

Report of the
20th Annual Meeting of NEAFC
5 - 9 November 2001

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1. Welcome address by the President

The President welcomed delegations from the Contracting Parties, representatives of intergovernmental organisations and observers from non-Contracting Parties. He considers that NEAFC has now grown into a mature organisation and will act correspondingly during this week. He drew attention to the Activity Report of the Secretariat (Annex C), which showed that the year since the 19th Annual Meeting (2000) has been rather active. In addition to the services rendered to Contracting Parties, and several meetings in the subsidiary bodies of the Commission, NEAFC has also increased its international profile. The momentum in international cooperation under UNCLOS has been maintained in 2001 and NEAFC has been represented at several meetings attempting to further fisheries management to help conservation and rational utilisation. Reports from these meetings were tabled. Problems in reaching

political consensus on management measures and new items have been added to the agenda.

The President's welcome address is found in Annex A.

Denmark (in respect of the Faroe Islands and Greenland), the EU, Norway, the Russian Federation, Iceland and Poland made opening statements. The importance of reaching agreement on dispute settlement procedures, opening meetings of the Commission to non-governmental organisations (NGOs) and reaching agreement on mackerel and Atlanto-Scandian spring spawning herring and blue whiting were mentioned. Deep-sea fisheries is also a matter of concern, as seen by the media and in the letter from OSPAR. It was noted that the Reykjavik conference on "Responsible Fisheries in the Marine Ecosystem" had also sent a clear message. The Scheme of Control and Enforcement is a world leader, which has led to NEAFC being asked to assist in developing VMS systems as far away as the Southern Pacific; however, it can still be improved and made more efficient. Concern was expressed about the state of catch statistics and activities by non-Contracting Parties in the Regulatory Area. Finally, the need to manage fisheries on a firm scientific basis was stressed.

The opening statements that are available in writing are included in Annex A. The President appreciated the willingness expressed by all delegations to work hard to resolve outstanding issues.

2. Adoption of the agenda

The agenda was adopted without changes (Annex B).

The President suggested some changes in the sequence in which the agenda items were taken and indicated how he would deal with different topics under each agenda item.

The observer representing the International Maritime Organisation indicated that he wished to inform the meeting about IMO discussions on the topic of IUU fisheries under agenda item 8.2.

3. Establishment and arrangements for the Finance and Administration Committee

It was agreed that the Chairman, Andrew Thomson (EU), will convene the meetings of the Committee in parallel with Commission meetings in consultation with the Secretariat. The Committee's report is given in Annex T.

4. Report by the Advisory Committee on Fisheries Management

The Chairman of ACFM presented an overview of the general state of stocks in the Convention Area, including information on the number of stocks inside and outside safe biological limits, the number of stock where biomass is below B_{pa} and stocks are fished above F_{pa} . He outlined the problems in providing advice. His presentation is given in Annex D.

5. Report by the Working Group on Blue Whiting

The Working Group has not met since the last Annual Meeting as it is awaiting agreement between the coastal states.

6. Catch statistics for 2001

It was agreed to task the Secretariat to prepare a consolidated table on catches based on data submitted by Contracting Parties.

The statistics were discussed in connection with discussions of management advice for the different stocks. In addition to the basic table, the Secretariat produced a table in which catches under the cooperation quota, and catches in the Svalbard and Jan Mayen area, are given separately. The Secretariat also produced a table on reported catches of non-regulated resources (Annex E).

Norway wished to state that it had been discovered at coastal state meetings that there were severe problems with catch statistics. It was necessary to be able to trust that catch figures were right, if quota management was to make any sense. Norway urged all parties to work hard to restore confidence in catch figures. The EU and Iceland concurred. The President noted that this was as important for NEAFC as for coastal states.

7. Conservation and management measures for:

a) Redfish stocks/stock components in the Irminger Sea and NAFO area

Documentation: Extracts from ACFM report 2001 on redfish stocks in the Irminger Sea and NAFO Area, AM 20-12

The Chairman of ACFM introduced the ACFM advice on redfish (Annex D).

The EU had searched in the report for indications of improved recruitment, which had been expected for East Greenland, and also asked about information from the survey this summer. The Chairman of ACFM responded that ACFM had not considered the survey this summer, but he had the impression that this did not differ significantly from last year. As regards recruitment, the EU noted that there had been a strong pulse of recruitment in 1999, and it had been observed both above and below 500 m and in demersal fisheries on the Icelandic shelf. The EU confirmed that the survey had not shown big changes. The Scientific Committee of NAFO had reviewed the survey in September. Distribution was not significantly different from earlier surveys. Iceland wanted to make a presentation on the results of the survey and volunteered

one of the Icelandic scientists, Thorsteinn Sigurdsson, who had coordinated the survey, to make the presentation. This survey, coordinated under the ICES umbrella, estimated the abundance above 500 m hydroacoustically and abundance below 500 with pelagic trawl.

Iceland opened the discussion on management stating, that following their objection on one stock management, Iceland had implemented two stock management nationally, based on defining two geographical areas for each stock. The results of this system were successful and catches corresponded to the expected stock composition. Iceland drew attention to the conclusions of the Permanent Committee on Control and Enforcement (PECCOE) in February, stating that area-based management would not be difficult to implement. Iceland also found that statements from ACFM in their May meeting supported the Icelandic approach. Iceland then made a presentation on their experiences, which indicated that it is possible to manage the two stock elements based on geographic areas.

The President asked how the Icelandic system would affect recommendations by NEAFC and allocations. ACFM informed the meeting that there is no quantitative information making it possible to set TACs for the two stocks. Iceland noted that the surveys seemed to indicate a 50-50 split. Norway queried the effect of changes in temperature on such distribution. Iceland responded that, in the period 1995–2001, distribution of the fishery had been very stable, but no data made a comparison with the situation in the early 1990s possible. The Faroe Islands informed the meeting that a similar picture had also been observed in the Faroese fishery. The EU found no scientific basis for the area split; there could be a reversal in distribution next year. Iceland found confirmation in the ACFM's response to a NEAFC request, which stated clearly that there was a geographical separation between the upper and lower component. Russia appreciated the differences in opinion and approaches. Russian scientists had started to explore this area a long time ago. Their research did not support the split into two components. There may be changes in biological processes over the year. Russia was convinced that there is no scientific basis for splitting this stock into two parts. Iceland drew attention to scientific journals and the advice given by ACFM. NEAFC should also incorporate the Precautionary Approach and give the fish the benefit of the doubt. The EU did not read the scientific advice in the same way as Iceland. ACFM stated that the stock structure was uncertain. Later they stated that the links between the stock components are generally unknown. The EU could therefore not support the position of Iceland.

The President summed up that there seemed to be a difference in opinion between delegations. Iceland proposed establishing a line of separation in accordance with Icelandic national measures. The TAC should be split in two equal parts, which then should be allocated to Contracting Parties.

Denmark (in respect of the Faroe Islands and Greenland) informed the meeting that grids were now mandatory in the shrimp fishery in East Greenland in order to reduce bycatches of small redfish. They noted earlier the proposals on recording depth and explained a proposal for requesting advice from ICES on the results of the redfish survey of summer 2001 and procedures if new advice becomes available. The EU, Iceland and Poland concurred with the request for new advice (Annex F).

A proposal for management measures on pelagic fishery for redfish for 2002 by Denmark (in respect of the Faroe Islands and Greenland) was presented suggesting a provisional TAC of 95,000 tonnes. Iceland noted its reservation because these fisheries should be managed in two stock components on the basis of the advice given by ICES. Iceland would object to the proposal.

