



RECOMMENDATION BY THE LDRAC ON NAFO 2012

Status: approved by the Ex Com

Document originally drafted in: Portuguese

Reference: R-04-12/WG2

The 34th annual meeting of NAFO is due to take place in St. Petersburg, Russia, during the week from September 17 to 21, 2012. The Scientific Council of the aforesaid regional fisheries organisation met in Dartmouth, Canada, from June 1 to 14, with the aim to reply to the special requests by the Fisheries Commission pursuant to the recommendation for the management of certain stocks, in 2013 and 2014, as well as to monitor population units whose management was recommended on a multi-annual basis, in 2010 and 2011. The LDRAC has adopted a recommendation for the next annual meeting of NAFO, which recommendation is being submitted to the consideration of the European Commission, with the expectation that the proposals therein may be assessed in the preparation of the mandate which the European Commission is due to submit to the aforesaid NAFO meeting in Russia, as the most important contracting party of NAFO. The LDRAC appreciates having been called for the technical meeting to be held in Brussels on August 27, during which the LDRAC expects to be listened to with preference, bearing in mind the weight and broadly diversified structure of members represented in this organisation of general interest for the Community.

1. General Considerations

In 2011 the LDRAC adopted a recommendation on this same issue, which entailed a noteworthy effort to seek convergence among its members, to the purpose of submitting a constructive, balanced proposal consistent with the principles of the common fisheries policy. The level of adhesion of the European Commission to the aforesaid recommendation was disappointing for most of the members who had participated in its preparation, as they felt that the endeavour and time invested had been wasted. We hope that this time we will be more successful. Such criticism is by no means personally targeted, and is but a statement of the fact that the European Union, being the contracting party with most weight in NAFO, did not prove in 2011 the ambition and leadership that such a condition ought to oblige it to in protecting its stakes.

To such a purpose, the European Commission does not ignore that the decisions on management of halieutic resources, when setting TACs and other conservation measures adopted by the Fisheries Commission, too often include the ponderation of strategies that are not exclusively based upon the appreciation of the fish population safety indicators, but that involve alliances of a political nature among the contracting parties. Such a positioning is much clearer among the Coastal States of the NAFO Convention, which frequently contribute with their actions and votes to prevent the adoption of decisions on stock



management that are consistent with the standards of maximum sustainable yield, if they were to promote the fishing activities of competing fleets. The issues of economic competitiveness among States, the pursuit of market positions and the consolidation of fishing rights in international waters are too important issues to accept that the decisions on TACs be made solely based on the results of the scientific surveys and on the primary indicators of the assessment of such stocks. The European Commission must be aware of this correlation of powers and interests at stake that influence the process of preparing decisions, in order to be able to distinguish between the genuine concern towards sustainability of the marine ecosystems, which goal must assemble the efforts of all the contracting parties, and the intention of conditioning fishing activities by imposing clearly excessive measures of restraint. In such cases, the LDRAC invites the European Union to react with positive arguments, based on scientific forecasts on the evolution of the resources that take into consideration, simultaneously, parameters of biological sustainability and a better compensation for the efforts made by fish workers.

NAFO is broadly recognised as the most structured, competent and strictest regional fisheries organisation regarding the management of the biological population units that make up the habitats of the waters under its jurisdiction. There are 11 species and 19 autonomous stocks monitored by the Scientific Council of this organisation, 8 of which are in a situation of fishing moratorium, with a view to restocking the indicators of biological safety that may enable to restart fishing without any risks. Such kind of management, despite the immediate economic impact caused on the fishing industry, is construed to be the safest long-term investment in the productivity of the living aquatic resources in this fishing area, whose importance in the reassertion of the external dimension of the common fisheries policy is irreplaceable. It is in the context of such an analysis that the LDRAC wishes to highlight its concern facing the reduction, in 2012, of the number of full assessments of the state of conservation of the resources, which effort seems to be undervalued compared to the research and definition of more abstract concepts on ecosystemic issues. In this field, NAFO has already made very significant progress by adopting measures to prevent impacts, which measures are exemplary for other regional fisheries organisations, with the aim to comply with the resolutions of the General Assembly of United Nations. Work along these lines must continue, under the condition that the effect thereof is not to disinvest in means to support research campaigns and the continuity of data collection programs for commercial fisheries, jeopardising the consistency of the data time-series used as the basis to issue the annual scientific advice for resources management. The LDRAC expects that the European Union will be able to perceive and prevent any imbalances in the development of these two aspects of research that must coexist and be promoted in harmony at the heart of NAFO, in order to reinforce the credibility and trust in the scientific advice as a basic tool in the decision-making process.



