



PECMAS 2007

**PERMANENT COMMITTEE ON MANAGEMENT AND SCIENCE,
PECMAS, OF THE NORTH-EAST ATLANTIC FISHERIES
COMMISSION**

Report of the Second Meeting 19-21 February 2007

1. Opening of the meeting

The chair, Mr Snorri Pálmason, Norway, called the meeting to order on 19 February 2007 at 1:05 pm. He welcomed the members who represented all the Contracting Parties. He noted that PECMAS is a new Committee, created to form an interface between science and management. The original task was to draft the request for advice to ICES, but the number of tasks seemed to expand rapidly. He asked if any of the delegations wanted to comment at this stage; none did.

2. Adoption of the agenda and appointment of rapporteur

The first draft of the agenda was circulated on 15 January 2007. There were no comments to the agenda and no items under any other business. The Secretariat was appointed rapporteur.

The Committee was briefed about recommendations with respect to PECMAS made at the meeting of the Working Group on the Future of NEAFC, WGFN, at its meeting 30 January -1 February 2007. It was pointed out that the recommendations had to pass the Commission before eventually going back to PECMAS.

The Chair did not expect that all issues would be resolved at this meeting, but outstanding matters could be discussed by correspondence. An option for having a meeting before the Extraordinary Meeting of the NEAFC Commission in June was kept open.

3. Drafting the request for advice from ICES for 2008

The procedures for acquiring advice for ICES were analysed. The question was raised as to whether there was an option for PECMAS to use a fast track mechanism to go directly to ICES without going through the Commission. If this was the case how should PECMAS reach a decision and was voting an option? It was agreed that the aim should be consensus, but in the exceptional case where consensus could not be reached a simple majority could decide the matter.

It was pointed out that the amendment to the Terms of Reference adopted by the NEAFC Commission in 2006 allowed for PECMAS approaching ICES directly when dealing with proposals for management measures regarding the impact of fisheries on other species and marine ecosystems, conserving marine biological diversity and minimising harmful impacts on living marine resources and marine ecosystems. (See agenda item 4)



It was suggested that a timetable for drafting the annual request for advice from ICES would be helpful. The starting point would be September after the summer recess.

The merits of preparing text before the Annual Meeting was stressed as important to improve preparation. The Secretariat could compile proposals from Contracting Parties, which could be sent out some time before the Annual Meeting. It was suggested that the Chair of PECMAS should lead the process with the assistance of the Secretariat. It was agreed to suggest to the Commission that ICES is invited as observers and advisers to PECMAS.

Actions arising: PECMAS will draw to the attention of the Commission the fact that it will approach ICES directly when needs arise using a fast track procedure if necessary.

The Chair will, in cooperation with the Secretariat, start the process of drafting the annual request of advice to ICES in September in order to have text ready for consideration when PECMAS meets at the Annual Meeting.

4. Areas Closed to Fishing

The Working Group on the Future of NEAFC suggested earlier this year an amendment to the terms of reference for PECMAS and a procedure to review proposals for management measures regarding the impact of fisheries on other species and marine ecosystems, conserving marine biological diversity and minimising harmful impacts on living marine resources and marine ecosystems.¹ PECMAS went through the procedures set up which included proposals for new closed areas.

The proposal from the WGFN was supplemented by a proposal by Norway at the 25th Annual Meeting to mandate PECMAS to evaluate the closed areas introduced in 2004 and to consider new proposals for the protection of vulnerable habitats to facilitate

¹ New paragraph 2 b in the terms of reference of the Permanent Committee on Management and Science. n the report of the Working Group on the Future of NEAFC 6-7 February 2006.

2.b. Review proposals for management measures

- regarding the impact of fisheries on other species and marine ecosystems;
- minimising harmful impacts on living marine resources and marine ecosystems
- and conserving marine biological diversity.

The review process could follow the procedures listed below:

Possible steps in NEAFC decision-making procedures regarding management proposals in accordance with para. 2.b.

A Contracting Party makes a proposal. The proposal is put to the Committee for initial discussion. Possible outcomes are that the proposal is rejected, or more information is required from the proponent.

This information is discussed by the Committee. This could result in the proposal being rejected or advice from ICES being requested.

After the additional advice from ICES is received, the proposal is discussed by the Committee, based on the original submission, ICES advice and possible written comments from Contracting Parties.

Possible outcomes after this step are that the proposal is rejected or that it is forwarded to the Commission for decision.



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discussion and decisions by the NEAFC Commission in advance of or at the Annual Meeting in 2007².

The status of the ICES advice was investigated. PECMAS was informed that ICES plans to have the advice on closed areas finalised after a joint ACE/ACFM meeting at the end of May. The advice will be released with the June package.

The Mandate adopted by the NEAFC Commission in November 2006 was analysed in detail. Its scope is wide ranging and it refers to agenda items 4, 8 and 10. The result of the analysis is shown below.

