested to evaluate various scenarios corresponding to recovery plans with timeframes of 5 to 10 years, or longer as appropriate. This evaluation should provide the information necessary for the Fisheries Commission to consider the balance between risks and yield levels, including information on the consequences and risks of no action at all.
 - a) information on the research and monitoring required to more fully evaluate and refine the reference points described in paragraphs 1 and 3 of Annex II of the Agreement; these research requirements should be set out in the order of priority considered appropriate by the Scientific Council;
 - b) any other aspect of Article 6 and Annex II of the Agreement which the Scientific Council considers useful for implementation of the Agreement's provisions regarding the precautionary approach to capture fisheries; and
 - c) propose criteria and harvest strategies for new and developing fisheries so as to ensure they are maintained within the Safe Zone.
10. Regarding pelagic *S. mentella* redfish in NAFO Subareas 1-3, the Scientific Council is requested to review the most recent information on the distribution of this resource, as well as on the affinity of this stock to the pelagic redfish resource found in the ICES Sub-area XII, parts of SA Va and XIV and to the shelf stocks of redfish found in ICES Sub-areas V, VI and XIV, and NAFO Subareas 1-3.
11. Regarding redfish in Divisions 3L, 3N and 3O, Scientific Council is requested to review all available information and provide advice regarding whether the current management units (3LN and 3O) or any alternative may be the most appropriate.

PART II

Report of the Standing Committee on International Control (STACTIC)

**26th Annual Meeting, 13-17 September, 2004
Dartmouth, Nova Scotia, Canada**

1. Opening of Meeting

The Chairman, Martin Newman (EU), opened the meeting and welcomed delegates on September 13, 2004 at 10:10 am. There were no opening statements.

2. Appointment of Rapporteur

Mr. Robert Fagan (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Agenda was adopted as modified (Annex 1). It was agreed, as proposed by the USA, to add an agenda item re SCS Doc. 00/23 (FC Doc. 03/18) – Consideration of Possible Options to Provide Observer Data to the Scientific Council.

Chair advised that Fisheries Commission (FC) has requested STACTIC provide clarification on interpretation of rules governing charter arrangements.

4. Review of Annual Returns of Infringements including review of disposition of outstanding infringements by Contracting Parties FC Doc 04/5 (Revised); STACTIC W.P. 04/9

The Secretariat introduced NAFO FC Doc. 04/5 (revised).

5. Review of Surveillance and Inspection Reports

Two papers were distributed under this agenda item - STACTIC W.P. 04/23, the Canadian report on surveillance activities and inspections in the NRA and STACTIC W.P. 04/12, the annual return of surveillance and enforcement.

6. Review of Operation of Automated Hail/VMS System

STACTIC W.P 04/20, prepared by the Secretariat, was circulated to delegates and detailed the status of messages submitted to the Secretariat either manually or automatically for the period January-August 2004. W.P. 04/20 appeared self-explanatory and the small gaps in data were noted including:

- missing Canadian Catch on Exit (COX) report
- missing entry (ENT) and exit (EXI) report for EU/Germany
- missing ENT and EXI report for EU/Portugal

The EU stated that Germany did not fish in the area in this period and would gather details on the remaining other data gaps. Canada noted it would also investigate the missing Canadian report.

7. Review of Compliance

The review was undertaken in accordance with the terms of reference outlined in W.P.02/14. The thirteen tables that had been compiled by the Secretariat formed the basis of the Compliance Review.

Canada made supplementary presentation on compliance in 2003, including recommendations to address non-compliance. (see details in STACTIC W.P.04/32 Revised 2)

The EU also made a supplementary presentation on compliance (STACTIC W.P. 04/22) which provided an overview of citations for infringements issued each year from 1994-2003. The EU presentation also included information on inspections conducted by Canada on EU vessels in 2004 and noted that most infringements issued were not confirmed by EU inspectors.

The EU also stated that 70% of the citations for infringements issued to their vessels in 2004 had resulted from port inspections.

The Contracting Parties agreed that STACTIC W.P. 04/32 (Revised 2) be presented to Fisheries Commission.

8. Harmonization of Reports

STACTIC W.P.04/3 (Rev.2); STACTIC W.P. 04/13; STACTIC W.P. 04/14

At the Copenhagen meeting in June, 2004, the delegate of Iceland presented a proposal developed jointly with Denmark (in respect of the Faeroe Islands and Greenland) and Norway to harmonize the VMS message format and reports by fishing vessels consistent with the formats used in NEAFC. Following a number of small amendments, it was agreed to recommend the proposal to the Fisheries Commission for adoption. (STACTIC Working Paper 04/3-Revised 3). The Secretariat provided cost implications of this recommendation (STACTIC W.P. 4/13) which have been forwarded to STACFAD.

It was noted that the NAFO and NEAFC Secretariats had agreed to jointly create a new public website on the North Atlantic format. The Secretariats will continue discussions on developing this site to ensure harmonization. STACTIC recommends that a joint NAFO/NEAFC group of experts be appointed to oversee the North Atlantic format. A similar recommendation has been made by the control group of NEAFC (PECCOE).

Concerning their proposal (STACTIC W.P. 04/14), Norway proposed that discussion be deferred at present to allow for technical discussion at NEAFC.

9. Update Regarding Participation in Pilot Project

STACTIC W.P. Paper 04/15, STACTIC W.P. Paper 04/17 STACTIC W.P. Paper 04/21 STACTIC W.P. Paper 04/26

The Secretariat provided further update (STACTIC W.P. Paper 04/15) as requested by STACTIC in June. Tables were included to provide details and ongoing progress of project. Norway provided details of its participation in pilot project and noted they will place priority on analyzing reports received next year.

Iceland presented their review of the pilot project (STACTIC W.P. 04/21) and noted the challenge presented by a fishery that occurs in multiple Regulatory areas and suggested that some flexibility in requirements is needed. It is difficult to ensure 50% observer coverage at any one time but can be done over a period of time.

Iceland stated that with regard to testing of communications, it was not necessary to test communication from each vessel. These are already tested and testing is required in the beginning of the project for communication between the Fisheries Monitoring Centre to the Secretariat and from the Secretariat to Contracting Parties.

A discussion on testing requirements concluded that, in practice, the experience has been positive. Several Contracting Parties acknowledged that the focus should be on the technical component and that the pilot project had only been in operation for a few months and it was too early to draw firm conclusions at this time.

10. Possible Amendments of Conservation and Enforcement Measures

A number of proposals were introduced for consideration.