In general, within the NAFO fisheries area the trend towards recovery remains unchanged both for the stocks open to fishing as well as for those subject to a moratorium, in the regulatory area, fruit of the combination of low mortality rates and the arrival of relatively abundant year-classes, whose survival has boosted the growth of the spawning-stock biomass. The recent reopening of the fisheries for cod at the Flemish Cap and for redfish in 3LN, after over a decade of ban on directed fishing, are facts that confirm the idea that the conservation and management measures adopted by NAFO are, by rule, adequate. The great reduction of the fishing effort in NAFO international waters (from 18,744 days in 2003 to 5,016 days in 2009, according to the organisation's secretariat), is a fact that ought not be dissociated from the general recovery of the majority of resources, and it is legitimate to expect that the management decisions of the Fisheries Commission may allow, whenever it is possible, to invert the cycle of socio-economic losses for the fishing industry brought about by such a situation.

The LDRAC recommends that the European Commission, as opposed to what is usual, should meet, after the June meeting of the NAFO Scientific Council, with the European scientists who participated at the event. There are issues both technical and of sensitivity at the level of the strategies assumed at the aforesaid meeting that, understandably, are not recorded in the report published, but which must be openly discussed at a private meeting between the European Commission and the team of scientists from the Member States to whom it entrusted its representation.

2. M.S.E. Management Strategic Evaluation

Species		Stock	TAC - 2012
Greenland Halibut		SA-2 + 3KLMNO	16,326
Largest share	Shares of the Contracting Parties		
EU	EU	Canada	Other
43.44%	43.44%	37.01%	19.55%
7,092	7,092	6,042	3,192

Greenland halibut is a species widely distributed across the area of the NAFO Convention, and the stock in sub-area 2 + 3KLMNO belongs to a complex biological unit involving stocks in sub-areas 0 and 1. In 2003 a 15-year recovery plan was adopted for the Greenland halibut population at the Grand Banks, with a view to restocking the exploitable biomass 5+ by 140,000 T, which management measure was neither proposed nor assessed by the scientific council. The stock assessment method used (XSA, Extended Survivors Analysis) has had problems with stability, which caused, from the beginning of the recovery plan, a



discrepancy between its negative results and the increase in the indices of the research campaigns and in the catch per unit effort by commercial fishing. The reduction of the TACs for Greenland halibut, since 2003, compared to the TACs from previous years, caused fishing mortality rates to go down, and it would be expectable and reasonable for the scientific surveys and the CPUE to reflect such a reality. But the XSA assessment method did not correctly grasp the positive evolution recorded for the population of Greenland halibut, and so an alternative assessment tool was adopted to overcome this deficiency: the Management Strategy Evaluation (MSE). TACs until 2014 will issue from the Harvest Control Rule (HCR), which weighs the trends in the 3 research campaigns used to calibrate the assessment of Greenland halibut, by assigning the same weight to each one for a period of 5 years.

The LDRAC expresses its concern for the fact that the scientific council did not update the Greenland halibut stock assessment in 2011, in the understanding that by not being able to use arbitrated catch estimates based on its own criteria, the statistics of NAFO and of the contracting parties with quotas of Greenland halibut are of no use to ensure the assessment. Despite this deficiency, which the LDRAC would like to see solved as soon as possible, we wish to highlight, out of the background information from the most recent campaigns, the following:

- The Canadian autumn and spring campaigns reveal, in the last 2 years, rising indices of biomass and abundance, that may be connected to the appearance of good annual year-classes, especially in divisions 2J+3K. The eventual return of Greenland halibut to the northern area is a positive sign, given the conditions it offers to the spawning stock.
- Another incentive is knowing that the Greenland halibut with the greatest maturity 10+ has tripled its biomass during the period 2006-2011, and a reinforcement of the spawning stock may be expected for the coming years if this trend becomes consolidated.
- It is assumed that there is a component of the stock, with reproductive capacity, that is not accessible to the campaigns performed using trawling, with habitats located deeper than 1,500 metres, whose biomass is not being assessed. The LDRAC supports the proposal by the scientific council whereby the campaigns should be extended in area and in depth, which goals may be achieved with fishing gear different to the one used so far.
- Efforts must be made in order to overcome the differences in the indices from the 3 campaigns that are being taken into account to estimate the TAC, through the Harvest Control Rule (HCR), as they make it complicated to understand the global state of conservation of Greenland halibut.

The catch indicator, based on NAFO statistics, has not been validated by the scientific council to compare with the distributions simulated by the MSE. The LDRAC does not wish to see the scientific assessments compromised by the rejection of official catch data.



Regarding the biomass index, out of the 6 possible MSE comparisons, only 1 exceeded the confidence interval, however, the scientific council assures that this does not entail a conservation problem. The Harvest Control Rule (HCR) envisages an inter-annual variation for the TAC below 5%, in order to guarantee biological sustainability and socio-economic values.

Recommendation: The LDRAC recommends that the TAC for Greenland halibut in 2013 be estimated using the Harvest Control Rule (HCR), with a 5% reduction compared to the TAC for 2012, resulting in a total allowed catch of 15,510 tons.