<p>Proposed Mandate to the Permanent Committee on Management and Science</p> <p>Evaluation of the 2004 closures NEAFC agreed in 2004 to close four seamounts and a section of the Reykjanes Ridge in the Regulatory Area for three years to bottom trawling and static gears, so as to protect vulnerable deepwater habitats of particular value to fisheries resources. This measure will be in force until 31 December 2007. The Commission needs to consider a new proposal on protection of vulnerable areas at the Annual Meeting in 2007.</p> <p>The Commission therefore requests the following from PECMAS, within 1 June 2007:</p> <ol style="list-style-type: none"> 1. An evaluation of the appropriateness and experiences with the closed areas introduced in 2004, i.e. <ol style="list-style-type: none"> a) The Hecate Seamount (on the mid-Atlantic Ridge, MAR) b) The Faraday Seamount (on MAR) c) The section of the Reykjanes Ridge north of the Charlie-Gibbs Fractures Zone (on MAR) d) The Altair Seamount e) The Antialtair Seamount <p>The evaluation should be based on scientific information and advice, but also take into account the principle that lack of scientific information should not prevent protective action.</p> <p>Proposals for criteria for identification and selection of vulnerable areas</p> <ol style="list-style-type: none"> 2. Proposals for criteria for the identification and selection of vulnerable areas that need protection, taking into account criteria developed by e.g. OSPAR and the current scientific information on habitat quality and exploitation 	<p>The request for advice on evaluation of the 2004 closures has been with ICES for the last two years.</p>
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² Proposal for a mandate to the Permanent Committee on Management and Science – protection of vulnerable areas. AM 2006/33, Proposed Mandate to the Permanent Committee on Management and Science



<p>history.</p> <p>Closure to fisheries and gears</p> <p>3. Proposal, if appropriate, for new areas that should be considered closed to fishing activities, with a specification of what gears that should be prohibited.</p> <p>Addressing the lack of data</p> <p>4. Specification of data shortages and critical data needs that require attention and action from NEAFC and Contracting Parties.</p> <p>5. An evaluation, in view of Pt. 1) and the continued shortage of spatially and temporally resolved data on habitat quality and fishing history, of alternative protective strategies and measures to those implemented in 2004.</p> <p>These might include: a) An overall ban on bottom trawling and static bottom gears within the deepwater areas of the Regulatory Area; b) Closure of all deepwater areas of the Regulatory Area to bottom trawling and static gears, permitting fishing only in areas where scientific evidence is sufficient to define sustainable exploitation levels and practices; c) small scale and restricted exploratory fishery in accordance with a scientific protocol not to exceed 20% of the fishable area of each seamount.</p> <p>6. Proposal on a protocol for the collection of the data required in exploratory fisheries to assess seamounts, with a view to future recommendations on management measures.</p> <p>Advice with regards to the acquisition of relevant information on fisheries and habitat quality. Actions might involve active monitoring at sea, fishery-independent investigations, and measures to secure timely data flow to science and advisory bodies such as ICES.</p>	<p>OSPAR has developed guidelines for selecting MPAs. In 2003 Ministers pledged to establish an ecologically coherent network of MPAs in the OSPAR maritime areas by 2010. OSPAR has asked for cooperation with NEAFC especially with respect to MPAs in international waters.</p> <p>Opens up for partial closures to specific gears. Not yet considered by PECMAS</p> <p>NEAFC has established a scheme for the provision of scientific information concerning deep-sea fisheries. This includes data on discards and other information from fisheries</p> <p>See agenda item 8.</p> <p>There are discussions in a number of fora on this issue. Not yet discussed by PECMAS</p> <p>Has not been discussed by PECMAS. To be discussed with ICES</p>
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It was suggested that PECMAS should start a process to clarify the objectives of closures and possible criteria and guidelines as well as addressing all the specific points in the



mandate from the 25 Annual Meeting which have not yet been dealt with. The Secretariat will compile information from other organisations and maritime areas.

Actions arising: The specific issues in the mandate will be on the agenda for the next meeting of PECMAS.

The Secretariat will start compiling information from other organisations and areas with respect to management measures regarding the impact of fisheries on other species and marine ecosystems, conserving marine biological diversity and minimising harmful impacts on living marine resources and marine ecosystems in general and, more specifically, the protection of vulnerable habitats.

5. Proposal for changing the timing of ICES advice.

The EU Commission approached ICES some time ago and suggested changing the timing of the advice by moving as much as possible of it June. This has led to a detailed analysis of the whole ICES advisory process and a discussion of short term (annual) and long-term strategic advice and the trade-off between early advice to help the political decision process and possible loss of information by not being able to include data later in the year in the assessments. The response from ICES had been positive and will be tried in 2007 for Baltic Stocks and deep-sea species.

Taking into account the time needed for coastal state and NEAFC negotiations, it would be helpful to have the advice as early as possible

It was agreed that that a copy of the ICES analysis of the consequences of the change in timing should be distributed for information and considered.

In discussions it was noted that a change in timing should in principle not affect the quality of the advice, because there will always be the possibility for an update in October based on surveys which were not available in the first half of the year.

Information on stocks managed by NEAFC and timing of advice for 2008 and relevant surveys

Stock	Presently advised in	Surveys conducted in spring-summer	Effect of changes in timing*
Pelagic redfish	June	Int. Trawl-acoustic surveys	None
Deep sea resources	June	none	None
Blue whiting	October	Int. trawl surveys	(more info coming)
Mackerel	October	Triennial egg surveys	Insignificant
NSS AS Herring	October	Int. Trawl-acoustic	(more info coming)



		surveys	
Rockall haddock	October	trawl acoustic survey	(more info coming)

It was agreed timing can be changed, as advice could be updated in October if necessary, so quality will not be affected.

Actions arising: PECMAS will report to the Commission that a change in timing should not affect the quality of advice and can proceed.

6. New Memorandum of Understanding with ICES

The MoU with ICES expired at the end of the 2006.