The President then called a vote on NEAFC Recommendation 2001:I “Management Measures on Pelagic Fisheries for Redfish” (Annex G). Five Contracting Parties voted in favour, Iceland voted against the recommendation. **The proposal for management measures was carried 5 votes to 1.**

Actions arising, redfish: Recommendation 2001:I will be notified to Contracting Parties in accordance with Article 11 and 12 of the Convention. ICES will be informed about the request for new advice.

b) Blue whiting (combined stock, Sub-areas I-IX, XII and XIV.)

Documentation: AM 20-13 Extracts from ACFM report 2001 on blue whiting
AM 20-28 Russian research on blue whiting in the Rockall Bank Area, 2000-2001

The Chairman of ACFM introduced the management advice (Annex D) Norway drew attention to the survey by Russia in the Rockall area. The Chairman of ACFM acknowledged that there were newer survey data, which gave higher estimates of recent recruitment. Had this information been available at the time of the advice, it might have been more optimistic. The Chairman of ACFM did not want to comment on the survey, but noted the fact that assessments of blue whiting had been consistent in recent years. Russia felt that their survey showed that the stock situation was not as pessimistic as suggested by ACFM. Norway expressed dissatisfaction with the form of advice given by ICES, which was more political than scientific. Managers had had to dig out basic information from the reports and that was not satisfactory. The Chairman of ACFM reported that the advice was given according to ACFM policy: no rebuilding plan – no advice on fishing. Norway felt that this was mixing science and management and wondered how managers could consider rebuilding plans without basic advice. Iceland associated itself with Norway.

The Chairman of ACFM indicated that it was not possible to give options which rebuilt the stock. With no timeframe indicated by managers, it was very difficult to know what to consider. The President thought this confirmed that managers should be asked to join the group considering the request for advice. The Chairman of ACFM acknowledged that the present advice had perhaps taken managers by surprise and ACFM would consider this when giving next year’s advice.

Norway commented that the table on catches in 2001 showed a substantial decrease in EU catches. Norway was not convinced that this reflected the real situation. The EU responded that they would check all catch figures and report back.

The President informed the meeting that, after considerable bilateral contacts and discussion between Heads of Delegation, an Extraordinary Meeting would be called in April to establish measures for blue whiting, following discussions between coastal states. He noted that last year NEAFC had agreed to establish an unallocated

precautionary TAC of 650,000 tonnes and opened the floor for discussion and proposals.

The Head of the EU delegation made an intervention, which he wanted to be recorded verbatim in the report from the Annual Meeting. It is found in Annex H.

The President noted that the EU had suggested an unallocated precautionary TAC of 250,000 tonnes. The EU informed the meeting that 300,000 tonnes could also be considered. Norway drew attention to the advice, which was zero and, although the advice had been criticised, it was what there was at hand. NEAFC had decided to call an Extraordinary Meeting to solve the question. A zero quota was logical but was not acceptable between Contracting Parties. Norway suggested that setting a TAC should be postponed until the Extraordinary Meeting. He read out a statement (Annex I), which he asked parties to agree. Iceland and Denmark (in respect of the Faroe Islands and Greenland) concurred with Norway and shared concerns about the stock. Coastal states should find consensus not later than April 2002. Poland concurred with the EU. Russia endorsed the proposal by Norway, supported by Iceland and Denmark (in respect of the Faroe Islands and Greenland). The EU agreed with the content of the Norwegian statement, which described the situation appropriately. The fishery in the EU took place in the three first months of the year and large catches could be taken during that period. The EU informed the meeting that it could not make national measures without a reference TAC and, without this, the Norwegian statement did not make sense. Not setting a TAC was irresponsible and in contravention of established principles for sustainable fisheries. Denmark (in respect of the Faroe Islands and Greenland) objected to the statement that the EU was the only responsible party.

The President noted that the Norwegian statement was supported by four parties and opposed by two. The statement would be reflected in the report and **the Commission had also agreed to call an Extraordinary Meeting**. As President, he was not proud that a solution had not been found. This had been discussed for a long time, and he urged all parties to work hard to find a solution in April.

Actions arising, blue whiting: Management measures for 2002 for blue whiting will be discussed at an Extraordinary Meeting of the Commission mid-April 2002.

c) Norwegian spring spawning (Atlanto-Scandian) herring

Documentation: AM 20-14 Extracts from ACFM report 2001 on Norwegian spring spawning herring

The Chairman of ACFM introduced the management advice (Annex D). There were no comments on the advice. The Commission then reviewed catch statistics for 2001 compiled by the Secretariat from submissions by Contracting Parties. The EU questioned the inclusion of catches from Svalbard in the Norwegian EEZ. The EU also wanted to see catches under the cooperation quota in the table and catches in the Svalbard zone, and perhaps also in the Jan Mayen area. Norway had nothing against reporting on the three management areas under its jurisdiction. Norway raised the question of possible misallocation between herring stocks of catches in EU waters. This seemed to appear from the report of the relevant ICES Working Group. The Chairman of ACFM was not in a position to clarify the situation, but would look into the Working Group report. Document AM 20-41 was subsequently circulated at the

meeting. Denmark (in respect of the Faroe Islands and Greenland) supported the proposal to report separately for the Svalbard area. They asked for clarification on the coverage of the catch table. The Secretariat explained that the table was prepared from information on catches in 2001 submitted by Contracting Parties according to the Scheme, and instructions from Contracting Parties. The EU asked if ICES had considered 2001 figures. The answer was no.

NEAFC Recommendation 2001:II “Management measures for 2002 for Norwegian spring spawning (Atlanto-Scandian) herring” sponsored by five Contracting Parties was presented by Norway (Annex J). The coastal states had agreed to the arrangements. The President asked if Poland could accept the recommendation. **The recommendation was unanimously adopted.**

Actions arising, Norwegian spring spawning (Atlanto-Scandian) herring: Recommendation 2001:II will be notified to Contracting Parties in accordance with Article 11 and 12 of the Convention.

d) Mackerel (combined Southern, Western, and North Sea spawning components)

Documentation: AM 20-15 Extracts from ACFM report 2001 on mackerel

The Chairman of ACFM introduced the management advice (Annex D). There were no comments on the advice. Catch figures were also reviewed.

The EU presented a proposal for NEAFC recommendation 2001:III “ Management measures for mackerel in 2002”, sponsored by four parties (Annex K). The proposal also included certain transfers to Russia. Iceland opposed the recommendation because Iceland’s right as a coastal was not respected, and it would object. Poland accepted the proposal. The President called for a vote. **The voting showed five votes in favour and one against, Iceland.**

Actions arising, Mackerel: Recommendation 2001:III will be notified to Contracting Parties in accordance with Articles 11 and 12 of the Convention.

e) Rockall haddock

Documentation: Extracts from ACFM report 2001 on Rockall haddock, AM 20-16

The Chairman of ACFM presented the latest ACFM advice (Annex D).

The President asked for questions and comments. Iceland asked what the scientific basis was for splitting the TAC between Divisions VIa and VIb. The EU reported that the stock was managed in two compartments. The EU’s TACs have been in place – according to advice – for the components inside the coastal area, but there had not been any restriction in place for fisheries carried out by other Contracting Parties outside national waters. As a result, the stock is decreasing. The EU asked if Russia had any information on catches in the Rockall area. Russia responded that they had data. The catch - by-catch in gurnard fisheries - for 2001 was 613 tonnes. The EU thanked Russia for the information and asked if similar information was available for 2000. Russia informed the meeting that the by-catch in 2000 was 1872 tonnes.