3. Assessments / Recommendations requested by the Fisheries Commission in 2012

3.1 - Cod 3M

Species		Stock	TAC - 2012
Cod		3M	9,280
Largest share	Shares of the Contracting Parties		
EU	EU	Canada	Other
57.03%	57.03%	0.80%	42.17%
5,292	5,292	74	3,913

The European Union is the contracting party with the largest share in the relative stability of this stock, given the historical weight that this species had in the decades of the 1970s and 1980s in the total output of the Community fleets. The sum of the fishing rights of the EU and the Faroe islands makes up 80% of the TAC, and so these 2 contracting parties must discuss the design of a converging strategy to manage this population unit. As privileged parties in the access to this resource, the benefit to be drawn from a competent and sustainable management of this cod unit will have a heavier impact on fishing yields than for the Canadian fleet, for instance, as the direct stakes of the latter in the fishery are residual. Such a fact, *per se*, will not drive Canada nor other contracting parties to act, when the time for the decision arrives, on the TAC, thus it is important to understand the actual motivations underlying their choices.

We are facing a noteworthy recovery of an autonomous demersal stock, for which directed fishing was banned between 1999 and 2008, confirming the great capability for self-regeneration of this predator species that science had considered to be definitely lost in NAFO international waters. The low fishing mortality rates, for a decade, the good



recruitments verified since 2004 and the abundance in division 3M of the fish which cod feeds upon are factors that have come together to restock the population to levels of spawning biomass that are the highest in the data time-series and 3 times above Blim. The abundance is now proportional to the total biomass, and so the doubts recorded in the scientific assessment of 2011 have apparently been solved. The changes to the stock's biology entailed the revision of the mean weight at age and of the reproductive maturity, revealing that this cod stock, after having initially grown at a rare speed, is now consolidating its biological parameters and guaranteeing its sustainability in the long term.

It must be noted that the vectors for partial recruitment and estimated natural mortality generate, analytically, a very conservative yield per recruit curve, resulting in values of $F_{0.1}$ and F_{max} much lower than those considered to be suitable for the North Atlantic cod stocks. The scientific council drafted 3 forecasts, based on $F_{0.1}$, F_{max} and F_{sq} , assuming for each scenario, up until 2014, SSB and total biomass indicators and the corresponding TACs. In every forecast of F the stock size increases, almost exponentially, such a growth level being the logical result of arbitrating more conservative mortality rates of reference than what is usual for cod stocks. The scientific council assumes that F_{max} is a proxy for F_{msy} in this stock, recommending, out of precaution, and not because the stock is at risk of contracting due to a higher F , that the TAC for 2013 should not exceed F_{max} mortality.

Despite the fact that the indicators of biological safety for cod 3M are indisputably the best of the data time-series, the LDRAC admits, in this initial stage of the fishery, that the scientific council is recommending defensive TACs. However, no population unit, demersal or pelagic, grows indefinitely, and a good management practice is to extract the most robust fishing yields in the periods that correspond to the ascending curve of the resource biomass or in the periods when it stabilises. For this reason, the support by the European Union to the decision of fixing a TAC for cod at $F_{0.1}$, in 2012, was not comprehended by the fishing industry represented in the LDRAC, as it felt that it had been limited in its opportunities to recover fishing yields, when the stock is in its best biological condition ever.

Recommendation: The LDRAC invites the European Union to propose to the Fisheries Commission to request to the scientific council clarification on how yield per recruit curve drafted and its influence on the underestimation of the values for $F_{0.1}$ and F_{max} referred in the biomass and catch forecasts recorded in the assessment. The LDRAC accepts the recommendation for management by the scientific council and to this respect proposes the European Commission to support a TAC for cod, in 2013, that is the resultant of $F_{max} = F_{msy}$, at 14,133 tons.



3.2 - Redfish 3LN

Species	Stock		TAC - 2012
Redfish	3LN		6,000
Largest share	Shares of the Contracting Parties		
Canada	EU	Canada	Other
42.60%	18.23%	42.60%	39.17%
2,556	1,094	2,556	2,350

This population unit was under moratorium between 1998 and 2009, during which period the almost zero fishing mortality rates and the consecutive good fish recruitments for the exploitable stock led the spawning stock biomass to a level of 1.5 Bmsy. The indicator for limit biomass (Blim = Bmsy) for this stock is 60,000 tons, whereby the actual biomass resulting for this stock would be close to 100,000 tons. The assessment model used to understand the dynamics of the stock suggests that, for a MSY biomass, the maximum sustainable yield catch is of 25,000 tons, producing an Fmsy mortality rate of 0.11. Since 2005 the spawning stock biomass has exceeded Bmsy, with uninterrupted growth ever since.