ICES submitted a proposal to NEAFC on 11 October 2006. This has a financial aspect asking NEAFC to increase its contribution to fund quality assurance. This was agreed at the 25th Annual Meeting. The other aspect is the MoU itself. The Secretariat informed ICES that more time was needed for internal discussions in NEAFC formulating what precisely is wanted from ICES in the light of general trends to change from traditional annual single stock advice to multi-annual advice and the ecosystem approach where other concerns are incrementally added to what we have already have.

PECMAS focused on the list of species, the movement from single stock advice to fisheries and ecosystem based advice, reference to the Convention rather than general international law and instruments, peer reviewed science and presentation of uncertainty in the assessments to allow managers to assess risk.

Support was expressed for referring to the Convention rather than general international law and instruments.

The species list was discussed extensively. According to the preamble, NEAFC has an obligation to safeguard the marine ecosystems in the Convention Area and shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on the management policies, including examination of the overall effects of such policies on the fishery resources and, as appropriate, other living marine resources and marine ecosystems.

It was agreed that there should be more focus on those species and stocks for which NEAFC adopts management measures but general information should also be requested for other stocks. There should be consistency between the approach by coastal states and NEAFC.



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In the discussion it was suggested the preamble should refer to the 1982 Convention in force. There should however be a reference to the “new” Convention which will be used on a provisional basis, pending ratification.

The Group amended paragraph 1.3. It had had considerable discussions on the species list and finally agreed on a list.

The Secretariat was asked to clarify with ICES three terms used in the MoU:

Recurring advice

Non-recurring advice

Extraordinary advice

It was agreed to go ahead with the text as amended (Annex I). The Secretariat will tidy up the species list and insert suitable sub-headings.

Actions arising: The MoU, as amended by PECMAS, will be discussed with ICES at the MCAP- MICC meeting 7-8 May. If there are still problems PECMAS will work by correspondence to produce a draft text of the MoU for the Extraordinary Meeting of the Commission in June 2007.

7. NEAFC information on catches

At the 25th Annual Meeting it was agreed that the basis for reporting provisional catches by Contracting Parties and making available weekly catches from vessels fishing in the Regulatory Area reported under the Scheme and catch estimates from IUU activity derived from inspections be referred to discussion in PECMAS, with a view to reporting back to the Commission.

PECMAS discussed whether catch data compiled by NEAFC should be reported to ICES together with data from control and the monitoring of IUU activities. It noted that as of 1 May port control data will become available that should also be of interest.

There was general support that data and information that can assist the ICES advisory process should be made available to ICES. NEAFC will, in cooperation with ICES, develop procedures to provide this data to ICES.

Actions arising: PECMAS will report to the Commission that relevant data should be made available to ICES. If the Commission accepts this, the Secretariat will in cooperation with ICES develop reporting formats for data and information from the sources mentioned above.

8. Controlling the expansion of new or current fisheries

PECMAS has been asked to follow up on the discussion in the NEAFC Working Group on Deep-sea Species with respect to how to control the expansion of new fisheries or of current fisheries in new areas. It had been suggested that this could be done by



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prohibiting fishing for deep-sea species in the Regulatory Area except in ICES rectangles [x, y and z] or by prohibiting fishing for deep-sea species in specific ICES rectangles [x, y and z]. The first option is to close the whole Regulatory Area to fisheries and then define areas where fishing can take place. The second option is to make the case in each instance for closing a specific area to fishing, as NEAFC did in 2004 and 2006.

In September 2006 NAFO agreed to protect four seamount areas from bottom trawling for a period of three years. The areas will be fully closed in 2007. In 2008 20 % of three fishable areas may be opened to a small-scale and restricted exploratory fishery. The Secretariat contacted FAO experts who pointed out two basic approaches to area closures as follows:

- *To copy the terrestrial model for closed areas, creating areas that are developmental deserts?*
- *To design a general system of sustainable use in the oceans. There is no simple answer to questions like how big a percentage of a system to protect. Answers must be based on assessments of sustainable use of the oceans on a case-by-case basis for each ecosystem.*

The first five areas closed 2005 – 2007 were based on general knowledge about the geographical distribution of habitats, fisheries etc. not on science. There were hardly any data against which the impact of fisheries can be measured. Therefore, one should not expect rapid answers making the scientific case.

Two parties indicated that they did not consider the first approach of closing everything and then opening up again acceptable. It should be the other way around and a specific case made in each instance.

PECMAS agreed to propose to the Commission that it starts a process of clarifying objectives and developing criteria. (See also agenda item 4). There was at this stage not a definite answer to the question raised, but it should be noted that there are other measures that control new or current fisheries, especially the cap on effort in deep-sea fisheries.

Action arising: To start the process the Secretariat will prepare a background note on international and regional experiences for the consideration of PECMAS in the first half of 2007

9. Conservation value of a ban on shark finning

PECMAS was asked to evaluate this and the Chair asked for an explanation of the request. The Icelandic representative reminded participants that the HOD for Iceland had simply raised the question as to whether this was conservation or something else. This comes from a NAFO measure, but the Icelandic representative doubted seriously that this had any conservation value.



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The EU representative informed that their preliminary evaluation, based on a short period, was that this had a positive effect. Retaining the whole carcass reduces capacity and directs effort away from shark, because of low prices of the carcasses.

PECMAS agreed to request advice from ICES:

During the NEAFC annual meeting in November 2006, it was agreed by consensus that “Each Contracting Party shall require their vessels not to have onboard shark fins that total more than 5% of the weight of sharks onboard, up to the first point of landing.”

At the annual meeting, questions were raised about the value of such measure and it was further decided that the value of such measure for conservation should be evaluated by PECMAS.