The President then opened the floor for suggestions for management measures for 2002. Norway noted that, at the Extraordinary Meeting in March, the EU had indicated that it was going to establish closed areas inside the EU-EEZ. Norway asked if that had happened. The EU stated that they had regulated via TACs and other measures, pending a review of the situation. The EU proposed that they should approach Russia bilaterally. Norway found it frustrating that a closed area system to protect juveniles had not been brought into place in waters under EU jurisdiction, as the EU had indicated in March. The EU noted that Norway was aware of the problems with cod stock management. The EU appreciated the policy in some Contracting Parties with closed areas, but had worked to introduce selective gears to protect juveniles and felt that a combination of selective gear and lower effort was as effective. Norway said that its basis for supporting the decision to close an area in the Regulatory Area was that the EU had expressed its intention to mirror this inside the EEZ. The EU said they may have mentioned such a consideration, but there was certainly no commitment made in March 2001.

No proposal for management measures had been presented. The EU noted that this issue was important to the EU delegation. The EU had had consultations with Russia, but regrettably it had not been possible to prepare a common proposal. The two parties were, however, confident that they could work out a common proposal, which they intended to put to a postal vote so measures could be put in place before 1 January 2002. Russia concurred. The President expressed his appreciation of the constructive way the two parties had handled this issue.

Actions arising, Rockall haddock: The EU and the Russian Federation will prepare a common proposal, which will be put to a postal vote in time to bring measures in place before 1 January 2002.

f) Deep-sea species.

Documentation: Extracts from ACFM report 2001 on deep-sea species, AM 20-17.

The Chairman of ACFM presented the ICES advice, which was the same as last year, as stocks are only assessed biennially. The President asked if the advice applied for deep-sea stocks inside and outside national EEZs. The Chairman confirmed this.

The President asked for comments. The EU asked ICES if the advice from ACFM was more pessimistic this year than last time advice was given. The Chairman responded that this does not appear to be so from the evidence available. The EU then asked if advice on any stock had changed. The Chairman did not feel this was the case, but the advice had been clarified in some instances.

The President summed up that the advice recommended considerable reduction in fishing effort. This applied to fisheries inside and outside national EEZs. He asked if any coastal state was prepared to make a proposal, which took into account fisheries inside and outside EEZs. The EU indicated that, at this stage, it was premature to expect reactions from coastal states as foreseen in Article 6 of the Convention. The President interpreted this as that stocks mainly inside national waters would be managed by national authorities. Norway informed the meeting about a joint project in Norway on ling, tusk and blue ling, involving a reference fleet, which gave very detailed data. This was a response to a request from ICES for more information.

Norway suggested that NEAFC make a recommendation on data collection. The President thought this may be a valuable addition to the rules for submitting data under the Scheme. The EU supported the Norwegian proposal.

The EU expressed concern about the lack of knowledge with respect to deep-sea species and fisheries of deep-sea species. It was necessary to get more detailed information on what knowledge is lacking. The EU suggested asking the scientists present to provide that information. The EU is currently considering the establishment of regulatory systems for deep-sea fisheries from January 2002. It is considering applying several tools in the toolbox, such as effort reduction, closed areas, technical measures, TACs and quotas. A combination of these may render the best result. This was considered in Brussels and will go before the Council this year. NEAFC would not be in a position to put in place measures for deep-sea fisheries for 2002, but it was necessary to start the process now and to be able to respond to OSPAR. The EU wished at this meeting to propose immediately to freeze effort and improve data collection. A Working Group should be established to meet as early in 2002 as possible. The EU was ready to propose terms of reference for such a group, if the Commission agreed.

Norway agreed with the concern expressed by the EU. It drew attention to a major scientific project on the Mid-Atlantic ridge. Contracting Parties were invited to submit ideas for projects under that umbrella. Russia informed the meeting that Russian scientists cooperated closely with ICES on these issues and give data to various Working Groups on a regular basis. Russia had gained much experience and information in practical fisheries for deep-water species, but the situation is very complex. It should be noted that fishing areas in deep water are restricted and do not exploit the full range of stocks. Russia endorsed what the EU and Norway had said. It is necessary to compile more detailed and accurate biological data to be able to place management on a solid scientific basis.

The President noted that there was a considerable amount of information available, but the problem is to make it useful for management. The proposal for a Working Group may solve this. Norway did not want to duplicate the work of the deep-sea Working Group in ICES and the new large scientific exercise in the Mid-Atlantic area, but would support the EU proposal on a Working Group. Poland associated itself with this view. The EU agreed that duplication should be avoided and a precise mandate should be directed more at management. The EU will distribute its new legislation to NEAFC's Contracting Parties.

The President then asked the EU to prepare a draft text of their proposal. Norway should do the same on their proposal for enhanced data collection. Norway suggested that these two proposals should be combined. It was agreed that the EU and Norway would cooperate.

The EU presented a draft proposal, worked out in consultation with other parties, for terms of reference for a Working Group on deep-sea fisheries (Annex L). Norway supported it. Norway accepted to chair the Working Group and issued an invitation to host the meeting in Bergen. **The proposal was adopted.**

Actions arising, Deep-sea species: Norway will host the first meeting of the Working Group on appraisal of regulatory measures for deep-sea species in Bergen in May 2002. Norway will also provide the Chairman of the Working Group.

g) Answer to letter from OSPAR on the impact of fisheries and the state of some stocks where NEAFC is the competent authority

A draft reply to OSPAR had been distributed to all delegations.

The Commission was informed that Heads of Delegations had agreed that the Secretariat should immediately inform OSPAR on the outcome of the 20th Annual Meeting (2001). In collaboration with Iceland and Norway, a formal reply will be drafted. The draft letter will be circulated to Heads of Delegation for acceptance before being sent.

Actions arising, answer to OSPAR: the Secretariat will inform OSPAR on the outcome of the 20th Annual Meeting. In collaboration with Iceland and Norway a letter will be drafted that gives a formal answer. The draft letter will be circulated to Heads of Delegations.

8. Relationships with other International Organisations

h) Cooperation amongst regional fisheries management organisations (RFMOs) in the North Atlantic region

A meeting between the RFMOs in the North Atlantic was called for at the 18th Annual Meeting (1999). Now all RFMOs (IBSFC, ICCAT, NAMMCO and NASCO) have responded positively to participate in a meeting at NEAFC headquarters on 10-11 December 2001. The meeting will be a vehicle for the exchange of information on those topics which are currently being discussed in most of the organisations. There were no comments at this stage from Contracting Parties.

i) Processes in FAO and other international bodies

Documentation: AM 20-10 Report by Norway on the Implementation of the FAO International Plan of Action to Prevent, Deter and Eliminate IUU Fishing

The President reminded the Commission of Recommendation III by the Working Group on the Future of NEAFC on cooperation with other international organisations. It had been suggested that Norway prepare a paper for consideration on which matters were outstanding in the list of issues raised by the IPOA on IUU. He thanked Norway for preparing the paper which Norway introduced. The IPOA is structured in different chapters dealing with different aspects and responsibilities. One chapter is on the tools which can be used by regional fisheries organisations. Norway thought that the report was self explanatory, and stressed it was a Norwegian interpretation of what was outstanding.