The scientific council is developing 4 forecasts for mortality rates, based on F_{squo} , $1/6 F_{msy}$ (equivalent values), $1/3 F_{msy}$ and $2/3 F_{msy}$, to inform on the expected values for the relative biomass and for the TACs in the years 2013 to 2015, bearing in mind that this stock undergoes an analytical assessment every two years. Out of the analysis of the data in the forecasts, the following ensues:

- A TAC for 2013 issuing from $2/3 F_{msy}$ (23,830 tons), would still be below the maximum sustainable yield catch of 25,000 tons, identified by the scientific council for a MSY biomass, the current biomass being 50% above that figure.
- The option for a TAC corresponding to $1/3 F_{msy}$ (12,126 tons) enables, in the light of the study by the scientific council, the biomass of the stock, compared to Bmsy, to keep on growing, from 1.514 in 2013 to 1.528 in 2014 and to 1.541 in 2015.
- The catch scenario, based on a mortality rate of $1/6 F_{msy}$, similar to F_{sq} , would set the TAC slightly above 6,000 tons. The growth of the relative biomass is minimal, when compared to the benefits in the above forecast, forecasting for that indicator 1.554 in 2014 and 1.589 in 2015. With the current level of biological safety, it is clear that the stock may bear a TAC with twice the weight, continuing to grow until 2015.

Recommendation: By analysing the results of the scientific assessment overall and despite the fact that the European Union has a less relevant share in the relative stability of this stock, the LDRAC recommends supporting that a fully sustainable TAC be fixed, resulting from $1/3$ Fmsy, corresponding to 12,126 tons. Canada and Russia, whose quotas make up 81% of the TAC, will have no doubts in supporting this option, and the European Union may submit to them a position with the same transparency and rationality as when supporting the decision on TACs for stocks where Community stakes prevail.

3.3 - Thorny skate 3LNO

Skate – Statistic data in the regulatory period for the stock												
TAC	Years	EU	62.97%			CAN	16.67%			RUS	16.67%	
		Quota	Catch			Quota	Catch			Quota	Catch	
13,500	2005	8,500	2,776	33%	2,250	685	30%	2,250	77	3%		
	2006	8,500	5,241	62%	2,250	228	10%	2,250	12	1%		
	2007	8,500	5,356	63%	2,250	76	3%	2,250	725	32%		
	2008	8,500	6,134	72%	2,250	236	10%	2,250	538	24%		
	2009	8,500	5,234	62%	2,250	435	19%	2,250	10	0%		
12,000	2010	7,556	5,223	69%	2,000	50	3%	2,000	91	5%		
	2011	7,556	5,301	70%	2,000	67	3%	2,000	7	0%		
Total		57,614	35,265	61%	15,250	1,777	12%	15,250	1,460	10%		
Average		8,231	5,038		2,179	254		2,179	209			
8,500	2012	5,352			1,417			1,417				

This population unit was fished indiscriminately until 2005, when the Fisheries Commission decided to regulate the fishery, including another 2 stocks at the Grand Banks. The European Union's quota represents almost $2/3$ of the TAC, which estimate was based on the production history of this resource by the Community fleets. It is one of the 6 stocks, out of the 10 that are open to fishing, in which the European Union holds a majority share; and so it bears special responsibilities when formulating proposals for sustainable management from both an ecological and socio-economic viewpoint.



The table above is clear enough to this respect. An initial TAC was fixed at 13,500 tons, close to the average catches in the period prior to 2005. Canada, whose average production of skate is 10% of its quota, lobbied for the TAC to be reduced to 12,000 tons, and it underwent a drastic reduction to 8,500 tons in 2012. The European Union should have rejected such lobbying, because the scientific assessments have not changed significantly in recent years. The Community's quota for skate, issuing from the TAC adopted for 2012, barely accounts for the average catches in the period 2005-2011, during which the rate of utilisation was of 61%, that is 5 times that of Canada and 6 times that of Russia. The European Union must not be accommodating, in managing this resource, with strategies from countries that seek to diminish the fishing rights of others because they do not fish their own quotas fully.

This stock lacks analytical assessment and the indices for biomass and abundance issue from 4 scientific surveys: 2 Canadian and 2 Spanish. Whereas in the Canadian campaigns, especially the autumn one, the biomass grows slowly, since 1997; in the Spanish campaigns the indices are poorer. The scientific council admits that the discrepancy may be due to the fact that the Spanish campaigns took place at deeper strata. Between 1997 and 2007 the trends were practically coincident. In 2010 and 2011 two strong year-classes were recruited, that are 50% above the average in the data time-series, which may contribute to confirm the growth of the indices of biomass from the campaigns. The mortality rates are falling since 2005, the year when the stock became regulated by means of a TAC of 13,500 tons. This datum is consistent with the reduction by 50% of the average catch ever since that year, down to close to 6,000 tons, compared to the entire preceding data time-series, during which the average production of skate 3LN was of 10,000 tons. The scientific assessment does not contain any warning signs of concern relevant to the biological status of this stock any different to the assessments made during the last decade. The good recruitments detected in the last 2 years are positive news, which will surely be reflected in the consolidation of the increasing trend in size of the skate population.