During the second meeting of PECMAS (19-21 February 2007) this item was addressed but no conclusions could be made. Therefore PECMAS agreed to request ICES to;

evaluate the conservation value of the limitation on shark finning, agreed by NEAFC ICES is also requested to analyse if the 5% live weight is enough to ensure a significant conservation value.

ICES is asked to report on this issue not later than 15. October 2008.”

<p>Actions arising: PECMAS will propose to the Commission that a request for advice be forwarded to ICES:</p>
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10. South West Rockall and the protection of corals

The Russian Federation indicated at the Annual Meeting in November 2006 that the scientific case for the South West Rockall closure to protect corals was not well substantiated.

PECMAS was presented with new information on the South West Rockall bank by Russian scientists. Scientists at PINRO have made a detailed analysis of historic scientific and fisheries information on the distribution of cold-water corals on the Rockall bank. Data go back to 1958. It was suggested that analysis based on direct observations was more certain than analysis based on VMS data.

The main outcome is a more accurate picture of the distribution of corals in three areas in the South West Rockall area and one area north of the haddock box. This is the basis for a revised proposal for closures in the South West area.

Some Parties questioned whether there was any urgency in solving the matter. Measures are already in place for the larger part of the Rockall Bank; measures for South West Rockall did not necessarily have to be decided upon this year.



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The European Community disagreed with this as they believed that ICES had already recommended the proposed closures in their 2006 advice. They were nevertheless prepared for the new Russian information to be submitted to ICES for their consideration.

It was noted that the Russian data would be presented to the relevant ICES Working Group anyway and that the advice from ICES should be included in their June package. It was not necessary to use fast track procedures, which should only be used in exceptional circumstances. If new advice is not included in the package in June, NEAFC will approach ICES and ask when advice can be expected. It was agreed that in any case, a response from ICES should be expected in sufficient time in order that an appropriate decision can be taken by the Commission at the Annual Meeting in November.

It was noted that the Russian data would be presented to the relevant ICES Working Group anyway and the advice should be included in the June package from ICES. It was not necessary to use fast track procedures, which should only be used in exceptional circumstances.

If new advice is not included in the package in June NEAFC will approach ICES and ask when advice can be expected.

Actions arising: ICES will be contacted if there is no new advice on the South West Rockall bank in June.

11. ICES symposium on Fisheries Management Strategies, Galway June 2006

A note on the symposium prepared by the Secretariat and paper presented by the Secretary was tabled for information, but not read.

12. Other possible tasks for PECMAS

In the proposal to establish a Permanent Management-Science Committee, the scope of the work of PECMAS is wide and a number of possible tasks are envisaged if the NEAFC Commission so wishes.

PECMAS can on its own discuss timelines for possible future developments. This can be based on the report of the NEAFC performance panel. The performance review pays considerable attention to NEAFC's - as distinct from the Contracting Parties' - handling of science and data in evaluating sustainability of fisheries. The EU representative pointed out that PECMAS should be encouraged to work with these questions by correspondence and make progress between meetings



13. Report of the meeting

The report will be based on the summary records during the three meeting days in February. Members are invited to correct misunderstanding in the records. The draft report of the meeting will be sent to the members for comments after the meeting.

14. Future Meetings

If PECMAS has to consider information in the ACFM June package it was agreed to tentatively keep open the option to have a meeting on 12 June, just before the Extraordinary Meeting of the NEAFC Commission.

15. Any other business

There was none.

16. Actions arising

Actions arising are listed separately under each agenda item.

17. Closure of the meeting

The Chair closed the meeting and thanked everybody for contributing to the interesting discussion.

**Memorandum of Understanding
between
the North-East Atlantic Fisheries Commission
and
the International Council for the Exploration of the Sea**

RECOGNISING that the North-East Atlantic Fisheries Commission ("NEAFC")

- (a) is the competent organisation for managing fish stocks in NEAFC Regulatory Area and performs its functions in the interests of the conservation and optimum utilisation of the fishery resources of the Convention area and shall take into account the best scientific evidence available to it;
- (b) has a responsibility for the protection of the marine environment and an exclusive competence for the conservation, management and exploitation of living marine resources;
- (c) provides a forum for consultation and exchange of information on the state of fishery resources in the Convention Area and on management policies, including examination of the overall effect of such policies on the fishery resources;
- (d) according to Article 14 (1) of the NEAFC Convention of 1982 seeks the services of the International Council for the Exploration of the Sea for scientific advice on conservation, protection and sustainable use of the marine environment and particularly on fisheries resources management and related matters.
- (e) According to the amendments to the Convention adopted by the Contracting Parties which shall apply when interpreting and implementing the Convention, until such time when the amendments have entered into force, in the interest of the long-term conservation and optimum utilisation of the fishery resources of the North-East Atlantic area, and in doing so to safeguard the marine ecosystems in the Convention area, providing sustainable economic, environmental and social benefits; NEAFC shall apply the precautionary approach;
take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to minimise harmful impacts on living marine resources and marine ecosystems;
take due account of the need to conserve marine biological diversity;
shall consult and exchange of information on and, as appropriate, examine of the overall effect of such policies on other living marine resources and marine ecosystems.