- Norway introduced STACTIC W.P. 04/16 which proposed changes to Article 22 NCEM regarding rules for transshipment of fish. Some Contracting Parties expressed concerns about certain aspects of the text. Several Contracting Parties noted that compatibility with NEAFC rules is important. Norway informed the meeting that it had already sent a similar proposal to NEAFC for consideration. The Secretariat was asked to make inquiries with regard to the cost implications. Further discussion on proposal was deferred.
- Canada proposed amendments to Articles 13, 22 and 23 of the NCEM (authorization to fish, communication of catches and observer program (STACTIC W.P.04/28) which followed STACTIC W.P. 04/4. The paper presented a number of areas where no consensus had been possible or further clarification was required. Changes were proposed in some instances and in others differing opinions were expressed. Canada agreed to modify the proposal based on comments received and bring the paper forward for re-consideration by STACTIC. The EU recalled its position that the increase in catch reporting frequency by masters of vessels should be seen as a package with reduced observer coverage.
- Canada presented a discussion paper on the criteria for reduced observer coverage levels (STACTIC W.P. 04/29). Canada noted that the criteria were risk-based and proposed the establishment of a base level of coverage in accordance with the conservation risk in specific fisheries. This base level would then be adjusted according to the compliance levels on a fleet basis. The paper was intended to generate discussion by Contracting Parties. Other Contracting parties required additional time to consider the guidelines which were seen as complicated.
- Canada introduced a proposal for improvements to the existing NAFO port inspection program (STACTIC W.P. 04/27). A presentation was provided that explained the proposal called for enhanced port inspection procedures to focus on non compliant vessels in the NAFO Regulatory Area. Some Contracting Parties questioned if change was necessary as present scheme was working in a satisfactory manner and procedures seem to become more complicated and that they would take time to consider. EU provided updated information on non-compliance detected during port inspections. Russia inquired about permitted discrepancy between log and catch. EU stated logbook tolerance was 20% for most species but was under review. A number of Contracting Parties expressed concern about two-tiered inspections and the potential complications that may arise for resultant legal proceedings. Canada expressed its continuing concern for the inconsistencies between at sea inspections, observer/VMS reports and port inspections and suggested that a mechanism should be found to reconcile these differences.
- STACTIC W.P. 04/25, there was agreement by all Contracting Parties that the proposed provisions in regards to toggle chains should be presented to Fisheries Commission for adoption.
- STACTIC W.P. 04/30 Revised 3 - Denmark introduced a proposal for modifications to the NCEM in order to ensure more effective inspection of fishing vessels at sea and in port by extending provisions regarding labeling and requiring that fishing masters keep stowage plans of the catch stored on board.

Contracting Parties discussed of number of concerns with the proposal including:

- practical difficulties with sorting and stowage requirements
- potential impact on vessel stability
- recognized need for clearer definition of “clearly separated”

After discussion, a revised proposal was agreed for presentation to Fisheries Commission for adoption.

Denmark noted their reluctance to remove reference to product category as there was a lack of a standard definition for production logbook but did not wish to obstruct the process. Denmark proposed that the application of the measure be reviewed over time.

- STACTIC Working Paper 04/31 (Revised 2)
Iceland presented a proposal which aimed to clarify the rules with regard to inspectors remaining on board a vessel following an inspection where serious infringement was cited.

Contacting Parties agreed proposal be presented to Fisheries Commission for adoption.

- Russia proposed that there should be a discussion to clarify the time of prior notice of at-sea inspection. It was decided to discuss this matter at the intersessional meeting of STACTIC.

11. Review Increase of Inspection Presence in NAFO Regulatory Area including consideration of Article 36 of CEM

It was noted this item was discussed at STACTIC meeting in June. EU stated that improved co-operation and co-ordination was needed. EU suggested that there may be benefits derived from a workshop for inspectors from all Contracting Parties to discuss procedures currently in use for at-sea and in port inspections and examine ways to improve co-operation. All Contracting Parties supported the suggestion of a workshop for inspectors and EU agreed to host and co-ordinate and requested input from other Contracting Parties in preparing the Agenda for the workshop.

12. Continuation of intersessional discussion on Elaboration of a Scheme for Contracting Parties with content similar to that of Scheme for NCPs

It was noted this item was delayed pending outcome of work being conducted by STACFAC and the situation remained much the same as discussed in June, 2004. It was agreed that it would be difficult to proceed without a clearer mandate from Fisheries Commission.

13. Request Concerning SCS Doc. 00/23 (FC Doc. 03/18) – Consideration of Possible Options to Provide Observer Data to the Scientific Council.

Contracting Parties reviewed conclusion reached at STACTIC Meeting, June, 2004. The United States expressed some concern about postponement of this item pending the adoption of a revised observer scheme. After contact with Chair of Scientific Council (SC), the Chair reported that SC would appreciate the provision of data that should include catch and effort data for each haul, location (longitude and latitude), depth, time of net on bottom, catch composition and discards but that an electronic format was required. It was agreed to propose to Fisheries Commission that Contracting Parties be requested to submit such data to the Secretariat in an electronic format where possible.

14. Request from Fisheries Commission for Clarification on Interpretation of Time Period for Charter Arrangements.

It was noted that when 2004 NCEM came into force, notice of charter arrangement was required to be forwarded to the Secretariat. The request for clarification was centered on the six month time limit for charter arrangements. It was agreed that as the license to fish required a start date and end date, the intent of the regulation was clear. The consensus of the Contracting Parties confirmed the interpretation of the Secretariat that it was meant to indicate six consecutive months.

15. Time and Place of Next Meeting

Iceland stated they would be pleased to host the next Intersessional Meeting in Reykjavik, Iceland with date to be determined (April/May, 2005).

16. Adoption of Report

The Committee adopted the report.

17. Adjournment

Meeting adjourned at 4:00 pm on Thursday, September 16, 2004.

Annex 1. Agenda

1. Opening by the Chairman, M. Newman (EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Review of Annual Returns of Infringements including review of disposition of outstanding infringements by Contracting Parties
5. Review of Surveillance and Inspection Reports
6. Review of Operation of the Automated Hail/VMS system
7. Review of Compliance
8. Harmonization of Reports
9. Update regarding participation in Pilot Project
10. Possible amendments of Conservation and Enforcement Measures
11. Review increase of inspection presence in NAFO Regulatory Area including consideration of Article 36 of CEM
12. Continuation of intersessional discussion on Elaboration of a Scheme for Contracting Parties with content similar to that of Scheme for NCPs
13. Request Concerning SCS Doc. 00/23 (FC Doc. 03/18) – Consideration of Possible Options to Provide Observer Data to the Scientific Council
14. Request from Fisheries Commission for Clarification on Interpretation of Time Period for Charter Arrangements
15. Time and Place of Next Meeting
16. Adoption of Report
17. Adjournment

SECTION III
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**Report of the Standing Committee on
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13-15 April 2005
Reykjavik, Iceland**

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**Report of the Standing Committee on
International Control (STACTIC)**
(FC Doc. 05/2)

**13-15 April 2005
Reykjavik, Iceland**

1. Opening by the Chair – Mr. Martin Newman (EU)

The Chairman opened the meeting at 10:00 am at the Grand Hotel Reykjavik, Iceland and welcomed representatives from Canada, Denmark (in respect of the Faroe Islands and Greenland), EU, Iceland, Japan, Norway, Russia, Ukraine, the NAFO Secretariat and an observer from the NEAFC Secretariat to the STACTIC intersessional meeting. (Annex 1)

2. Appointment of Rapporteur

Mr. Robert Steinbock (Canada) was appointed rapporteur.

3. Adoption of Agenda

The Chair proposed reordering the agenda and proposed that the items proposed by Ukraine be included under Update on the Observer/VMS Pilot Project. The EU representative indicated that he would like to raise a number of issues under Other Matters.

The revised agenda as attached was adopted. (Annex 2).