Recommendation: The LDRAC recommends the European Union not to yield to the lobbying by contracting parties for which this stock lacks economic relevance. Any initiative to such a respect, not being justified under the viewpoint of stock sustainability, must be replied by the EU with a proposal for discussion to readjust the weight of the quotas, considering the catches in recent years. The TAC for skate, which was reduced by 37% between 2009 and 2012, as a minimum management measure, must remain unchanged at 8,500 tons. Any decisions imposing further reductions of the TAC are not understandable in the context of defending the Community's stakes.



4. Monitoring the state of conservation of other population units

4.1 - Redfish 3M

Species	Stock			TAC - 2012
Redfish	3M			20,000
Largest share	Shares of the Contracting Parties			
Russia	EU	Canada	Other	
45.69%	39.07%	2.50%	12.74%	
9,138	7,814	500	2,548	

This stock is made up of 3 different components of redfish that are fished and managed jointly. Total catches in the last decade are low when compared to the production peaks in the 1980s and 1990s. Recent mortality rates have decreased enabling an exponential growth of the stock biomass between 2001 and 2006. During the stock's rising stage the total allowed catch remained unchanged at 5 tons, when apparently it could have approached the TAC of 20,000 tons that is used for reference when estimating the quotas for the contracting parties. The component of golden redfish is neglected in the estimates of the biomass and it currently represents the stock component that is most present in commercial fishing. The campaigns of 2011 and 2012 detected an inversion to the decreasing trend of biomass, after the peak reached in 2006.

Recommendation: In 2011, the Fisheries Commission adopted the reduction of the maximum catch from 10,000 to 6,500 tons, in 2012 and 2013, with a view to stop the loss of biomass, which goal was achieved. The LDRAC recommends that the real TAC for redfish, of 6,500 tons, be maintained in 2013, in order to consolidate the signs of recovery for this stock's biomass.

4.2 - Redfish 3O

Species	Stock			TAC - 2012
Redfish	3O			20,000
Largest share	Shares of the Contracting Parties			
EU	EU	Canada	Other	
35.00%	35.00%	30.00%	35.00%	
7,000	7,000	6,000	7,000	



This stock was regulated in 2004, in the NAFO regulatory area, by fixing a TAC, and the EU managed to achieve an important position for relative stability. At the annual meeting of 2010 the Fisheries Commission adopted a multi-annual TAC of 20,000 tons for this unit of redfish, applicable to the period 2011 / 2013. The Community fleet is the one with the highest rate of utilisation of the quotas for this species and stock, in line with common practice in other fisheries that take place in NAFO international waters. Canada carries out 2 scientific campaigns each year to assess this redfish, which record increasing biomass and abundance indices from the beginning of the decade of 2000. The prevalence of low fishing mortality rates together with favourable environmental conditions for the development of this species contribute to maintain it within safe biological limits.

Recommendation: As there are no signs whatsoever, neither in commercial fishing nor in the scientific campaigns of 2011, of any changes to the excellent level of conservation of this stock, the LDRAC recommends the European Union to support maintaining the TAC at 20,000 tons in 2013.

4.3 - White hake 3NO

Species	Stock		TAC - 2012
White hake	3NO		5,000
Largest share	Shares of the Contracting Parties		
EU	EU	Canada	Other
58.82%	58.82%	29.42%	11.76%
2,941	2,941	1,471	588

The fishery for white hake was regulated in the NAFO regulatory area in 2005 by a TAC of 8,500 tons. The initial TAC has been reviewed downwardly, together with the TAC for skate, first down to 6,000 tons, with a further reduction down to 5,000 tons in 2012. The management decisions for this stock have not escaped the play of influence by Canada, who, in order to meet the pressure of its public opinion, has adopted, in the process of negotiating the decisions of the Fisheries Commission, positions that lack objectiveness when assessing white hake and fishing activity. The European Union holds a dominant position in this TAC, similar to the case for skate, and is thus the contracting party in NAFO that has most to lose with management decisions which, lacking any foundation, may lead to a reduction in the total allowed catch.



This stock's behaviour, in terms of biomass and abundance, is rather variable along the data time-series, with very marked inter-annual increases and reductions of the indices from the campaigns. The scientific council admits that white hake moves between the stocks in 3NO and 3P's (Canadian waters), which needs to be researched into and considered for the next full scientific assessment of this population unit. When recruitment peaks are recorded, as was the case in 2000, white hake becomes available for fishing 2 or 3 years later, with abundant and economically profitable catches. In the absence of strong year-classes entering the exploitable stock, catches become irrelevant, whereby fishing has not been a risk factor for the biological safety of the stock of white hake. In 2011 the Canadian spring campaign detected good recruitment, similar to that of 1999, which may be an indication of availability of this species in the fishing area in the short term.