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RECOGNISING that the International Council for the Exploration of the Sea ("ICES")

- (a) exists to promote and encourage research and investigations for the study of the sea, in particular in relation to its living resources;
- (b) draws up the necessary programmes and organises such research and investigations as may appear necessary and publishes and disseminates the results of this work;
- (c) provides scientific information and advice to Member Country governments, and the regulatory commissions with which cooperative relationships have been established
- (d) seeks to establish and maintain working arrangements with other international organizations having related objectives.
- (e) meets its obligations contained in this agreement only through work conducted by ICES Member Countries, and ICES has no power to manage the conduct of this work. ICES works on the assumption that the member countries provide data and expertise that will enable ICES to respond to requests for advice.

NEAFC AND ICES have therefore reached the following understanding:

Provision of Scientific Information and Advice

1. ICES according to this Memorandum of Understanding will provide NEAFC with scientific information and advice, which is independent and free from political influence and subject to best international quality procedures for research and research based advice. The technical basis for the advice and the process through which it is produced will be transparent and the quality of the technical basis is ensured through internal and external peer review. The geographical scope of the Memorandum of Understanding is the Northeast Atlantic (FAO statistical area 27 excluding the Baltic Sea)
2. ICES and NEAFC will consult on ways in which cooperation between them can be further improved and extended. Further improvements may include joint activities, e.g. seminars, symposia or other meetings.
3. NEAFC and ICES will work together to arrange for any relevant consolidated data for scientific analysis to be provided to ICES, while ensuring the NEAFC's confidentiality obligations.

ICES is responsible for quality control of the aggregated data used in assessments and shall decide which data are considered a useful basis for advice. If the quality of landings data cannot be accurately documented ICES may decide to base its advice exclusively on other types of information such as survey data.

ICES will explain in the background documentation for the advice which data were used and how and will evaluate data quality and completeness on a stock, country, fleet and data type basis.

4. ICES agrees to provide NEAFC with:



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- (a) annual standard “recurring” advice on the state and management of the main commercial stocks in the NEAFC convention area listed in Annex 1 and the state of the marine ecosystem according to the form established in Annex 2. In particular, ICES will focus on resources in NEAFC regulatory area as set out in list A in Annex 1;
 - (b) "non-recurring advice" as may be agreed between NEAFC and ICES in response to requests from NEAFC;
 - (c) the information on which the advice is based (*inter alia*, Expert Group Reports including peer review reports) will be made available to NEAFC following the full ICES review process. Any other relevant reports and journals published by ICES will be made available to NEAFC; and
 - (d) the advice should be given in the context of . NEAFC Convention as amended in 2006. NEAFC will when requesting advice specify objectives and guidelines relevant to the formulation of the ICES advice.
5. ICES agrees to present the scientific information and advice at NEAFC's Annual Meeting by the Chair of a relevant Advisory group or designate. An ICES professional adviser will also be invited to the meetings.
 6. The scientific information and advice will be made available immediately after its adoption by ICES. The scientific information and advice will be sent to NEAFC before 20th October.
 7. According to the Schedule in Annex 3, NEAFC may make extraordinary requests for advice as appropriate.
 8. In the event that scientific work necessary for ICES to fulfil its obligations under this agreement is not completed, ICES shall inform NEAFC of the nature, detail and consequences of such shortfalls.

Finance

9. NEAFC accepts ICES’s policy of achieving 100% cost recovery from Member Countries and international client commissions which request ICES to provide information, advice and services. When assessing the contributions to be paid by NEAFC, due account shall be taken of contributions made by ICES Member Countries or other international client commissions of ICES with interests in the same stocks and in the same geographical area.
 - (a) against this background, the Parties shall consult and agree on a fixed price for the period of the MoU, regulated in accordance with the official rate of inflation in Denmark.
 - (b) revise Annexes 1 and 2 when appropriate;
 - (c) determine the cost for evaluation of stocks that are shared with ICES Member Countries or other international client commissions of ICES.



10. NEAFC agrees

- (a) to pay - following the procedure in Annex 3 - a fixed rate as agreed upon with ICES for "standard" advice (i.e. recurring needs) for the stocks referred to in Annex 1, with an annual increase in accordance with the rate of inflation in Denmark using **DKK XXXX million (2006 prices) as the base increased in accordance with the rate of inflation in Denmark.** The components upon which the ICES costs are calculated are provided in Annex 4;
- (b) to pay 100% of the costs for non-recurring and extraordinary advice on the basis of the costs agreed upon with ICES in accordance with procedures established in Annex 3.
- (c) to invoice NEAFC for payment following the procedure outline in annex 3;

General Administrative Arrangements

11. NEAFC will be entitled to be represented in an observer capacity at the annual Statutory Meeting and Annual Science Conference of ICES. In addition, ICES agrees to the participation of a scientifically qualified representative of NEAFC as an observer at meetings of the Council's Advisory Committees. In that capacity NEAFC's representative will have the right to ask for the floor and participate in meetings, but will have no voting rights nor have freedom to change the meetings' agendas.
12. NEAFC and ICES will exchange documents and reports of mutual interest.
13. If any dispute should arise between NEAFC and ICES on the interpretation and application of the Agreement, both sides will make their best endeavour to resolve it, if necessary by the involvement of a mutually agreeable arbiter.
14. Either NEAFC or ICES may propose amendments to this Agreement. Any such proposal will be made before the end of May, notwithstanding paragraph 14 below. Any change will come into effect at the beginning of the calendar year after both ICES and NEAFC have agreed the change.
15. Either NEAFC or ICES may withdraw from this Agreement. Any such withdrawal will be made before the end of May, and will come into effect not before the end of the calendar year following the withdrawal having been decided by either ICES or NEAFC.
16. This Memorandum of Understanding will apply following signature by both Parties, and enters into force from 1 January following that signature or at a date agreed by the Parties. After 3 years the MoU may be reviewed on the request of the one of the Parties. It may be terminated by either party with a notification in writing of 1 year. The Parties will meet well in advance of the expiry of this Memorandum of Understanding to carry out a full review of its terms and operation, and to agree any necessary amendments.