**4. STACTIC Requirements for the 2005 Annual Meeting in light
of the delays in September 2004**

The Chairman briefed the meeting regarding the results of a recent conference call that the Chair of General Council convened with the Chairs of the Fisheries Commission, the Standing Committees and the Executive Secretary on how to improve the functioning of the annual meeting. Some suggestions had been made that STACTIC should meet the week prior to the annual meeting but these were rejected. The call concluded that the General Council and Fisheries Commission will meet briefly on the Monday morning and provide guidance to their respective Standing Committees to allow them to begin their work on the afternoon of Monday. At the first session of the Fisheries Commission, the Chair of STACTIC will provide a report of the intersessional meeting. With respect to STACTIC, the report would be finalized on the Wednesday afternoon and the Chairman would report on the Thursday morning to Fisheries Commission on the proposals for adoption. As a result of the call, the Chair of General Council has circulated a letter to heads of delegation to describe this proposed new approach.

The representative of Iceland welcomed these proposed amendments to the annual meeting in light of some of the concerns raised by Iceland at the conclusion of the 2004 annual meeting.

**5. Discussion on possible future work with the Advisory Group
for Data Communications, set up by NEAFC**

The Chairman outlined the background to the creation of the Advisory Group for Data Communications (AGDC), an informal group of technical experts of NEAFC, which met on April 12 under the chairmanship of Mr. G. Geirsson (Iceland). He noted the need for a structured group to introduce procedures for ensuring conformity in the formats of messages and to improve cooperation with NAFO and other RFMOs with respect to the North Atlantic Format (NAF). The NEAFC PECCOE meeting decided that the AGDC would meet next on October 13 after its October 12 meeting to undertake technical scrutiny of any proposals that emerged from PECCOE with data implications.

It was agreed that most format reviews could take place through the web in order to enable a quick reaction. It was suggested that proponents of any new proposal in STACTIC should consult with the NAF home page, the AGDC and the NEAFC Secretariat to ensure consistency with this format to the extent possible. It was noted that NAFO experts should be involved with respect to those discussions that are NAF-generic. The AGDC Chairman would develop this cooperation with NAFO as well as other RFMOs.

6. Report of the Inspectors Workshop hosted by EU, January 2005

Mr. M. Knight (Canada), the rapporteur of the NAFO Inspectors Workshop, provided a powerpoint presentation on the observations and recommendations of the workshop which are summarized in Annex A of the rapporteur's report (Annex 3) on the Workshop.

The Chairman clarified that the Workshop was an informal arrangement with no formal status in the governance of NAFO. He noted that the inspectors had made suggestions, which Contracting Parties could determine how they wished to follow up and whether they wished to make formal proposals to STACTIC and the Fisheries Commission.

The representative of the EU congratulated the Workshop for being productive and positive and suggested that STACTIC should review the recommendations carefully and determine how it wishes to address them.

The representative of Japan welcomed this workshop because, as its fishing vessels received inspections from Canada and the EU, inspections should be harmonized.

With respect to the issue of boarding ladders (STACTIC Working Paper 05/7 presented by the Secretariat), the Workshop recommended that pilot ladders pose a safety threat to inspectors and suggested that the provisions on the construction and use of boarding ladders be reinstated into the NCEM. The representative of Denmark (in respect of the Faroe Islands and Greenland) undertook to provide references to ladders in the International Maritime Organization rules and a background paper on this subject for the September 2005 STACTIC meeting. Representatives noted that failure to provide a safe ladder was already a serious infringement under NCEM Article 32.1 j). The Chairman suggested that the need to highlight this in the NCEM should be reflected upon again in light of the Danish paper.

With respect to the Workshop recommendation to increase the duration of inspections in NAFO from three to four hours in the interest of harmonization with NEAFC, the representative of the EU undertook to prepare a proposal on this for the September STACTIC meeting.

The Workshop had noted that the earlier revisions to NCEM Article 9 have made it complex with various opinions with regard to the interpretation of these provisions. The EU explained that they had received legal advice that Article 9.1 should be read separately from other paragraphs of Article 9. The representative of the EU considered that this gave rise to problems on the ground and that the provisions under Article 9.4 concerning changing of position in cases of excessive bycatch should not be viewed as a derogation from this rule. As a consequence, it would undertake to prepare a draft and circulate it before the September 2005 STACTIC meeting for comments. Canada stated that the legal advice provided to the EU seemed to be consistent with Canada's interpretation, i.e. that Article 9.1 should be read separately from other paragraphs in Article 9. Canada agreed that it would be appropriate to review the wording of Article 9 but cautioned that the outcome of the review could be to leave the text as it is.

The Workshop had suggested that product labeling by species should be considered by STACTIC. The representative of Canada proposed product labeling by stock area would be beneficial to differentiate redfish stocks under moratoria from 30 redfish as well as oceanic redfish and undertook to draft a proposal on this matter.

With respect to the measurement of holds, the Workshop suggested a pragmatic approach that measurement discrepancies between inspectors should be resolved by having the measurements redone at that time and that STACTIC review measures to allow for safe access to fish holds. It was agreed that Contracting Parties should reflect on this further before the annual meeting given the various aspects to the safe access issue.

The Workshop suggested that STACTIC consider measures concerning strengthening ropes, bags and topside chafers. It was agreed that as a first step, all delegations would provide their national measures on attachments to nets or at least an explanation at the September STACTIC meeting.

The meeting took note of the Workshop's observation with respect to the different views on the effectiveness of the observer program.

7. Port State Control

Norway had introduced the item on Port State Control to the agenda in light of the agreement on an international instrument by the 2004 FAO Technical Consultation to Review Port State Measures to Combat IUU Fishing. This instrument was a model scheme describing basic and minimum port State measures for subsequent action through RFMOs.

The Chairman noted that NEAFC PECCOE meeting on April 11 had a detailed discussion on this item raised by Norway as a proposal in that forum. The Norwegian proposal had raised a number of questions in terms of principle with respect to the scope and the way in which the proposal would fit in within the existing NEAFC measures. Norway had undertaken to revise its proposal against this background and that discussion of the Norwegian paper was not appropriate. The Chairman noted that as the NEAFC NCP Scheme goes beyond the NAFO Scheme, any new proposal would need to be adapted to the NAFO context. This might also imply that STACFAC would need to examine the proposal.

The representative of Norway confirmed their intention to return to a later STACTIC meeting with a proposal on port state measures.

8. Definition of "prior notice" re Article 28.1 of the CEM

The representative of Russia noted the absence of any definition of "prior notice" to be given by inspectors prior to boarding under Article 28.1 and that he felt this was a deficiency in the measures. He proposed that prior notice, not less than 30 minutes, be provided to a vessel to be inspected. He also suggested that the trawl should not be retrieved within that 30 minutes.

The representative of Canada expressed a number of concerns with providing a specific notification time as this could provide the opportunity for crewmembers to hide or destroy evidence or to hide small mesh within the 30 minutes if so allotted. He noted that a definition of prior notice could also lead to other problems. He also drew the attention of participants to the provision that forbids the retrieval of the net for a period of 30 minutes after notification of an inspection.

It was noted that the notice period is for the safety and security of inspectors and it is necessary to give notice as stated in the NCEM. There was no consensus to amend the NAFO provisions. It was agreed to return to this issue if there is a proposal.