Recommendation: Considering, on the one hand, that the low fishing mortality rates in the last few years do not entail a risk for the stock, and on the other that the good recruitment of 2011 may predict the appearance of white hake in the fishing area, the LDRAC recommends that the current TAC of 5,000 tons, adopted for the period 2012 / 2013, be maintained. Any proposal for reduction, upon initiative by other contracting parties, deserves to be rejected.

4.4 - Yellowtail flounder 3LNO

Species		Stock	TAC - 2012
Yellowtail flounder		3LNO	17,000
Largest share	Shares of the Contracting Parties		
Canada	EU	Canada	Other
97.50%	0.00%	97.50%	2.50%
16,575	0	16,575	425

The Fisheries Commission decided upon the current TAC of 17,000 tons for 2011 based on a recommendation by the scientific council, which is valid for 2012 and 2013. The scientific surveys have recorded, since the beginning of this decade, biomass indices well above Bmsy. Catches by Canada have fluctuated in the last few years due to commercial reasons and they are below the TACs since 2006. The EU did not make use of its quota, and is regularising catches by its vessels through the CMS rules, applicable to by-catches. The scientific campaigns of 2011 confirm that the stock remains healthy and could support a higher TAC. Canada, in order not to infringe the by-catch for flounder, has chosen to maintain the TAC.



Recommendation: The LDRAC recommends to maintain both the current system of catch regularisation for this species by Community vessels as well as the TAC of 17,000 tons

5. Fish population units for which directed fishing is banned

5.1 - Oldest direct fishing bans

Recommendation until 2013				Recommendation until 2014			
Cod	3NO	Witch flounder	2J+3KL	American plaice	3M	Witch flounder	3NO
Capelin	3NO	Grenadiers	SA 2+3		3LNO	Cod	2J+3KL

Recommendation: These are stocks under fishing moratorium since the 1990s, in order to foster the restocking of the spawning stock biomass above Blim. The LDRAC supports to continue the ban on directed fishing, up until such a reference limit be reached.

5.2 - Shrimps 3M

The Fisheries Commission decided to suspend the direct fishery on shrimp stock 3M during the 2010 annual meeting. It was stated that when Scientific Council estimates that stock shows signs of recovery the fishery should be re-opened, in accordance with the effort-days allocation scheme in place at the time of the closure. It is of high importance to get as much information about the shrimp stock as possible. The stock situation is poor at the moment and there is no economical ground to operate a shrimp vessel in this area today. However, it must be of high value to the Fisheries Commission to obtain, from Science, reliable CPUE data and to get the fisherman's view of this stock. The biology of this category of short-lived species could perform to a quick recover of the biomass index, so the data collection is much more essential to be up dated in this case, than in other benthic fish populations. The only information available is the annual survey, mainly focusing on the ground-fish 3M. This annual survey is not informative enough in terms of shrimp stock.

Recommendation: To improve the data available on shrimp 3M and to be timely aware of the stock recover, taking into account the special biology of this kind of species, LDRAC recommends to be handled a single fishing-vessel research trip, under a scientific shrimp quota, which terms of reference shall be defined by the Fisheries Commission

6. Vulnerable Marine Ecosystems

Among other important documents issued by international organisations, conventions and conferences, the United Nations General Assembly recently adopted 2 resolutions on the conservation of straddling and highly migratory fish populations, sustainable fishing and the protection of vulnerable marine ecosystems (61/105 and 64/72). Coastal States and Regional Fisheries Management Organisations were invited to adopt measures to combat illegal fishing, to identify sensitive benthic systems and to prevent significant adverse impacts on sea-bottom structures. NAFO made a good note of the aforesaid Resolutions and established a working group of fisheries managers and scientists to focus on researching into this issue. Their efforts have been coordinated with the working group for an ecosystemic approach to fisheries management. The endeavour of the contracting parties, fish workers, civil society, the secretariat and commissions in NAFO and these 2 specialised working groups is mirrored in the adoption of several measures, with the aim to preserve the integrity of VMEs, with the following highlights:

- Inclusion of a specific chapter into the NAFO Conservation and Enforcement Measures.
- Establishment of 6 major areas where fishing is banned, around sea mounts.
- Establishment of 12 areas where fishing is banned, in international waters, to prevent impacts with sponge fields and cold-water corals from happening.
- It is estimated that the areas closed to bottom fishing make up 15% of the NRA.
- Definition of the footprint of the fishing area since the 1980s.
- Limiting fishing activities in the areas outside the borders of the footprint.
- Periodical assessment by the contracting parties, the scientific council and the NAFO fisheries commission of the bottom fishing activities in the NRA.
- Protocol for the encounter, while fishing, with living coral (60 kgs) and sponges (600 kgs). A 2-mile move-on rule from the site after a fishing haul has been concluded.