Signed on behalf of the North-East Atlantic Fisheries Commission and the International Council for the Exploration of the Sea:



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Date	Date
[Name]	[Name]
President	President



ANNEX 1. Ecosystems and stocks for which advice is given

Advice is provided regarding marine ecosystems within the geographical scope of this agreement. The particular stocks are those addressed to listed below. In the case of the stocks for which a Client Commission has specific responsibility, the primary request to ICES shall be made through that Client Commission.

Advice shall normally be provided for each calendar year. However, for stocks where measurement precision is low compared to the expected magnitude of changes in stock size advice may be provided at intervals greater than each year. For short-lived species and highly seasonal fisheries the timing of the advice shall be adapted as appropriate.

A) NEAFC Regulated Resources

Pelagic fisheries

Stock/ species (common name)	FAO code	Scientific Name	ICES subareas and divisions
Redfish	REB	<i>Sebastes mentella</i>	I to XIV
Norwegian Spring Spawning Herring (Atlanto Scandian)	HER	<i>Clupea harengus</i>	I, II, V
Blue whiting	WHB	<i>Micromesistius poutassou</i>	IIa, IVa, V, VI, VII, XII, XIV
Mackerel	MAC	<i>Scomber scombrus</i>	Ia, IV, V, VI, VII, XII

Demersal fisheries

Haddock	HAD	<i>Melanogrammus aeglefinus</i>	VIb
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Deep-sea fisheries

Baird's smoothhead	ALC	<i>Alepocephalus bairdii</i>	I to XIV
Risso's smoothhead	PHD	<i>Alepocephalus rostratus</i>	I to XIV
Blue antimora (Blue hake)	ANT	<i>Antimora rostrata</i>	I to XIV
Black scabbardfish	BSF	<i>Aphanopus carbo</i>	I to XIV
Iceland catshark	API	<i>Apristuris spp</i>	I to XIV
Greater silver smelt	ARG	<i>Argentina silus</i>	I to XIV
Alfonsinos	ALF	<i>Beryx spp.</i>	I to XIV
Tusk	USK	<i>Brosme brosme</i>	I to XIV
Gulper shark	GUP	<i>Centrophorus granulosus</i>	I to XIV
Leafscale gulper shark	GUQ	<i>Centrophorus squamosus</i>	I to XIV
Black dogfish	CFB	<i>Centroscyllium fabricii</i>	I to XIV
Portuguese dogfish	CYO	<i>Centroscymnus coelolepis</i>	I to XIV



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Longnose velvet dogfish	CYP	<i>Centroscymnus crepidater</i>	I to XIV
Deep-water red crab	KEF	<i>Chaecon (Geyron) affinis</i>	I to XIV
Rabbit fish (Rattail)	CMO	<i>Chimaera monstrosa</i>	I to XIV
Frilled shark	HXC	<i>Chlamydoselachus anguineus</i>	I to XIV
Conger eel	COE	<i>Conger conger</i>	I to XIV
Roundnose grenadier	RNG	<i>Coryphaenoides rupestris</i>	I to XIV
Kitefin shark	SCK	<i>Dalatias licha</i>	I to XIV
Birdbeak dogfish	DCA	<i>Deania calceus</i>	I to XIV
Black (Deep-water) cardinal fish	EPI	<i>Epigonus telescopus</i>	I to XIV
Greater lanternshark	SHL	<i>Etmopterus princeps</i>	I to XIV
Velvet belly	SHL	<i>Etmopterus spinax</i>	I to XIV
Blackmouth dogfish	SHO	<i>Galeus melastomus</i>	I to XIV
Mouse catshark	GAM	<i>Galeus murinus</i>	I to XIV
Bluemouth (Blue mouth redfish)	BRF	<i>Helicolenus dactylopterus</i>	I to XIV
Blondnose six-gilled shark	SBL	<i>Hexanchus griseus</i>	I to XIV
Orange roughy	ORY	<i>Hoplostethus atlanticus</i>	I to XIV
Silver roughy (Pink)	HPR	<i>Hoplostethus mediterraneus</i>	I to XIV
Large-eyed rabbit fish (Ratfish)	CYH	<i>Hydrolagus mirabilis</i>	I to XIV
Silver scabbard fish (Cutless fish)	SFS	<i>Lepidopus caudatus</i>	I to XIV
Eelpout	ELP	<i>Lycodes esmarkii</i>	I to XIV
Roughhead grenadier (Rough rattail)	RHG	<i>Marcrourus berglax</i>	I to XIV
Blue ling	BLI	<i>Molva dipterygia</i>	I to XIV
Ling	LIN	<i>Molva molva</i>	I to XIV
Common mora	RIB	<i>Mora moro</i>	I to XIV
Sailfin roughshark (Sharpback shark)	OXN	<i>Oxynotus paradoxus</i>	I to XIV
Red (blackspot) seabream	SBR	<i>Pagellus bogaraveo</i>	I to XIV
Forkbeards	GFB	<i>Phycis spp.</i>	I to XIV
Wreckfish	WRF	<i>Polyprion americanus</i>	I to XIV
Round skate	RJY	<i>Raja fyllae</i>	I to XIV
Arctic skate	RJG	<i>Raja hyperboreus</i>	I to XIV
Norwegian skate	JAD	<i>Raja nidarosiensis</i>	I to XIV
Greenland halibut	GHL	<i>Rheinhardtius hippoglossoides</i>	I to XIV
Straightnose rabbitfish	RCT	<i>Rhinochimaera atlantica</i>	I to XIV