9. Reporting requirements for transshipments in NRA (Article 22.1) (STACTIC W.P. 05/8)

The representative of Norway introduced the proposal to amend several articles of the NCEM as outlined in STACTIC W.P. 05/8. These were necessary to address IUU fishing involving unreported or misreported transshipments of fish at sea. He noted that NEAFC adopted similar new measures at its November 2004 annual meeting. He proposed that NAFO harmonize its measures with those of NEAFC in this respect. Some minor revisions were proposed in the text. It was agreed that STACTIC W.P. 05/8 (Revised) (Annex 4) would be recommended to the Fisheries Commission for adoption at the 2005 annual meeting.

10. Application of the mesh size of 100mm for Redfish

The representative of Russia introduced his proposal to reduce the current mesh size requirement for redfish from 130mm to 100mm for redfish in Division 30 – *Sebastes fasciatus* – to reduce the mortality of this stock as explained in NAFO document GF/05-063 which included his letter of February 15, 2005 to the NAFO Executive Secretary.

He also proposed that the mesh size of 130mm for oceanic redfish in Divisions 1F2GJH3K should be harmonized with the 100mm mesh size used for this stock in NEAFC. This proposal was supported by the representative of Ukraine. Ukraine suggested that concerns on bycatch raised by some Contracting Parties could be solved under the current CEM regime with close monitoring of fisheries using the observer program. Ukraine also referred to the recent FAO review of mortality of fish escaping trawl gears which stated negative effects of unaccounted mortality on fish stocks. The representatives of Iceland and Russia supported the decreased mesh size for the oceanic redfish stock.

The representative of Canada expressed understanding for the Russian proposal but raised a number of concerns that required further evaluation. Further assessment was required on the conservation aspects for 3O and oceanic redfish, bycatches, the impact on other stocks in the vicinity of redfish, the merits of a minimum fish size, and the merits of a square mesh instead of a diamond mesh. Compliance concerns related to the potential use of small mesh gear in other fisheries would also have to be considered. He noted that the use of 100mm mesh may not be warranted in the oceanic redfish fishery given the high catch rates in this fishery with 130mm mesh. The representatives of the EU and Japan suggested that these questions should be referred to Scientific Council and once its advice is provided, STACTIC should review the enforcement aspects. It was agreed that STACTIC would forward the following requests through the Fisheries Commission to the Scientific Council at its September 2005 meeting.

- Is there a scientific justification for reducing the mesh size in Division 3O and what would be the effect of a reduction of mesh size on the level of mortality?
- Would a harmonization of mesh size with NEAFC in Divisions 1F2GJH3K have a detrimental effect on the target species and other fisheries in the area?

When considering such questions, the Scientific Council should assess the implications for bycatch, the need for minimum fish sizes and the relevance of introducing technical conservation measures, such as square mesh gear.

11. Review of operation of the VMS (actions resulting from the discontinuation of the X25 communication line)

The Secretariat introduced STACTIC W.P. 05/4 – Update on the NAFO VMS communication gateway, which provided an overview of the events, challenges and possible solutions to resolve the discontinuation of the VMS gateway X25 in early January 2005. It was noted that the Secretariat receives all messages via fax or e-mail with the exception of the Faroe Islands, Japan and Russia which use FTP. The Secretariat also noted that Rule 4.3 of Annex XX will need to be revised to reflect the new VMS gateway.

Two representatives from Trackwell, the Icelandic service provider, provided an overview of the situation and responded to questions from representatives. A copy of a technical manual entitled “NAFO HTTPS Gateway – Testing Connection” was distributed to representatives which describes a step-by-step guide for Contracting Parties’ Fisheries Monitoring Centers (FMCs) to integrate into NAFO via the client certified HTTPS. Trackwell noted that the work is fairly complicated, the costs to establish the system in FMCs can vary between companies, the operation costs are significantly less than under X25, and technical assistance is available to FMCs at a fee. In terms of time frame for implementation, they advised that this is up to the individual Contracting Parties.

STACTIC agreed on a recommendation to Fisheries Commission to revise Annex XX, items 4.3 and 4.4 of the NCEM in order to allow other protocols to be used (STACTIC W.P. 05/13 (Revision 2) (Annex 5) and to recommend that it be circulated for a mail vote in the near future. It was also requested that the Secretariat post the approved protocols on the NAFO members’ website.

The Chair noted a recent letter from the Executive Secretary to him outlining her frustration with the level of service provided by the current service provider and whether more local alternatives should be evaluated. It was suggested that representatives could advise the Secretariat at the annual meeting on how to proceed with evaluating service providers based on their experience to date. It was suggested that the Secretariat may also wish to obtain STACFAD advice on evaluating service providers and possible rules on retendering.

12. Data Exchange and Format Protocols (Annex 23.D of the CEM) (STACTIC W.P. 05/9)

The representative of Iceland introduced a discussion paper for accurate error codes for those Contracting Parties using the RET message, as outlined in STACTIC W.P. 05/9 (Annex 6), and in light of a similar proposal adopted by NEAFC at its 2004 annual meeting. Given the technical aspects involved, Iceland agreed to review its paper and submit a proposal at the 2005 annual meeting. The cost implications of these amendments would also be assessed by the Secretariat for review.

13. Update on the Observer/VMS Pilot Project

The Secretariat provided an update on the intended participation of Contracting Parties in the pilot project during 2005 (STACTIC W.P. 05/1) and reminded representatives that according to Article 51 of the NCEM, Contracting Parties (including those with an inspection presence) shall submit an interim report at the 2004 annual meeting and that reports have been received to date from Norway, Iceland, and the Faroe Islands.

The representative of Denmark (in respect of the Faroe Islands and Greenland) provided a report of the participation of the Faroese vessels in the pilot project during 2004. The report concluded that implementation of 50% observer coverage was impossible at any one time and flexibility is essential to have this coverage over a certain period of time, and that there was little or no difference between the CAX and OBR reports in terms of compliance.

The representative of Iceland provided a report on the results of Iceland's participation in the pilot project in the shrimp and oceanic redfish fisheries during 2004. He concluded that the reduction of observers has not increased non-compliance, the reduction of observers saves significant amounts of money, the technical function is ok, and thus Iceland intends to submit a proposal before the 2005 annual meeting to reduce the level of observer coverage in the NAFO Regulatory Area. He noted that its vessels were also subject to port inspections in Iceland and that its landing figures were similar to its catch reports.

The representatives of Denmark (in respect of the Faroe Islands and Greenland) and Norway also advised that their vessels involved in the pilot project were subject to at-sea and port inspections without any infringements having been detected.

The Secretariat provided an update and suggestions regarding the digitization of the NAFO observer reports (STACTIC W.P. 05/2) (Annex 7) which recommended that all future and other NAFO reports be submitted electronically to the Secretariat and that reports from past years that are held in electronic format by Contracting Parties be submitted to the Secretariat. Following some discussion, it was agreed that while a reminder to Contracting Parties is appropriate, a new recommendation to the Fisheries Commission on the submission of reports is unnecessary given the 2004 recommendation. The Chair suggested that when providing past digitized reports, the focus should be on 2003 and future reports so as to avoid unnecessarily burdening Contracting Parties. The representative of Iceland stated that they were confused in this matter because their representative in the Scientific Council has full access to the log book data base for Icelandic vessels which contains all relevant information.