The Commission then went through the observations, paragraph by paragraph, in the IPOA to see if there was consensus on the Norwegian interpretation. There were a number of comments on specific parts of the IPOA. The following should be noted:

- Under IPOA paragraph 80, attention was drawn to the need for NEAFC to deal with port state control and the monitoring of landings. Under 88.11 the need for development of action plans and established targets for eliminating IUU fisheries was highlighted.
- IPOA paragraph 81 deals with exchange of information to other regional fisheries management organisations relevant to the prevention, deterrence and elimination of IUU fishing. The EU suggested that the Secretariat should raise this point at the meeting of the regional fisheries bodies in December 2001. The Secretariat had presented the information it had received in a document to the Annual Meeting. Norway supported the idea of increased cooperation on these matters between the RFMOs.
- Under IPOA paragraph 80, Norway explained that the restrictive rules for admitting new entrants were not in line with international law. A change in the Convention may be needed to bring the NEAFC rules in line. The EU did not agree with this interpretation. The consequence of this interpretation would be that NEAFC would be completely open. The President noted that there was also the question of real interest. Norway noted the recommendation from the Working Group on the Future of NEAFC to guide the expectations of future members, as NAFO had done.

With regard to IPOA paragraph 84 on flag state responsibilities, the IMO observer noted that this was a central paragraph, which established links to the discussions in IMO.

The President summed up that the Commission agreed with Norway on most of its comments, but that there still are a number of issues outstanding, not all of equal importance and wondered how this information should be handled. Norway suggested that PECCOE might be the appropriate body to consider this. The President said that the meeting had earlier agreed not to charge PECCOE with tasks which were policy matters. The EU agreed with the President. The EU noted the intervention of Denmark (in respect of the Faroe Islands and Greenland) in PECCOE discussions on port state control. The EU suggested that the Working Group on the Future of NEAFC should deal with these matters. Norway supported this and informed the meeting that FAO member states are requested to report back on their actions in relation to the IPOA on IUU to the COFI meeting in 2003. Denmark (in respect of the Faroe Islands and Greenland) supported the proposal by the EU to refer the matter to the Working Group on the Future of NEAFC.

The observer from IMO informed the meeting about ongoing work in IMO. A sub-committee on flag state implementation, under the Marine Safety Committee and Marine Environment Protection Committee, had discussed these matters. IMO cooperates with FAO. The main interest is in flag state responsibility. Relevant international instruments have not entered into force so other ways have had to be found. IMO member states and FAO member states have developed a number of documents. Next year in April there is a meeting in the subgroup on flag state responsibilities. It will look into safety and port state control and IMO is interested in cooperation with all relevant parties. IUU is a priority at present. IMO is

concentrating on the registration issue, which is still not regulated by international law. Tracking of ships and identification of merchant vessels may be useful for fishing vessels as well. IMO is deeply involved in training programmes covering the damaging effect of IUU fishing. There is a lot of cooperation on port state control.

The President found it encouraging that IMO was willing to share its experience with NEAFC. Denmark (in respect of the Faroe Islands and Greenland) noticed that IMO's main concern is the personal safety of fishermen. Fisheries control authorities did not handle this. Port state control had a different meaning in different contexts.

The observer from IMO accepted the difference in fisheries controls and merchant vessel controls. There was, however, the common problem of boarding a ship and there may be scope for cooperation. He drew attention to the EU funded programme MEDA which addresses flag state and port state responsibilities.

Other aspects of cooperation with FAO are discussed under agenda item 12, Working Group on the Future of NEAFC.

Actions arising: The Working Group on the Future of NEAFC will at its forthcoming meeting [8-9 April 2002] discuss matters related to the IPOA on IUU fishing. The Secretariat will raise the issue of sharing information on IUU fishing at the meeting of the regional fisheries management organisations in December 2001. NEAFC will be in contact with IMO on illegal, unreported and unregulated fishing and related matters, especially as regards flag state responsibilities and registration.

j) Observer reports

Documentation: AM 20-08

- Report on the Sixth Annual Conference of the Parties to the Convention on the Conservation and Management of the Pollock Resources in the Central Bering Sea. Reported by the Russian Federation
- Observer report from IBSFC. Reported by Poland
- Observer report from NAFO. Reported by Denmark (in respect of the Faroe Islands and Greenland)
- Observer report from ICES. Reported by Iceland
- Joint press release from the Sixth Annual Conference to the Parties to the Convention on the Conservation and Management of the Pollock Resources in the Central Bering Sea

The reports were tabled and are found in Annex M. There were no comments to the reports. The same Contracting Parties undertook to report as observers next year.

k) Information from the Secretariat

Documentation: AM 20-04 NEAFC activity report

AM 20-05 Report on the Nordic Conference on Protection of the Sea and Sustainable Utilisation of Living Marine Resources

AM 20-06 Report on the Symposium of Deep Sea Fisheries

AM 20-07 Report on Responsible Fisheries in the Marine Ecosystem conference

AM 20-09 Report on the 5th North Atlantic Fisheries Ministers Conference

The Secretariat briefly presented the first three reports and drew attention to the background paper from the 5th North Atlantic Fisheries Ministers Conference in Ilulissat. Denmark (in respect of the Faroe Islands and Greenland) drew attention to the conference in Tórshavn organised by the Government of the Faroe Islands and the Nordic Council of Ministers which was the start of a process of cooperation in the whole North Atlantic, involving government at several levels. NEAFC's participation was important.

The EU expressed appreciation of the contents and standard of the presentations at the conference in Reykjavík. He informed the meeting that the EU had tabled a paper at the conference, which may be of interest to Contracting Parties. The EU offered to supply delegations with copies. Iceland noted that it was correct that much of the discussion in Reykjavík was on the control of capacity, but also about property rights in fisheries. The Reykjavík declaration stressed the need to manage fisheries, but also the need to manage the whole ecosystem.

9. The NEAFC Scheme of Control and Enforcement

The Chairman of PECCOE, Mr. Koster (EU), presented the report from the second meeting of PECCOE, 16-17 October 2001. He highlighted the findings and recommendations of the Committee and the issues on which PECCOE has asked for a mandate. The President thanked the Chairman and the Committee for its hard work. A rational distribution of work between the Commission and PECCOE appeared to emerge. He intended to go through the report paragraph by paragraph and accept comments on it. He would also highlight actions arising. He also asked for comments to document "VMS operation and data transmission – report from the Secretariat", which the Secretariat was asked to produce in the PECCOE meeting. Norway made the general comment that the PECCOE report was still a draft, because of time constraints. Norway certainly had some comments. The Chairman of PECCOE concurred that the report was not yet agreed. Participants had not had an opportunity to comment on the report, which had been produced by the Chairman and the rapporteur. The President then went through the report page by page.

The Commission then **adopted** the amendments agreed upon in PECCOE. The PECCOE recommendation on the timing of the third meeting was amended to say "not later than May 2002", but Heads of Delegation would finally decide. The Commission also **agreed** on the proposed rule of procedure setting a deadline for presenting papers to the PECCOE for consideration.

Norway asked for clarification on what necessitates a mandate. The President noted that in some situations there was no disagreement on policy and the technical groups could proceed. PECCOE was free to take up matters itself, but in some cases it was wise to ask for a mandate. The President then asked the Chairman of PECCOE to draft texts for detailed proposals for mandates and the Commission will then take a final decision. Five mandates - on port state control, return messages and record numbers, control of transshipment operations in the NEAFC Regulatory Area, joint fishing operations in the NEAFC Regulatory Area and conversion factors were presented (Annex N).

Norway noted that PECCOE had only compiled conversion factors on redfish at its first meeting. The Chairman of PECCOE responded that data on all regulated species had been compiled. Norway could concur with the mandate with a slight reservation. Norway would not like conversion factors to become a subject for political negotiations. Conversion factors are factual and scientifically based. Norway could accept the establishment of a range, but was concerned about the next step. The President noted that this step would not be decided by PECCOE, but by the Commission. He thought the approach was helpful. Norway noted the complex nature of conversion factors. In the North Atlantic only Russia and Norway had agreed on harmonised conversion factors. With these comments Norway could accept the mandate. **All five mandates were adopted.**

The President asked for comments on outstanding matters on which PECCOE had not agreed. Norway pointed out that the amendments agreed had not been considered problematic. There was a joint proposal from Iceland and Norway, which had been discussed for quite some time. This would be presented to the Commission.