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Knifetooth dogfish	SYR	<i>Scymnodon ringens</i>	I to XIV
Small redfish (Norway haddock)	SFV	<i>Sebastes viviparus</i>	I to XIV
Greenland shark	GSK	<i>Somniosus microcephalus</i>	I to XIV
Spiny (Deep-sea) Scorpionfish	TJX	<i>Trachyscorpia cristulata</i>	I to XIV



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B) Other species

Stock (common name)	ICES subareas and divisions
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Golden redfish	I to XIV
Anglerfish	I to XIV
Capelin	I to XIV
Cod	I to XIV
Hake	I to XIV
Horse mackerel	I to XIV
Saithe	I to XIV
Northern shrimp	I to XIV
Polar cod	I to XIV
Anchovy	I to XIV
Brill	I to XIV
Dab	I to XIV
European Eel	I to XIV
Flounder	I to XIV
Grey Gurnard	
Red gurnard	I to XIV
Lemon sole	I to XIV
Megrim	I to XIV
Nephrops	I to XIV
Norway pout	I to XIV
Plaice	I to XIV
Red mullet	I to XIV
Sandeel	I to XIV
Sardine	I to XIV
Sea Bass	I to XIV
Sea Trout	I to XIV
Sole	I to XIV
Sprat	I to XIV
Turbot	I to XIV
Whiting	I to XIV



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ANNEX 2: Recurring advice required from ICES.

Recurring advice shall be given in the context of ecosystems and fisheries.

The recurring advice shall include information on the state of marine ecosystems and human impacts including historical developments in main parameters and information on the present state and recent development of stocks including information on state of stocks and fisheries including - when available - historical developments in spawning stock biomass, total stock biomass, fishing mortality, landings and discards.

The recurring advice regarding fisheries management will include advice on long term management strategies and short and medium term implications of these as detailed below.

Implementation issues shall be specifically addressed in the advice. Regarding fisheries management advice ICES will evaluate implementation issues and the outcomes of specific management measures. Specifically, when new regulations are introduced ICES shall provide evaluations of these when sufficient information is available.

When IUU (Illegal, Unregulated and Unreported) fishing is indicated to take place ICES will consider the effect of such fisheries in the advice.

When providing its advice regarding fisheries ICES shall take account of all available information and the context of fisheries management including information from the fishing industry, ecosystem considerations, environment and hydrographical conditions, regulations in force that affect fisheries, factors affecting fishing operations and information about the fisheries, development of fisheries technology and relevant performance changes and other relevant factors that affect fishing or fish stocks.

Advice from ICES shall in all cases take account of the accuracy and precision of the available assessments and forecasts. Information about the accuracy and precision of assessments and forecasts shall be presented and considered in the advice.

19.

If ICES is aware of implementation problems regarding agreed management plans the advice should highlight this and consider these issues in its advice on short term implications of these management plans.

If agreed management plans or recovery plans exist which ICES does not consider in accordance with the criteria stated above or if no agreed management plans exist, ICES shall advice on management measures (including options for management plans) which ICES finds in accordance with horizontal policies and the NEAFC Convention. If significantly different, the advice shall be given separately for a risk avoidance approach,



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based on the Precautionary Approach, and an MSY approach within the limitations of the Precautionary Approach. The short-term implications of such measures shall be provided.

The short-term implications will, when adequate data are available, be expressed as quantified consequences of the management measures currently implemented for that stock or fishery. For the management year (or years in the case of multi-annual management regimes), the short-term consequences of relevant management measures should be given for relevant intervals of action while reflecting the uncertainties regarding expected outcomes.

In those cases where the uncertainties in the evaluation of outcomes are such that a quantitative distinction between management measures with this resolution is not possible ICES shall provide quantitative or qualitative information regarding expected outcomes of relevant management measures over intervals of action which reflect the uncertainty in the evaluation. In cases where data are insufficient to provide the basis for quantitative advice ICES shall provide information on the reasons for this insufficiency and advice on management measures which, given the uncertainties, are considered consistent with horizontal policies and international agreements and guidelines.

Ecosystem approach

The advice shall be based on an ecosystem approach. This will be implemented incrementally so that any information on the interactions between fisheries, the fish stocks and the marine ecosystem is considered and incorporated in the advice as it becomes available; specifically, taking ecosystem and environmental considerations into account when providing the recurring advice mentioned above, ICES will:

- a). Assess the extent to which fishing disturbs the marine ecosystems and where reference levels have been established compare the impact to the reference level chosen.
- b) Provide any new information regarding the impact of fisheries on other components of the ecosystem including small cetaceans and other marine mammals, sea birds and sensitive habitats.
- c). Inform NEAFC of any notable impact of other factors on and imbalances in ecosystem structure that may prejudice the stocks of commercially valuable species and its long term exploitation;
- d) Propose reference points as guidance for management purposes in an ecosystem context.

ICES will in addition give warnings of any serious threats from fishing activities alone or in conjunction with any other relevant activity to local ecosystems or species as soon as ICES is aware of such threats.