The representative of Ukraine introduced two papers which had been tabled in the morning. STACTIC W.P. 05/11(Annex 8) proposed conversion of the observer program from a compliance tool to a scientific observation system. STACTIC W.P. 05/12 (Annex 9) outlined a proposed scheme for placing international observers under the new scientific observation system.

Iceland reminded the other delegations that the observer program was introduced as a compliance tool. A number of representatives felt that the Scientific Council should outline its requirements and how best to achieve them. After some discussion, the Chairman noted that further discussion would be deferred until the annual meeting. The Fisheries Commission is required to evaluate the operation of the observer program this year and the way forward. Iceland intends to submit a proposal to reduce the level of observer coverage. He noted that the new elements introduced by Ukraine would also inform the discussion. However, the Chairman stated that it was not within the responsibility of STACTIC to consider the need for a scientific observer program but that Contracting Parties could raise the issue in the Scientific Council if they wished. Ukraine responded that this question will certainly be raised by them at the Scientific Council but reserved their opinion that this is also a STACTIC question to some extent since observers still monitor vessels' fishing activities. The representative of the EU expressed interest in the cost

savings achieved by Iceland as a result of reduced observer coverage in the pilot project and suggested other Parties submit their analyses of cost savings for review at the annual meeting.

14. Evaluation of the format of compliance data to be received by the Secretariat in 2005 in view of the experiences made with the drafting of the first compliance report

The Secretariat introduced STACTIC W.P. 05/3 outlining suggestions to improve the Compliance Review based on feedback from the public on the first Review and suggested that the Review for 2004 be drafted as stand-alone text without direct references to the confidential tables and include some facts and compliance indicators in the document. It was agreed that the Secretariat should focus on making the tables more concise and provide some analysis or pre-evaluation of compliance with the NCEM.

Denmark (in respect of the Faroe Islands and Greenland) raised the need for the revision of point 3.3 of Annex XX to amend the time limit in order to allow the Secretariat more time to process data.

The Secretariat also introduced STACTIC W.P. 05/5 (now Revised, Annex 10) which proposed a standardized bilingual format for NAFO observer reports and a budget dedicated to the translation of all non-English NAFO reports. It was agreed that a standardized bilingual format would enhance transparency and help the work of inspectors. It was concluded that further review of the format was required with possible input from Scientific Council on the required data elements. The Norwegian representative questioned the confidentiality if the transmission of observer reports by e-mail were to be used. The Secretariat agreed that the confidentiality question had not been considered. The representative of Ukraine strongly supported the efforts of the Secretariat in the development of standard formats for observer reports and suggested a more detailed review of the forms by the Scientific Council. Ukraine also suggested that the Secretariat consult existing electronic forms of other RFMOs such as CCAMLR.

15. Election of Chair

As Mr. M. Newman was stepping down from the Chair, STACTIC elected Mr. Höskuldur Steinarsson (Iceland) as the new Chair. Representatives thanked Mr. Newman for his efforts and perseverance in guiding STACTIC during his tenure.

16. Other Matters

The representative of the EU, supported by Denmark (in respect of the Faroe Islands and Greenland) and Iceland, raised a number of practical difficulties caused by the notification requirements in the 3L shrimp fishery in Article 22.3. Canada noted the rationale behind the provision given the different management regimes, i.e. quota and effort days, and that the hail provisions also required reporting of catch on board. In light of the comments received from other representatives, the EU would work on a proposal and consult with the AGDC regarding notification requirements. Iceland noted that the problem could be resolved by the Fisheries Commission by changing the management regime from effort days to quota in Division 3M.

The EU also flagged the need for clarification of the provisions regarding designated ports and charter arrangements and agreed to submit proposals on these matters for the annual meeting.

The representative of Iceland noted some difficulties in catch reports by one Contracting Party which resulted in the premature closure of the oceanic redfish fishery during 2004. The representative of the EU explained that there was no error in its catch report but in the interpretation thereof by the Secretariat.

17. Adoption of Report

The report was adopted.

18. Adjournment

The meeting adjourned at 11.10 am on Friday, April 15, 2005.

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Annex 2. Agenda

1. Opening by the Chair (M. Newman, EU)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. STACTIC requirements for the 2005 Annual Meeting in light of the delays in September 2004
5. Discussion on possible future work with the Advisory Group for Data Communications, set up by NEAFC
6. Report on Inspectors Workshop hosted by EU, January 2005
7. Port State Control
8. Definition of “prior notice” re Article 28.1 of the CEM
9. Reporting requirements for transshipments in NRA (Article 22.1) (STACTIC W.P. 05/8)
10. Application of the mesh size of 100mm for Redfish
11. Review of operation of the VMS (actions resulting from the discontinuation of the X25 communication line)
12. Data Exchange and Format Protocols (Annex 23.D of CEM) (STACTIC W.P. 05/9)
13. Update on the Observer/VMS Pilot Project
14. Evaluation of the format of compliance data to be received by Secretariat in 2005 in view of the experiences made with the drafting of the first compliance report
15. Election of Chair
16. Other Matters
17. Adoption of Report
18. Adjournment

Annex 3. Observations and Recommendations – Annex A of Report of NAFO Inspectors Workshop hosted by EU during January 25-27, 2005, Brussels

Prior Notice

- It was agreed that there has to be prior notice. But no specified period.

Night Boarding

- There are a number of safety issues around completing night boardings, it was agreed that they can be completed safely.

Frequency of Inspections

- There is a need to improve the communication between Inspectors and platforms on activities.
- It is agreed that platforms should communicate at a scheduled time each day if in the NRA.
- There is a need to further discuss methods of communications to make sure it is secure.

Pilot ladders

- Pilot ladders pose a safety threat to Inspectors.
- It was suggested that the specific provisions be put back into the NCEM's.

Conversion Factors

- This issue was discussed but there was no agreement on a way ahead.

Duration of Inspections

- After some discussion it was agreed that this item should be harmonized with the NEAFC Measures. It was agreed that there should be a proposal to STACTIC to increase the time for inspection from 3 to 4 hours.

Directed Fishery

- It was agreed that earlier revisions to Article 9 have made it complex.
- There were various opinions with regard to the interpretation of these provisions.
- It was suggested that a small group attempt to redraft the Article.

Stowage Plans

- There seem to be a number of approaches to this new measure.
- Vessels starting trips in 2005 would be required to meet the new measure.
- It was agreed since this was a new measure, some tolerance should be used for the first trip of each vessel during to 2005 for masters and inspectors to adjust where the master is making a reasonable effort.

Product labeling

- It was agreed that the 3-alpha codes in Annex II should be used.
- It was also agreed that Annex XXIII (c) would be used to label product form.
- For GHL, 3KLMNO is acceptable.
- STACTIC should consider whether labeling species by division is appropriate.

Measurement of holds

- It was agreed that the best way to resolve hold measurement discrepancies between inspectors would be to have the inspectors redo measurements at that time.
- It was also suggested that STACTIC look at providing measures to allow for safe access to the fish holds.

Strengthening Ropes

- It was recommended that STACTIC consider measures concerning strengthening ropes, bags and topside chafers.

Observers

- There were different views on the effectiveness of the observer program.

**Annex 4. Proposal for amendments to the NAFO Conservation and Enforcement Measures
regarding reporting requirements for transshipments in NRA**
(STACTIC W.P. 05/8, Revised)

Concerns about the increase in transshipments of fish and fish products, in particular on the high seas, have been expressed in different international forums over the last years.