This is very concrete progress in the enforcement of the resolutions by United Nations, which to date has gone well beyond other initiatives along these lines adopted by other RFMOs. All the stakeholders are aware and sensitised towards the need to adopt action measures to prevent harm to the sea bottom that would be difficult to recover from, especially in systems that are of the essence to foster the development of benthic communities. The preservation of geological structures and of vulnerable invertebrate organisms that make up the marine ecosystem is a permanent challenge for the Coastal States and for the RFMO's. The LDRAC wishes to highlight NAFO's leadership in this field, by defending the support of research campaigns to increase knowledge about the structure of the sea bottom in the NRA. The



NEREIDA project, carried out by the Spanish oceanographic vessel Miguel Olivier, in which scientists from several contracting parties of NAFO participate, must be valued and continued. The information so far obtained with this campaign is very useful to define areas where fishing may continue without colliding with VMEs.

The existing scientific knowledge, in the field of capturing VMEs during the scientific surveys and analysing the VMS records from the vessels that have fished in the NRA since the 1980s, has enabled to conclude that the overlapping of fishing activities in areas with VMEs was below 5%. It must be admitted that the strong reduction of the fishing effort since the 1990s, together with the creation of areas with a permanent ban on fishing, in compliance with the resolutions of UNGA, have decreased the risk of impact on structures that must be protected. The LDRAC understands that it is adequate to maintain the efforts to fine-tune the scientific knowledge on the location of relevant communities of invertebrates (sponge fields and coral). The changes to the decisions adopted by the Fisheries Commission each year does not give credibility to the work carried out by NAFO. The report by the secretary general of UNO (A/66/307), on the progress in the implementation of both 2 Resolutions, confirms the seriousness with which NAFO has been acting.

7. Technical Measures - Proposals for revision

The NAFO Fisheries Commission is assisted by STATIC, Standing Committee on International Control, whose activity and attention are focused on the enforcement of international rules applicable to fishing in the NRA and on the proposal, assessment and verification of the execution of the technical measures that make up the NAFO Conservation and Enforcement Measures. This is a veritable code of good fishing practices, which rules have been perfected, year after year, through the evolution of technical knowledge, always from the standpoint of ensuring the indispensable proportionality between the outcome of the measures adopted and the values whose safeguard is intended. The contracting parties must propose changes or new technical measures with the concern that the content thereof is understandable for fish workers, releasing them from demands that are impracticable and that do not bring any benefits to the monitoring of fishing activities nor to the sustainability of the marine ecosystem, and that unnecessarily jeopardize the investments and earnings from fishing. NAFO's world-wide leadership is broadly recognised in the areas monitored and supervised, by means of rendering available airborne and naval equipment to perform inspections in the high seas and State-port measures to follow up on landings. The ratio of infringements detected by supervision at sea, in 2011, was 4%, with only 1 serious infringement in 8 incidents. The constant changes to the technical measures do not make it easy for fish workers to assume them and do not generate the best environment to ensure a good level of enforcement. The LDRAC wishes to appreciate 3 proposals to change the NCEM, submitted by Canada and which will be discussed by STATIC during the annual meeting in September:



a) Monitoring catches (Article 25-b NCEM)

The proposed change to this article aims at imposing the recording of catches on a haul per haul basis. Recording and communicating catches on a daily basis is a current practice in fishing operations in international waters and is being ensured by the vessels of the contracting parties. The Community monitoring regulation does not provide for such a requirement, which is clearly disproportionate and may not be strictly enforced. The processing and separation of fish caught in a fishing haul is a slow procedure, whereby the intended recording would cause delays in the vessel's activity, jeopardising safety and increasing operating costs. The LDRAC cannot support this proposed change, as it imposes, gratuitously, additional work on the crews. Every 24 hours the information on catches is available.

b) Communication whenever by-catch limits are exceed (Article 25-2 NCEM)

Article 6 of the NCEM defines the authorised limits of by-catch and the procedures that the vessel's captain must execute in order to prevent any violation of such limits. NAFO fisheries are essentially directed to targeted species, by means of allocating a part of the TAC. The regulation for by-catch is adequate and has been revisited with the aim that any by-catch be an exception to confirm fisheries performed under a quota. By-catch is recorded at the end of the day, species by species, in the electronic logbook, and the vessel is moved on 10 nautical miles whenever certain limits are exceeded. If a by-catch limit is exceeded in a fishing haul, this does not mean that such a haul is not made up mostly of a species caught under a quota. The displacement of the vessel provided for under Article 6 aims at preventing the repetition of excessive by-catch and not the permanent exclusion from fishing in the area where such an incident may have happened. NAFO is already providing for a higher number of daily communications than other fisheries management organisations in international waters. The LDRAC understands that, for reasons of transparency and consistency, measures to monitor fishing in the high seas must be equitable and designed to ensure the conservation of resources and not to aggravate procedures after unexpected and inevitable incidents, which already have recording and communication codes provided for under NCEM. To this respect, the LDRAC understands that the proposal by Canada is inappropriate and recommends not to support it.