Provision of information



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In support of its advice ICES shall provide NEAFC with:

- a) A full methodological description of the assessment and advisory procedure for each stock, updated whenever significant changes are made;
- b) Estimates of landings, fishing mortality, recruitment and spawning stock together with information or estimates of the uncertainty with which these parameters are estimated. These data shall be provided electronically;
- c) Estimates of relevant reference points for management;
- d) On request, complete data records used for assessment purposes shall be provided. These data shall be provided electronically;

Such information should be provided whenever significant changes are made or can be detected, but not normally more frequently than implied by the schedule in Annex 3. However, NEAFC should be informed immediately of any new information indicating a previously unforeseen biological emergency.



ANNEX 3: Schedule of key annual administrative procedures for NEAFC and ICES

A. Schedule for the advice planning, budgeting and payment

November NEAFC formally communicates to ICES an updating of its views and priorities with respect to the contents and timing of recurrent advice concerning the next calendar year to ICES. NEAFC will at the same time inform ICES on any additional “non-recurrent” advice which is requested from its annual meeting.

Mid December: Agreement on budget for the delivery of recurrent advice for the next calendar year. Consultation between ICES and NEAFC to agree the sum budgeted by NEAFC in respect of the non-recurring advice for the current calendar year. Both ICES and NEAFC will seek to conclude an agreement within 30 days of this consultation.

March: Payment by NEAFC for recurrent advice in current calendar year

April: Review of the costing spreadsheets for Year 1. ICES will make the costing spreadsheets available to NEAFC not less than 15 days before the consultations.

April – May: Consultations regarding the outcomes of last year’s advice and update of current years implementation plan.



B. Schedule for the Provision of Non-recurring Advice

This table specifies the procedures to be undertaken by both Parties when arranging the provision of non-recurring advice.

NEAFC	ICES
<p>1. Requests for advice to be sent by letter or fax to ICES specifying the desired advice and the timescale within which an advice is desired.</p>	<p>2. ICES will respond within 21 days specifying: The nature and extent of the work that can be completed within the specified timeframe; The extent to which the questions posed can be answered; The extent to which the work is of mutual interest and in such case proposal for cost sharing. The additional costs to be recovered from NEAFC.</p>
<p>3. NEAFC will respond within 7 days confirming whether the work is to be undertaken</p>	<p>4. If so agreed, ICES will deliver the advice according to the agreed timescale.</p>
<p>5. On receipt of the advice, NEAFC will advise ICES within 15 days whether it considers the request has been fulfilled.</p>	<p>6. ICES will prepare a corresponding cost statement concerning the advice which will be presented to NEAFC not less than 15 days before the consultations in April-May detailed below.</p>



Annex 4: Components upon which the ICES costs are calculated.

It is the role of the Commissions to formulate policies and management actions for conservation of fisheries and the marine environment, and in order to do so they benefit from scientific advice from ICES. Therefore they accept financial responsibility for ICES' costs of providing this advice, including:

- (i) the costs of databases and analyses that are needed in order to prepare advice, but generally would not occur otherwise,
- (ii) the preparation, quality assurance and delivery of the advice, and
- (iii) salary costs incurred on transferring the chairmanship of ACFM from a voluntary activity to an established professional post.

On the basis of this recognition, the following costs incurred by ICES are approved for charges to NEAFC:

- (1) costs incurred by ICES (i.e. travel and *per diem*) related to meetings of its Advisory groups in proportion to the time of these meetings spent on NEAFC advice;
- (2) Secretariat staff salaries, including superannuating (with an indication of the number and grades of staff to be involved in the work), regarding preparation for, work during and follow-up after:
 - (a) the Advisory group Meetings (*), in proportion to the agreed NEAFC share
 - (b) and other recurring needs associated with Study/Working Group Meetings, in proportion to the agreed NEAFC share;
- (3) travelling and subsistence costs of a Chair of an ICES Advisory group (or a designate) or other scientifically-qualified personnel in attending NEAFC's meetings, as stipulated in paragraph 7 of the agreement. The number of these meetings at which ICES shall be represented will be mutually agreed beforehand.
- (4) Costs including postage and packing, of producing the documents required by NEAFC with respect to information and advice;
- (5) Databases: DATRAS database and Statlant 27A database (*);
- (6) Computing costs (*);
- (7) the cost of any work where ICES proposes to employ a consultant or contractor (*);
- (8) other current expenditure (*);



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- (9) A stipend for the chair of an ICES Advisory group dealing with fisheries advice
- (10) A contribution to the quality assurance programme including the use of external reviewers, in proportion to the agreed NEAFC share
- (11) Overheads (*). The overhead costs will be calculated by means of an overhead percentage which is applied to the direct salary costs of each different activity mentioned in the ICES Work Programme. Overheads are based on the documented annual costs (e.g. invoices and payments) of running ICES headquarters so that the Secretariat staff may carry out their duties. As these running costs have to be applied in the hours in which the Secretariat staff work for ICES' own work programme, it is deemed reasonable that an equitable share of the running costs are paid for by clients in respect of the requests for information, advice and services that they direct to ICES.

(*). In proportion to the agreed NEAFC share legitimately

The overhead percentage is calculated as the ratio between total overhead costs and the total direct salary costs. Included in the overhead costs are the following items:

- (a) Capital cost of computing and other capital equipment;
- (b) Central financial and personnel administration;
- (c) computer system support and maintenance;
- (d) a fair share of printing costs
- (e) rent of premises;
- (f) office expenses including electricity, heating, watchmen, safety and security, cleaning costs, maintenance costs (e.g. photocopier), consumables, postage, telephone and fax, office equipment, insurance, general office maintenance (e.g. painting) and staff education and training.