The joint proposal from Norway and Iceland had been circulated (AM 20-42). It was introduced by Norway. Norway noted that this was the third time this proposal had been tabled in the Commission. It aims to change three Articles (10, 11 and 16) and two annexes. The time limits for reporting entries and exits to the Regulatory Area were at present a problem in some fisheries. Norway thought that the proposal as now amended did not diminish the possibility of effective control and enforcement, but would to some extent interfere with fishing activities. Norway then explained the details of the proposal.

The President asked if the proposal was one package or could be split. Norway thought the proposal was one package. Iceland noted that the proposal addressed a real problem for fishing vessels. Russia supported the proposal on the grounds of improved control and enforcement. The EU expressed concern that the proposal had been tabled so late in the meeting. The EU thought that six hours reporting time was a pertinent element in NEAFC's still rather new Scheme. The EU was worried about the increase in number of messages which could possibly clog the system. This would require consideration by the Ad Hoc Group on Computerisation. He had difficulties with the substance of the problem. The EU would not support piecemeal solutions. More experience should be gained with the Scheme before changing it. The EU had the largest inspection presence in the Regulatory Area. It was willing to look into the problem, but the proposal must go back to PECCOE and the Ad Hoc Working Group on Computerisation. The EU noted that it would be difficult to control against which quota a catch should be counted.

The President wished to clarify the practical problems in the present system. Norway reported there was a problem in redfish, blue whiting and herring fisheries. Norway was fully aware of the control concerns, but thought they had been met by the proposal. The President noted that the proposal addressed the situation where fisheries cross borders between national waters and the Regulatory Area. Denmark (in respect of the Faroe Islands and Greenland) questioned the wording in the proposal saying that it covered fisheries of regulated resources inside and outside the Regulatory Area and wondered how the VMS system knew that. Norway responded that the reference

to regulated resources in the NEAFC sense covered a resource fished both inside and outside. Information on catches on exit was given manually.

The President noted that the fishery might count against different quotas. He did not sense a consensus and would have liked changes to the Scheme to be on a consensual basis. He felt that the question was not technical, but there was a difference of opinion in the Commission. He proposed that Norway and Iceland prepare a draft mandate to PECCOE and the Ad Hoc Working Group on Computerisation and discuss it with other parties. Denmark (in respect of the Faroe Islands and Greenland) was sympathetic towards the proposal, but would support the President.

Norway and Iceland made a draft mandate to PECCOE and the Ad Hoc Working Group on Computerisation. It was presented by Norway. Denmark (in respect of the Faroe Islands and Greenland) supported the proposal.

The President thanked Norway and Iceland for the paper. With minor changes the **mandate was adopted.**

Actions arising, PECCOE: Recommendation 2001:IV “Amendments to the Scheme” will be notified to Contracting Parties in accordance with Articles 11 and 12 of the Convention.

PECCOE will meet for three days in 2002, preferably not later than May. [After the meeting it was decided that PECCOE will meet for two days, probably in May]. The Commission has given PECCOE six mandates for the next meeting on port state control, return messages and record numbers, control of transshipment operations in the NEAFC Regulatory Area, joint fishing operations in the NEAFC Regulatory Area, conversion factors and the joint proposal from Iceland and Norway. PECCOE was free to take other matters up itself.

In the terms of reference of PECCOE adopted at the 19th Annual Meeting (2000) (Document AM 19/44) the following rule will be inserted in paragraph 3:

“3. j. Any proposals by Contracting Parties or other papers to be considered by the Committee shall be forwarded to the Secretariat not less than 30 days before the Meeting and immediately be circulated to Contracting Parties.”

10. Report of the Ad Hoc Working Group on Computerisation of the NEAFC Secretariat

Documentation: AM 20-21 Report of the Ad Hoc Working Group on Computerisation of the Secretariat, 16 October 2001.

Mr. Koster, who had substituted for Mr. Verborgh at the meeting of the group, introduced the draft report. He highlighted the information given in the report. Although the VMS system had not been fully implemented by all Contracting Parties, it was evident from the information at the meeting that the system is functioning. The group sought a mandate to look into alternative protocols for communication. The group had also discussed return messages. He noted that there might be a need to have more than one meeting of the group next year.

There were no general comments to the report. The Commission agreed the group should look into alternative protocols. It had just been decided that return messages should be discussed by PECCOE, but the group should look into the use of record numbers in the reports and messages sent pursuant to the Scheme.

The President then asked Contracting Parties when they would be ready to send all messages according to the Scheme:

Greenland	The system will be up and running next year
Faroe Islands	Up and running
EU	As soon as possible
Norway	Up and running
Poland	The installation of a VMS system has been suspended at the moment. Poland reports positions regularly by fax for the vessel they have in the Regulatory Area. If Poland starts fishery for regulated resources, a solution will be found in compliance with the Scheme
Russia	Up and running

A number of issues will have to be carried further before any decision can be made. PECCOE will discuss the Norwegian proposal for a new message. The EU asked if it was clear that the Ad Hoc Group could not make proposals for changes in the Scheme. The President confirmed this.

The Chairman had prepared a draft mandate for the Ad Hoc Working Group on Computerisation (Annex O). With minor changes **the mandate was adopted**.

Actions arising, Ad Hoc Working Group on Computerisation: the group will meet in February 2002 with an agenda according to the mandate adopted by the Commission. [After the meeting the date of 27 February was confirmed].

11. Non-Contracting Parties and possible measures

Documentation: AM 20-23 NCP Activity in the Regulatory Area 2001

The Secretariat introduced document AM 20-23. It was noted that the information on the volume of transshipment of fish to the vessel “Kadry” given in the paper seemed to be very high. Norway thanked the Secretariat for a very comprehensive review, but would like to see statistics on the refusal of courtesy boardings. The Secretariat informed the meeting that there could be problems over liability when allowing a NEAFC inspector on board during courtesy boardings. The EU noted that NEAFC should not worry about liability. If cooperating non-Contracting Parties accept courtesy boardings, they accept liability. He appreciated the information on increasing cooperation, but was worried about the number of sightings of non-Contracting Parties. It was clarified that the number of sightings corresponded to eleven different vessels. The EU was even more concerned that there seemed to be increasing interest in participating in fisheries of vulnerable deep-sea fish species. The EU thought that newcomers should be told to stay away. If the EU proposal on freezing effort in deep-sea fisheries is carried, it would bring deep-sea species under regulation. The EU was also concerned regarding evasive answers from Lithuania. This was not satisfactory and had been taken up in bilateral negotiations. The progress made by Estonia was, on the other hand, very welcome. Norway commended Estonia for having put its house in order. Norway thought that the problems with other parties raised the question of how cooperating non-Contracting Parties should be defined. As far as Norway is concerned, there were only three cooperating non-Contracting Parties from 1 January 2002 and perhaps this should be indicated in footnotes to the cooperation quotas.

The President noted that, in recent years, there seemed to have been an understanding that there was a list of cooperating non-Contracting Parties comprising Estonia, Latvia, Lithuania, Japan and Canada. This year, after consultation with Heads of Delegations, the Secretariat had informed these five parties what is expected from cooperating non-Contracting Parties. The answer from Lithuania had caused confusion. The idea of issuing a list was a useful suggestion and the EU also supported the idea. If a footnote was introduced, it should not be an open list, but Contracting Parties should decide on additions to the list. Norway reported that they had attempted to use a scheme to ban landings from vessels fishing in the Regulatory Area. A similar recommendation on additional measures to counteract activities by non-Contracting Parties had been passed by consensus by CCAMLR.