c) Labelling production with date of catch and division (Article 24 NCEM)

Since 2005 Canada, for once taking recourse to a procedure that is ethically condemnable (adopting document FC 06/12), has been successively submitting proposals to change the labelling specifications for blocks of frozen fish caught in the NRA. The sole intention to be construed from such an action is to create greater difficulties for the work on board and to promote cases of non-compliance with Article 24 of the NCEM. Not surprisingly, at the



STATIC meeting held in Brussels in May 2012, Canada submitted a new proposal to change labelling rules, recovering the obligation to register the catch date and NRA divisions where the species kept on board were caught. It is impossible to conduct a full, clear assessment of this issue without recalling the positions assumed in recent years in NAFO by Canada and the European Union:

- FC-04/10 (Proposal DEN): Broad revision of articles 18 and 19 on labelling, even without the requirement of specifying the catch date. Identifying the NAFO division became necessary for northern shrimp 3L and for Greenland halibut, with reference to the area 3KLMNO. This proposal was adopted at the annual meeting by the Fisheries Commission.
- STATIC WP 05/33 (Proposal CAN): Proposing to record catch dates and NRA division for the blocks. The proposal was rejected, as the EU considered it was unwise to change a rule revisited the previous year.
- FC 06/12 (Proposal CAN): Under the pretext of revisiting the provisions on labelling applicable to catches of shrimp 3LM (the proposal was submitted with that title), Canada included, subtly, a change to Article 19, whose new wording demanded recording catch dates for the blocks of frozen fish. In good faith, the members of the Fisheries Commission adopted the proposal, admitting that it only changed the labelling for shrimp.
- STATIC WP 07/13 Rev (Proposal EU): The following year, the EU submitted a working document, with the aim to abolish the obligation to record catch dates for the blocks, reacting to the procedures that Canada had used the previous year. The proposal received general support by the contracting parties, and it ended up by reinstating the wording of the labelling rules that had been in force until 2006 and which are still valid today.
- EC Regulation 1386/2007: With this regulation the European Union adopted measures of conservation and enforcement applicable to the NAFO regulatory area, adopted by the managing bodies of that RFMO. Article 20 “Product labelling and separate stowage” does not provide for recording the catch dates nor identifying NRA divisions in the fish blocks.

The working document by STATIC WP-12/18, submitted by Canada, resumes, without sufficient grounds, the discussion on labelling specifications that the contracting parties of NAFO had perfected adequately, bearing in mind the conditions of stress for the work on board, the fisheries involved, the length of the fishing trips, the obligation to provide for separate stowage plans and the enforcement of recording and communicating the catch activities and sailing carried out in the NRA. Fishing trips, given their length and the volume of fished handled and processed, require the permanent endeavour and attention on behalf of the entire crew, and this must not be affected by added tasks that are irrelevant, in light of the processes to monitor and supervise the activity as provided for under NCEM. Increased vessel operating costs have imposed a reduction on non-essential crew members regarding work procedures, whereby, if the Canadian proposal were to be adopted, the operational



activity would bear with interruptions to the working pace that would prolong the stay of the vessels in the NAFO area, with undesirable consequences in an increased fishing effort.

The aforesaid, reprehensible behaviour by Canada regarding labelling and the impact that the adoption of its proposal would cause on the work on board justify that such proposal be rejected, and this is the position that LDRAC recommends the European Union to adopt.

8. Quota Transfers between EU and other Contracting Parties

It was a surprise to some stakeholders that are LDRAC members, the approach done by the EC, during a technical meeting, held April 20 in Dg Mare, on quota transfers management, involving external fishing partners. LDRAC recognizes legal framework of NAFO Convention and the role of EC in the process of quota transfers and charter agreements. LDRAC understands that all quota transfers, based on requests from Member States, are communicated to NAFO secretariat, within the intervention of the appropriate EU Services. Internally EU has a very well functioning FIDES - quota management system, where EU internal and external transfers can be registered, keeping EU records up to date. LDRAC does not see the necessity to reflect RFMO's transfers in EU legislation, via Council decisions. LDRAC would like to ask EC to seek a solution that would be flexible, easily and effectively administered, without unnecessary and costly procedures, that may contribute to rapidly implement quota transfers with other NAFO Contracting Parties. In fact, due to seasonality of fishing operations, the lack of such a mechanism, could make these quota transfers of no practical value. LDRAC recommends the EC on this issue to coordinate with Member States, to find a solution that will fulfil legal and procedural requirements and at the same time maintain practical sense.