There are indications that common means of conducting illegal, unreported and unregulated (IUU) fishing involves the unreported (or misreported) transshipments of fish at sea, where monitoring of the transshipments is very difficult.

Some global initiatives to address the problem have been taken in instruments such as the 1995 UN Fish Stocks Agreement (cf. Articles 18 and 23) and in the FAO International Plan Of Action (IPOA) to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated (IUU) Fishing. Paragraph 49 of the IPOA on IUU sets out the following:

“Flag States should ensure that, to the greatest extent possible, all their fishing, transport and support vessels involved in transshipment at sea have a prior authorization to tranship issued by the flag State, and report to the national fisheries administration or other designated institution:

the date and location of all their transshipments of fish at sea;

the weight by species and catch area of the catch transhipped;

the name, registration, flag and other information related to the identification of the vessels involved in the transshipment; and

the port of landing of the transhipped catch.”

Thus flag States should, at a minimum require all their vessels engaged in transshipment of fish at sea to report information set forth in this paragraph.

For transshipments in the NAFO Regulatory Area, the reporting obligations are set out in Article 22, paragraph 1, subparagraph c) of the NAFO Conservation and Enforcement Measures (CEM). The reports shall be in accordance with Annex X) of the CEM. Questions have been raised concerning obligations on the receiving vessels compared to those of the donor vessels, in particular concerning the timing of notifications. To enable the control services to actually inspect a receiving vessel, just a short time for notification should be allowed. Further there are no requirements concerning information on the catch after transshipment.

In order to make the notification requirements clearer, it is suggested to amend the CEM accordingly by making a distinction between the donor and the receiving vessel and to limit the allowed time for notification from the receiving vessel to one hour. Further, to enable NAFO-parties to control receiving vessels also upon landing, information on the port where the landing will take place should be required, cf. the last point of the quote from the IPOA on IUU Fishing above. This should be an obligation on the receiving vessel. For practical reasons it should be allowed to submit such a report also after the transshipment as the port of destination might be unknown at that time. However, a minimum time of notification prior to arrival in port should be required.

It is proposed to amend the current Article 22, paragraph 1, subparagraph c) of the CEM to read as follows:

each transshipment in the Regulatory Area. Concerning donor vessels this report shall be made at least twenty-four (24) hours in advance and concerning receiving vessels this report shall be made not later than one (1) hour after and shall include the date, time, geographical position of the planned transshipment and total round weight by species (3 alpha codes) to be off-loaded or which have been on-loaded in kilograms (rounded to the nearest 100 kilograms) and the call sign of vessels transhipped to or from respectively. This report shall be identified as TRA;

Further, it is suggested to include at the end of Article 22, paragraph 1, subparagraph c) of the CEM the following sentence:

The receiving vessel shall report the total catch onboard and the total weight to be landed, the name of port and the time of landing at least twenty-four (24) hours in advance of any landing. This report shall be identified as POR.

To make port state control effective it is necessary to increase the transparency on information about landings. The article 22, paragraph 2 of the CEM should read as follows:

Competent authorities of each Contracting Party shall automatically transmit the information referred to in paragraph 1 to the Executive Secretary. The Executive Secretary shall transmit the information to other Contracting Parties with an inspection presence in the Regulatory Area as soon as possible and shall ensure that all such transmissions are numbered sequentially for each Contracting Party. The port of landing report shall in addition be made available without delay to the Flag state of the vessel sending the report and to all Contracting Parties. These reports are to be treated in accordance with Annex XX.

If a Contracting Party so requests, the Secretariat shall confirm receipt of all electronic reports using a return message identified as "RET" according to the data exchange format in Annex IX.

In the NEAFC Scheme it was found necessary also to improve the Non - Contracting Party Scheme by making the prohibition of transshipments go both ways. It is therefore suggested to make the following amendment to article 41 of the CEM:

1. Contracting Parties shall ensure that their vessels do not receive or deliver transshipments of fish from or to a Non-Contracting Party vessel which has been sighted and reported as having engaged in fishing activities in the Regulatory Area.

A proposed format for the communication of the Port of landing report (POR) and suggested changes to the Transshipment report (TRA) are attached (./.).

New report in Annex X

“PORT of landing” report

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination “XNW” for NAFO
Sequence number	SQ	M	Message detail; serial number of the report from the vessel in the relevant year
Type of Message	TM	M	Message detail; message type, “POR”
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Name of Master	MA	O	Name of master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Latitude	LA	M ¹	Activity detail; position at time of transmission
Longitude	LO	M ¹	Activity detail; position at time of transmission
Coastal state	CS	M	Activity detail; costal state of Port of Landing
Name of Port	PO	M	Activity detail; name of Port for landing
Predicted Date	PD	M	Activity detail; estimated date UTC when the master intends to be in port (YYYYMMDD)
Predicted Time	PT	M	Activity detail; estimated time UTC when the master intends to be in port (HHMM)
Quantity to be landed species live weight	KG	M	Activity detail; quantity by species to be landed in the Port, in pairs as needed. FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Quantity on board species live weight	OB	M	Activity detail; quantity by species on board, in pairs as needed FAO species code Live weight in kilograms, rounded to the nearest 100 kilograms
Date	DA	M	Message detail; UTC date of transmission
Time	TI	M	Message detail; UTC time of transmission
End of record	ER	M	System detail; indicates end of the record

¹Optional if a vessel is subject to satellite tracking.

New format for the “TRANSHIPMENT” report in Annex X

“TRANSHIPMENT” report

Data Element:	Field Code:	Mandatory / Optional	Remarks:
Start record	SR	M	System detail; indicates start of record
From	FR	M	Name of transmitting Party
Address	AD	M	Message detail; destination, “XNW” for NAFO
Sequence Number	SQ	M	Message detail; message serial number in current year
Type of Message	TM	M	Message detail; message type, “TRA” as Transshipment report
Radio call sign	RC	M	Vessel registration detail; international radio call sign of the vessel
Trip Number	TN	O	Activity detail; fishing trip serial number in current year
Vessel Name	NA	O	Vessel registration detail; name of the vessel
Name of Master	MA	O	Name of master of vessel
External Registration Number	XR	O	Vessel registration detail; the side number of the vessel
Quantity on-loaded or off-loaded species live weight	KG	M M	Quantity by species on-loaded or off-loaded in the R.A., in pairs as needed. FAO species code live weight in kilograms, rounded to the nearest 100 kilograms,
Transhipped To	TT	M ¹	Vessel registration detail; International radio call sign of the receiving vessel
Transhipped From	TF	M ¹	Vessel registration detail; International radio call sign of the donor vessel
Latitude	LA	M ²	Activity detail; position at time of <u>estimated latitude where the master intends to do the transshipment</u>
Longitude	LO	M ²	Activity detail; position at time of <u>estimated longitude where the master intends to do the transshipment</u>
<i>Predicted Date</i>	<i>PD</i>	<i>M²</i>	<i>Activity detail; estimated date UTC when the master intends to do the transshipment (YYYYMMDD)</i>
<i>Predicted Time</i>	<i>PT</i>	<i>M²</i>	<i>Activity detail; estimated time UTC when the master intends to do the transshipment (HHMM)</i>
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of record	ER	M	System detail; indicates end of the record

¹Whichever one is appropriate.²Optional for reports sent by the receiving vessel after the transshipment.