The Norwegian delegation also submitted a proposal for a resolution urging all Contracting Parties to avoid flagging or licensing a non-Contracting Party vessel with a history of engagement in fishery contrary to NEAFC recommendations.

The President called for comments. Poland asked how Norway solved the problem of changes in ownership. Norway explained that the resolution targeted the physical vessel not the owners. It was an attempt to close registers of Contracting Parties to these vessels. Russia supported the proposal submitted by Norway and would like to see such re-flagging prohibited. Re-flagging opens a black market for allocated quotas. NEAFC's Contracting Parties have sufficient capacity to fish the quotas available. Iceland had doubts on the proposal and if it would achieve the aim of

reduced capacity. The EU noted that there was a difference between the CCAMLR and NEAFC resolution. Norway explained that this was a non-binding resolution. Norway felt that it was clearer to refer to NEAFC recommendations rather than to IUU fishing. The EU appreciated that this was a non-binding measure, but was not in the position to make any commitment at present. Norway pointed out that all Contracting Parties had accepted similar measures in CCAMLR. Norway was surprised by the view expressed by Iceland.

Regarding the Norwegian proposal on flagging and licensing of non-Contracting Party vessels, the EU noted that it had accepted a similar proposal in CCAMLR and given the assurances contained in Article III paragraph 5(c) of the FAO Compliance Agreement, the EU could accept the Norwegian proposal. Russia noted that they had already indicated that they endorsed the proposal. The **resolution was adopted** with a small editorial change proposed by Denmark (in respect of the Faroe Islands and Greenland).

The President noted that some Contracting Parties have reported to PECCOE on their actions with respect to non-Contracting Parties. He asked if there was anything not yet reported that Contracting Parties wanted to report now. The “Kadry” incident was noted, and the Faroese authorities were complimented on having stopped the landing. Denmark (in respect of the Faroe Islands and Greenland) explained that part of the catch was landed before the inspectors arrived. The EU noted that it only made sense to bring landed catches back on the vessel.

PECCOE had recommended amendments to the Scheme to promote compliance by non-Contracting Party vessels with recommendations established by NEAFC. The amendments were in paragraph 13 and concerned the period and deadline for reporting on inspection under this Scheme (AM 20-35). **It was agreed to adopt the proposed changes.**

The EU had the following comments on the issue of landings of vessels, which had been operating in contravention of NEAFC rules. It did not consider there was a need to change the non-Contracting Party Scheme. Paragraph 8 covered the situation and the rules are very clear. These stress the responsibilities of the port state to enforce the rules. Denmark (in respect of the Faroe Islands and Greenland) hoped that the Faroe Islands were not being singled out. The Faroese authorities had stopped landings in several cases both under NAFO and NEAFC rules. The Faroe Islands had also consulted the Secretariat. The President summed up that we seemed to have very clear rules and they should just be enforced. Denmark (in respect of the Faroe Islands and Greenland) pointed out that there were problems in knowing in advance that a vessel had operated in contravention of the NEAFC rules. Should cooperating and non-cooperating non-Contracting Party be treated differently? Norway pointed out that cooperating non-Contracting Parties should comply with the rules. The EU suggested all non-Contracting Parties should be inspected. Denmark (in respect of the Faroe Islands and Greenland) asked if there were any lists which could help.

The EU congratulated the Faroe Islands on having made a start in port state control.

Estonia had circulated a statement, which expressed **Estonia’s wish to accede to the Convention (AM 20-46). The Commission took note of the statement.**

Actions arising, non-Contracting Parties activity: Cooperation quotas will be issued with footnotes with a list of parties considered cooperating non-Contracting Parties. This list cannot be changed without the consent of NEAFC's Contracting Parties.

Recommendation 2001:V "Amendments to the non-Contracting Party Scheme" will be notified to Contracting Parties in accordance with Articles 11 and 12 of the Convention.

The Norwegian non-binding proposal on flagging and licensing of non-Contracting Party vessels was adopted (AM 20-30), see Annex P.

12. Working Group on the Future of NEAFC

1) Dispute settlement

Documentation: Report on the Working Group on the Future of NEAFC, 24-26 April 2001. (AM 20-21)

Mr. van Rijn (EU), who substituted for the Chairman Dr. Wieland who was not able to participate, introduced the part of the report dealing with dispute settlements. Mr. van Rijn recalled the decisions reached at the Working Group meeting and explained the proposal for dispute settlement given in Annexes 6 and 7 of the Working Group report, especially the possibilities of settling disputes at different levels, from less tedious procedures (amicable solutions, ad hoc panels) up to binding settlement procedures governed by UNCLOS. It could be said that NEAFC is breaking new ground in this field. Rules of procedures had to be developed for the ad hoc panels. Annex 7 gives parts of these, but the work has to be completed. The Working Group has not reached an agreement on how the suggested dispute settlement procedures would be incorporated in NEAFC rules. One option was to incorporate the provisions in the Convention. Another is to draft a protocol which implements the procedures. With the first approach, all Contracting Parties will be part of the procedures, whilst a protocol will only be binding on those Parties signing it. Mr. van Rijn suggested that Contracting Parties should make their preferences known at this meeting.

The President thanked Mr. van Rijn for the clear explanation and asked him to convey the Commission's thanks to Dr. Wieland. Norway also thanked Mr. van Rijn for his presentation. The NEAFC process mirrors developments in NAFO, to which Norway has been a party. Norway would support the proposals, but noted that there had been recent developments in NAFO. These had been discussed at length in June in Canada and this had led to a proposal to amend the text on the requirement to motivate objections by deleting in the first sentence "On request of any other party,".

With regard to implementation, Norway found it important that all Contracting Parties should be bound and, if the only way to do that was amending the Convention, it had to be done. It would be necessary to revert to details on the panel selections when the principles in the recommendations from the Working Group had been adopted.

The Russian Federation stressed the importance of the issue, but more consideration may be necessary before coming to a conclusion. The President noted that the report had been available since April and he hoped to be able to move forward on the substantive issues at this meeting. Iceland thanked those who had made presentations and supported the amendment to the text on the motivation of objections. However, it felt we still have to see how far we can proceed with Annex 7 and wondered whether there would be time at this meeting. The President indicated that these matters were time consuming. We have clear recommendations agreed in the Working Group to amend the Convention with the proposed procedures in Annex 6. The two options, Convention change and a protocol, had different timescales, but both would take time. The intervening period could be used to finalise the rules of procedure. We would therefore not be losing anything by not finalising the rules of procedure at this meeting. The possibility of applying the rules provisionally before everything was in place could be important. Iceland found it difficult, because the issues were interlinked, to finalise Annex 6, without having reached a final version of Annex 7. The President appreciated this, but did not see a problem in implementing amendments to the Convention without the rules of procedure being in place and felt the two texts in Annex 6 could be used as the basis. The EU felt it important to agree on the amendments at this meeting and how they should be incorporated into the NEAFC body of rules. The rules of procedure should be based on agreement on the principles. The adoption of these principles would take time and this time could be used to work out the rules of procedure. The EU agreed with the amendment to the text proposed by Norway and would like to see a formal amendment to the NEAFC Convention. The procedures to be followed are those in Article 19 of the Convention.