**Annex 5. Recommendation regarding revision of Annex XX, Items 4.3
and 4.4 of the Conservation and Enforcement Measures**
(STACTIC W.P. 05/13, Revision 2)

In view of the withdrawal of the communication protocol X.25, it is recommended to revise the text of Annex XX Item 4.3 and 4.4 of the Conservation and Enforcement Measures in order to allow other protocols to be used. Therefore, it is proposed to replace the text of items 4.3 and 4.4 Annex XX by the following:

4.3 Authenticity and Data Access Security

Data exchange protocols for electronic transmission of reports and messages between Contracting Parties and the Secretariat shall be duly tested by the Secretariat and approved by the Fisheries Commission. Electronic transmission is subject to security procedures laid down in this Annex.

4.4 Communication Security

Appropriate encryption protocols duly tested by the Secretariat and approved by the Fisheries Commission shall be applied to ensure confidentiality and authenticity.

In order to implement the provisions of items 4.3 and 4.4 of Annex XX, it is recommended that the Fisheries Commission approves the use of HTTPS as the principal data exchange protocol. However, FTP protocol may also be used provided that appropriate security measures are implemented.

It is also recommended that the Fisheries Commission approves the following encryption protocols for electronic data transmission:

- "Pretty Good Privacy" PGP
- "Digital Encryption Standard" DES

Annex 6. Discussion paper on possible new and amended error codes in Return messages
(STACTIC W.P. 05/9)

Background:

The Icelandic FMC has found the RET messages very useful but the current return error numbers are very limited in the case the message has the return status “NAK”. There are only 3 possibilities to report an error and experiences have frequently shown the need for expansion of the return error numbers. There should be an indication of what is the cause for the error and furthermore indicate if the message is accepted or rejected.

Same amendments to the error codes have been accepted in NEAFC, but as yet not been implemented.

Serious communication errors which will require a follow up action have numbers from 100 to 149 and less serious communication errors which do not need a follow up action have error numbers from 150 to 199.

The same logic applies for the other categories.

The aim is to open the possibility for the operator to pinpoint the error and subsequently correct it as well as the possibility of automatic corrections where that is applicable. As there are multiple numbers available for each category, future expansions are very easy and do not call for modifications of the existing numbers.

A) Return message format

Data Element	Field Code	Mandatory/ Optional	Remarks
Start Record	SR	M	System detail; indicates start of record
Address	AD	M	Message detail; destination, Contracting Party sending the report
From	FR	M	Message detail; XNE is NEAFC (who is sending the return message)
Type of message	TM	M	Message detail; message type RET for return message
Return Status	RS	M	Reporting detail; code showing whether the message is acknowledged or not (ACK or NAK)
Return error number	RE	O	Reporting detail; number showing the type of error. See table B) for return error numbers
Record number	RN	M	Reporting detail; record number of the message which is received
Date	DA	M	Message detail; date of transmission
Time	TI	M	Message detail; time of transmission
End of Record	ER	M	System detail; indicates end of the record

B) Return error numbers

Subject/Article:	Errors		Error cause	
	Follow up action required	Accepted		
Communication	101		Message is unreadable	
	102		Data value or size out of range	
	104		Mandatory data missing	
	106		Unauthorised data source	
			150	Sequence error
			151	Date / Time in the future
Article 15				
		250	<i>Attempt to re-Notify a vessel</i>	
		251	Vessel is not Notified	
		252	<i>Species not AUT, or LIM or SUS</i>	
Article 22				
	301		<i>Catch prior to Catch on Entry</i>	
	302		Transshipment prior to Catch on Entry	
	303		Catch on Exit prior to Catch on Entry	
	304		No Position received (CAT,TRA,COX)	
		350	Position without Catch on Entry	

Annex 7. Update and suggestions regarding the digitization of NAFO observer reports
(presented by NAFO Secretariat - STACTIC Working Paper 05/2)

At the NAFO 26th Annual Meeting, held during September 13-17, 2004, the Fisheries Commission adopted the STACTIC recommendation that Contracting Parties make available detailed observer data (catch and effort for each haul, location (longitude and latitude), depth, time of net on bottom, catch composition and discards) to the Scientific Council by submitting them in an electronic format to the NAFO Secretariat (FC Doc. 04/17, item 11, point 8).

A GF letter was sent to all Contracting Parties (GF/05-064, 18 February 2005) with the request to provide this information to the Secretariat. The Secretariat has only received one reply on this from Japan stating they would need ample time to change over to digitization of observer data.

Upon request of Scientific Council, the Secretariat has started a test project of digitizing observer reports in order to determine the total funds necessary for the digitization of information from past and present observer reports not available electronically. This process has now started with the hiring of a temporary database operator. The results from our trial digitization will be available in June 2005 and will include a cost estimate for retrospective work (that includes digitization of the summary and the detailed information) and for present reports (that includes digitization of the detailed information only).

The costs for the digitization of NAFO observer reports will depend very much on the amount of reports already available in electronic format. Also, the costs could be minimized if reports from past years that are held in electronic format by individual Contracting Parties be made available to the NAFO Secretariat. Therefore, the Secretariat asks STACTIC to recommend the following to Fisheries Commission:

- All future observer and other NAFO reports be submitted electronically to the Secretariat.
- Reports from past years that are held in electronic format by individual Contracting Parties be made available to the NAFO Secretariat.

**Annex 8. Paper presented by Ukraine on conversion of Observer Program
from compliance tool to Scientific Observation System
(STACTIC Working Paper 05/11)**

Most of the recent stock assessment efforts for majority of species (both regulated and unregulated) in NAFO regulation area often faced uncertainty in many principal biological parameters of the species under assessment. General source of the uncertainty is a lack of information which could be used for assessment of stock status and effect of fisheries and environmental changes onto marine living resources.

Recent trends in NAFO surveillance scheme modification takes into consideration gradual improvement in VMS data collection, which resulted in decreased needs to maintain and observe compliance by means of observers. Achievements in electronic monitoring of vessels activity lead to development of the pilot program directed to decreasing of observer coverage as compliance tool.

In the same time there is growing understanding of great uncertainty in the stock status for many species in the NAFO regulation area and anxiety concerning human impact on the exploited stocks and ecosystem as a whole. It is clear that there are two ways for solving of the mentioned problem: a). complete ban of fishing in the area or b). increase efforts to monitor status of the stocks of principal species as well as associated and related species and whole ecosystem of Northwest Atlantic and fisheries impact on the ecosystem.

Ukraine believe that many negative consequences in fisheries assessment and management are direct results of skewed efforts of NAFO observer program which paid most attention to compliance measures rather than collection of proper biological and ecosystem data.

Ukraine firmly believes that recent NAFO decision directed to reducing observer coverage are steps in wrong direction which increased uncertainty in the understanding of the status of stocks in the NAFO regulation area. Instead of decreasing of observer coverage Ukraine call for urgent steps to return to 100% observer coverage of the fishing operations in the NAFO area with simultaneous changes in observer programs objectives, mechanisms, rules and background.