The President suggested all three elements in the recommendation of the Working Group should be discussed in conjunction. Iceland thanked the EU for spelling out the way to proceed. Iceland was ready to discuss the two first elements, but thought they should not be implemented before there was agreement on the rules of procedure. It was agreed to delete the first comma in the proposed text. The President noted that two delegations had spoken out in favour of including the requirement to motivate objections to be included in an amendment to the Convention. Denmark (in respect of the Faroe Islands and Greenland) had, in the Working Group, indicated that they favoured a protocol. In the light of the discussion, they could now accept an amendment to the Convention. **Poland supported the proposal to amend the Convention.**

The President then asked for views on how to implement the proposed dispute settlement procedures. Norway felt that these procedures also had to be a part of the Convention to become binding on all Parties. The EU agreed fully with the Norwegian point of view. This should be a new Article 18.a in the Convention. Iceland was also supportive. Both the amendments could be done at the same time.

The President then turned to the rules of procedure. He considered there will be time to discuss these before a change in the Convention has been ratified. He reviewed the procedures set out in Article 19. They could take a very long time. He asked if Contracting Parties were willing to give an estimate of how long it would take. The EU suggested that a legal document should be issued (the EU would volunteer). This would be sent to Contracting Parties for ratification procedures. In the EU, 18 months were needed to complete this. Notification would then be sent to the Secretary. When

three-quarters of the Parties (five Contracting Parties) have indicated that they have completed their ratification procedures, the Secretariat would inform the depositary and then there is an objection procedure of 120 days.

The President summarised that this meant 18 months + 4 months at least. He then suggested that we could agree to the proposals in Annex 6 and would then have at least one year to put the rules of procedure in place. The EU ventured the opinion that at least two years would pass before the Convention was amended. Parties could, however, agree provisionally to apply the rules before formal agreement on the procedures. The EU would like to know the views of Contracting Parties on that proposal. If they were in favour, it would be important to get the rules of procedure in place. The provisional application could be established by a simple recommendation by the Commission. The EU would like to suggest that this was done at this meeting which should be possible in the light of the spirit of cooperation in the Working Group.

The President asked how this could be done formally. The EU indicated that this could be covered in an introductory paragraph in the recommendation of the procedures. Norway was somewhat sceptical and concerned that a provisional application may delay the ratification process. Poland asked what would happen if the procedures were introduced provisionally, and the ratification process failed. The EU responded that the provisional application would always be stopped if the ratification process was in any way halted. The EU maintained that it may be useful to have a mechanism in place if any dispute arose, without waiting for the prolonged process of ratification. Iceland preferred the first option of putting the rules of procedure in place before entering into the ratification process. Iceland could however also accept the second option.

The President summarised that there seemed to be agreement that there is a need for a change in the Convention to include Annex 6. The EU had volunteered to produce the legal text. The rules of procedure will be worked out and recommended to Contracting Parties, with the proviso that they could be used provisionally before the ratification process was finalised.

Mr. van Rijn introduced a draft of a legal document with the recommendations, which reflect the agreement between the Contracting Parties. It contained a preamble stating why the NEAFC Convention should be amended, and two operational paragraphs - one inserting the recommended rules into the NEAFC Convention and one dealing with the provisional application of the rules. He had consulted Norway and Iceland. They had found certain inconsistencies, which had been removed. There were no comments on the text. The EU explained that the aim was to have a mechanism in place before lengthy ratification procedures were finalised. The EU indicated that it would present a formal proposal at this meeting as required by Article 19 of the NEAFC Convention. The proposal was seconded by Norway and Iceland. Article 19 establishes a 90-day period before a meeting to adopt the proposal. In the light of the spirit of consensus, it may not be necessary for a meeting, but adoption could be achieved by other means. The six Contracting Parties will then enter into their legal procedures and, having finalised them, notify the depositary. When five Contracting Parties have notified the depositary, a new period of 120 days starts during which it is

possible to lodge objections (Article 19). The President noted that there seemed to be agreement to proceed in this way.

Norway informed the meeting that they would support the full proposal. Iceland and Denmark (in respect of Faroe Islands and Greenland) concurred. Russia indicated that they did not see any legal basis for applying provisional measures, when the basic procedures were not approved. The President asked those lawyers present to enlighten the meeting about the legal situation. Mr. van Rijn informed the meeting that provisional application was explicitly mentioned in the UN Convention on Treaties and the Vienna Convention. Provisional application followed rules in international law and there were precedents. The 1995 Fish Stocks Agreement had similar provisions. Poland supported the proposal, as long as it did not prejudice the rights of Contracting Parties to apply the rules set out in the NEAFC Convention. Russia had reservations and could not promise to give any definite answer immediately. Their reservation pertained to the whole document. They did not think it wise to rush into such an important matter. Following further discussions, **Russia agreed** to proceed in this manner.

The President said that he tried to find a way of serving the interests of all Contracting Parties. The President then summarised that all parties seemed to **agree** that the proposal should go forward.

m) Rules granting observer status at NEAFC meetings

The President proposed adopting Recommendation I for rules granting observer status at NEAFC meetings. Norway enquired about the status of the proposal by Denmark in Annex 5 of the Working Group report. Denmark (in respect of the Faroe Islands and Greenland) explained that they withdrew this proposal at the meeting of the Working Group. Norway noted that Annex 4 in the Working Group report was consolidated text from the six Contracting Parties. **The amended rules of procedure were then adopted.** Iceland indicated that they would not stand in the way of adopting the recommendation, but maintained its position that a Contracting Party should be able to veto the participation of an NGO in a NEAFC meeting.

n) Cooperation with FAO

The President then proposed the adoption of Recommendation III in the Working Group. The intention was not to bind NEAFC to FAO decisions, but to enhance the preparations of Contracting Parties. Norway supported the resolution. There were a number of issues discussed by FAO, which should be discussed at NEAFC. Norway asked the Secretariat to present a description of possible consequences from the IPOAs on sharks and by-catch of seabirds in long lining. The President noted the discussion in FAO of the CITES listings criteria, which may also be of interest to NEAFC. **It was agreed to adopt the first part of Recommendation III.**

o) Guiding expectations of new entrants

With regard to the second part of the Recommendation, the EU supported adoption and suggested using NAFO guidelines as a basis and then directing the issue to the appropriate Working Group. Norway suggested the task should go to the Working Group on the Future of NEAFC.

Actions arising, Working Group on the Future of NEAFC: the granting of observer status will in the future be regulated by the rules recommended by the Working Group (Annex Q). The rules will be put on the website for information.

With regard to dispute settlement, the EU will make a formal proposal by letter to the Secretary as soon as possible presenting the consolidated agreed text on the amendment of the Convention. The letter will propose that the Contracting Parties shall apply the amendments provisionally, pending their entry into force.

The Commission adopted the first part of Recommendation III by the Working Group on the Future of NEAFC: the Working Group recommends to the Commission that it:

1. Continues to participate in FAO meetings on regional co-operation in fisheries management; it discusses, in an appropriate form and under a permanent agenda item at its Annual Meetings, topics of general interest, which may arise in the framework of FAO and/or other international organisations.

The Working Group on the Future of NEAFC will at its next meeting prepare guidelines to guide the expectations of interested non-Contracting Parties.

13. NEAFC and the precautionary approach

Documentation: AM 20-22 Note on the implications of the precautionary approach for management of stocks regulated by NEAFC

The Secretariat introduced paper AM 20-22. The EU welcomed the paper, but did not accept that managers have not taken risk into account. Mackerel and Norwegian spring spawning herring were mentioned as examples. The difference between B_{pa} and B_{lim} is a reflection of the uncertainty in the assessment and also of the risk managers are willing to accept. The EU felt it premature to discuss microeconomic and macroeconomic risks, but it was important to look more into the environmental aspects of fisheries. The EU considered that the note should be used in deliberations over the renewal of the Memorandum of Understanding (MoU) with ICES. Norway welcomed the opportunity to discuss the precautionary approach on the basis of the paper. At this meeting it was probably not possible to have a comprehensive discussion, but it stressed the importance of addressing aspects other than ecological ones. Norway has worked on harvesting strategies, which address some of the concerns raised. Norway stressed the need to address environmental concerns and referred to the discussion at the North Atlantic Fisheries Ministers Meeting in Illulisat (AM 20-09). The note was a first step in an important discussion. Iceland also welcomed the document. It asked for clarification of the statement in the papers that the stock of pelagic redfish was not managed according to PA because of the problems of stock definition. The Secretariat replied that it had just reflected the information in the ACFM report, and there was no information available on compliance with the precautionary approach. Russia welcomed the paper as the basis of discussion on an important issue. Poland associated itself with the EU statement.

The President summarised that delegations seemed to **agree** that this was a useful paper and that it was linked to discussion on the request for advice.

14. Request for scientific advice

The President suggested establishing a drafting group in a slightly different way from usual. He wanted to bring managers into the group that formulated advice and discussions should be based on AM 20-22 "Note on the implications of the precautionary approach for management of stocks regulated by NEAFC". The request for advice is linked to the MoU with ICES. The group would be convened by the Secretariat. All delegations could send a scientist, but delegations should be encouraged to also send managers. The EU in principle agreed to this approach, but ICES should also be invited. The EU would volunteer a Chairman. The President appreciated the offer, but would leave it to the group to elect a Chairman. It was then decided to convene the group. The EU suggested that the group took its departure from the MoU with ICES and considered additional requests for advice, which may come up in the course of the meeting. The MoU should be distributed in the group.

A group of managers and scientists made a proposal (Annex R). The President noted additional advice on redfish had to be included in the request. The request was adopted with that amendment.

The President suggested that NEAFC accepted a rollover of the Memorandum of Understanding for 2002 as agreed with ICES. The MoU would be on the agenda of the Extraordinary Meeting in April 2002. This was agreed. No other possible request for advice was suggested.

15. Report of the Finance and Administration Committee

The Chairman of FAC informed the meeting that the report had been approved by his Committee. He especially mentioned that the general fund has now reached 50 % of turnover. However, anticipated increases in the rent might increase the turnover to £690,000. The FAC recommended that the Secretariat investigated other options for premises to be considered not later than the end of February 2002.

The Commission had to decide if contributions from Contracting Parties should be calculated according to Article 17.4c or Article 17.4 (a) and (b) of the NEAFC Convention. Furthermore, he brought the attention of the Commission to a number of items, including an anticipated reduction in staff allowances in 2002, the possibility of investment in the NEAFC website and a new website with restricted access to support the implementation of the Scheme and a need for a policy on the upgrading of computer soft- and hardware. There may be a need for the FAC to meet during a possible Extraordinary Meeting of the Commission. The President noted that most national administrations did not like increases in the budgets of international organisations above increases in national organisations.

p) Audited accounts for the year ended 31 December 2000 and preliminary statements for 2001 (to 30 September)

The accounts and preliminary statements were noted.

q) Adoption of the budget for 2002 and budget estimate for 2003

The budget and the budget estimate were noted.

r) Review of the annual contribution of Contracting Parties with reference to Article 17.4 c) of the Convention

The EU wanted clarification of the number of Icelanders and if this includes all people with Icelandic citizenship. The President noted that in the case of Denmark (in respect of the Faroe Islands and Greenland) there was no Greenland or Faroese citizenship.

The EU then asked if Denmark (in respect of the Faroe Islands and Greenland) and Iceland were willing to pay voluntarily an additional sum of money in line with previous years. Denmark (in respect of the Faroe Islands and Greenland) informed the meeting that they had no mandate to commit themselves at this meeting. Iceland indicated that they were willing to do so.

The FAC was asked to look into what is meant by “population less than 300,000 inhabitants” in Article 17 4.c). It was agreed to recommend that contributions are paid not later than 1 April. The EU expressed its appreciation of Iceland’s commitment. The EU urged Denmark (in respect of the Faroe Islands and Greenland) to reflect on following Iceland’s example.

s) Alternative office accommodation for NEAFC

It was agreed that the Secretariat should investigate other options for future NEAFC premises to be considered by the Finance and Administration Committee no later than the end of February 2002.

The Commission **adopted** the recommendation of the Committee. The President thanked the Chairman and the Committee for its efficient work

Actions arising, Finance and Administration Committee: the Secretariat will investigate alternative solutions for premises before the end of February 2002. Contracting Parties will pay their contributions for 2002 not later than 1 April 2002.

16. Arrangements for future meetings

t) Annual Meetings in 2002 and 2003

The second week in November was suggested by Norway (11-15 November 2002, 10-14 November 2003). Russia suggested starting the meeting in 2002 on 12 November and finishing on the Friday. The President did not think it would be possible to finish the work in that time. Iceland supported Russia. The EU supported Norway. Denmark (in respect of the Faroe Islands and Greenland) supported Russia. It was agreed tentatively to start the meeting on the afternoon of 11 November, pending next year’s agenda

u) Meetings in subsidiary bodies of NEAFC

The President read out the meeting dates for the Extraordinary Meeting (10-12 April 2002), which would deal with blue whiting, the ecosystem approach in fisheries management, the precautionary approach and the Memorandum of Understanding with ICES. The Working Group on the Future of NEAFC should start before the Extraordinary Meeting in the same week (8-10 April 2002) to discuss IUU fishing, rules of procedure for dispute settlement and guidelines for non-Contracting Parties expectation of quotas. Friedrich Wieland (EU) had chaired the group, but was no longer available. It was decided the Mr. Kolbeinn Árnason should take over the chair. PECCOE will meet 4-6 June, pending the Chairman's (Harm Koster) acceptance. [After the meeting, it was decided that PECCOE will meet for two days, probably in May 2002]. The Ad Hoc Working Group on Computerisation will meet for one day in February (on 20, 26 or 27 February), date to be agreed with the Chairman Jacques Verborgh. [After the meeting, it was decided that the meeting will be held on 27 February 2002]. The Deep-Sea Working Group will meet in Bergen at the invitation of Norway and with a Norwegian Chairman. The meeting was provisionally set for May, pending the Chairman's acceptance.

Actions arising

NEAFC Meetings 2002

NEAFC body	Chair	Date	Place
Ad hoc Group on computerisation	J. Verborgh	27 February	NEAFC HQ
Working Group on Future of NEAFC	Kolbeinn Árnason.	8-9 April	NEAFC HQ
Commission, Extraordinary Meeting	E. Lemche	10-12 April	NEAFC HQ
WG on appraisal of regulatory measures for deep-sea species	To be announced	Mid May	Bergen
PECCOE	H. Koster	3-6 June	NEAFC HQ
Commission, 21 st Annual Meeting	E. Lemche	11-15 November	NEAFC HQ

17. Press statements and other reports of the Commission's activities

The press release issued after the meeting is found in Annex S.

18. Any other business

Norway wanted a written statement on the Sellafield nuclear reprocessing facility to be circulated to Contracting Parties. [This has now been circulated as HOD 01/110]. The EU would like to respond in a written form, as would Denmark (in respect of the Faroe Islands and Greenland).

The meeting closed on 9 November at 8:30 pm. The President thanked all Parties for their cooperation. Much had been achieved this week, but some matters are still outstanding. He wished all delegates a safe journey home.

Signed in Copenhagen on 15 February 2002

A handwritten signature in black ink, appearing to read 'Einar Lemche', written in a cursive style.

Einar Lemche
President of the Commission