We call all Contracting Parties to reconsider observer program objectives as: “The principal objective of observer program are to collect data essential for monitoring of the stocks of marine living resources and effect of fisheries on these stocks, including vessel fishing activity, catch, bycatch and discards information, biological data for species caught during target fisheries or as bycatch (both kept onboard or discarded) and relevant environmental information”. Term “observer” should be replaced with more relevant term “scientific observer” and principal duties of observer should be revised to correspond with observer new status.

**Annex 9. Paper presented by Ukraine re Scheme of placement of
Observers onboard fishing vessels in the NAFO Regulatory Area**
(STACTIC Working Paper 05/12)

Ukraine propose new scheme of observation i.e. scientific observation scheme. It should involve greater national efforts and international coordination in placement of observer onboard fishing vessels and take off unnecessary burden of surveillance from observers. Principal outline of the scheme proposed are as follows:

- 🐟 Each vessel should have at least one scientific observer onboard (national or international).
- 🐟 If contracting party doesn't place national observers it should inform all contracting parties and request an international observer.
- 🐟 International observers will be sent to another contracting party vessel on the base of bilateral agreement between contracting parties.
- 🐟 In such a bilateral arrangement, the Member wishing to place scientific observers on board a vessel of another Member shall be referred to as the 'Designating Member' whilst the Member who accepts on board its vessel shall be referred to as the 'Receiving Member'.
- 🐟 Unless otherwise agreed the equipment, clothing and salary and any related allowances of a scientific observer shall normally be borne by the Designating Member. The vessel of the Receiving Member shall bear the cost of on board accommodation and meals of the scientific observer.
- 🐟 Each contracting party should send a list to NAFO Secretariat of designated observers which could be placed onboard fishing vessels as national and/or international observers. This list should be freely accessible to all contracting parties. The list presented by certain contracting party could be amended within the year by the contracting party.
- 🐟 Scientific observers shall be nationals of the Member who designates them.
- 🐟 Activities of scientific observers on board vessels will be specified by the Fisheries Commission which taking into account advice from the Scientific Council.
- 🐟 Activity of observers should be based on standard sampling methodology and electronic data reporting to Scientific Council and Fisheries Commission which should be developed and adopted as matter highest priority. Current situation with absence of standard sampling manual, absence of electronic observer report formats and templates, absence of regional species identification reference books for observers developed by NAFO (or contracting party with under NAFO auspice) cannot be considered as normal.

Ukraine hopes that these proposals will be taken into consideration by STACTIC and passed for further considerations of Scientific Council. After approval this scheme by STACTIC in principal it could be developed in more details.

Annex 10. Translation of NAFO Reports
(presented by NAFO Secretariat - STACTIC W.P. 05/5, Revised)

The Secretariat proposes the following:

1. **A standardized bi-lingual form to be used by observers for their NAFO reports.** The Secretariat has designed such a form that can be used for the electronic input of data using either a database (ACCESS) or a spread sheet application (EXCEL). In addition, we designed a paper form for those that do not have access to a computer – in this context the Secretariat continues to urge Contracting Parties to facilitate computer access to their observers and thus encourage electronic data submission (this, of course, is a goal for all NAFO reports, not just those from observers). The bi-lingual form would ensure that the summary information and tables in the report can be used without translation (if written in Latin letters!) and thus lowering translation costs. Only sections containing narratives would then require translation. Find attached to this report the paper form developed by the Secretariat using Spanish as an example. **We ask STACTIC to review the form and to agree to a final version with a recommendation to Fisheries Commission to adopt the standardized form as a requirement for NAFO observer reports.**
2. **A budget dedicated to the translation of all non-English NAFO reports.** In addition to observer reports from some Contracting Parties, we also receive a number of port reports and Apparent Infringement Disposition Documents in languages other than English. Based on the average annual amount of non-English reports we receive and translation costs quoted by local translators I roughly estimate that translation costs in the order of Can\$2,500 per year could incur with the status quo provided that Proposal 1 (above) is implemented.

Our ability to translate will ensure the immediate usability of all NAFO reports and is in my opinion indispensable in the present situation. It should be noted, however, that the installation of a NAFO translation budget could have the effect that more Contracting Parties than now would wish to report in their native language thus taking advantage of the NAFO translation facility. I estimate that translation of relevant reports from all NAFO Contracting Parties (with the exception of Canada and USA) will probably double the costs we estimated for the present situation, i.e. would be in the order of at least Can\$5,000. Nevertheless, the benefits of unburdening individual Contracting Parties from the requirement of reporting in English might easily be worth the effort as I would expect significant improvement of transparency, data quality and data reliability in NAFO.

For all the above reasons, the Secretariat proposes that STACTIC recommends the implementation of a translation budget for NAFO.

Attachment 1: Proposed standardized bi-lingual draft form for NAFO observer reports

Part 1. Vessel and Gear Information and Catch and Effort Summary Table *Informacion del barco y captura y esfuerzo*

Vessel name:	Type of Vessel*:	Call Sign:	Country or Flag State:	Observer name:
<i>Nombre del Barco:</i>	<i>Tipo de barco:</i>	<i>Distintivo de Llamada:</i>	<i>Pais:</i>	<i>Nombre del Observador:</i>

*See CEM Annex V for fishing vessel type codes

Gear # Arte #	Gear Type* Tipo de Arte	Make Modelo	Mesh Size (mm)			Tamano de Redes (mm)			Lengthening Piece Antecopo			Codend Copo		
			Wings Alas			Body Cuerpo			Lengthening Piece Antecopo			Codend Copo		
			High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media	High Superior	Low Inferior	Ave. Media

*See CEM Annex VI for Gear Codes

Catch and Effort Summary Table *Capturas y Esfuerzo*

NAFO Area Zona NAFO	Date Fecha	Directed Species* Especies objetivo	Gears Used ** Arte usada	# of sets or hauls # de redada	Hours fished Horas de pesca	Average Depth (m) Profundidad media (m)		Fishing Days Dias de pesca
						start comienzo	end fin	

*See CEM Annex II for the 3-Alpha Species Code. **Refer to Gear # in Column 1, Table above.

Catch in kg *Capturas (kg)*

NAFO Area Zona NAFO	COD		RED		PLA		YEL		WIT		HKW		CAP		SKA		GHL		SQI		PRA		OTH	
	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.	ret. cap.	disc. desc.

Part 2. Catch details by haul or set* *Datos del captura*

Date <i>Fecha</i>	Set No. <i>Redada #</i>	Gear No. <i>Arte #</i>	NAFO Area <i>Zona NAFO</i>	Time <i>Hora</i>		Depth (m) <i>Profundidad</i>		Position <i>Posicion</i>					
				Start	End	Start	End	Start <i>comienzo</i>		End <i>fin</i>			
				<i>comienzo</i>	<i>fin</i>	<i>comienzo</i>	<i>fin</i>	LAT.	LONG.	LAT.	LONG.		

Date <i>Fecha</i>	Set# <i>Redada#</i>	COD		RED		PLA		YEL		WIT		HKW		CAP		SKA		GHL		SQI		PRA		OTH		
		ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	ret. <i>cap.</i>	disc. <i>desc.</i>	

Please copy this sheet as necessary. For abbreviation consult CEM Annex VI for gear, Annex II for species.

Por favor, copie esta boja si es necesario.

Part 3. Narrative *Narrativo*

Click here to enter additional information, e.g. undersized fish, by-catch, etc.: