Guidelines for Coastal State Consultations in the North East Atlantic

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Final draft by the Working Group on a Framework for Coastal State Negotiations

Chapter 1 - General

1. The objective of these Guidelines is to facilitate consultations between coastal States and, if applicable, other relevant Parties on conservation and management measures, including *inter alia* total allowable catch and sharing arrangements, on fish stocks occurring both within areas under the national jurisdiction of coastal States and in the NEAFC Regulatory Area.

2. For the purposes of these Guidelines, “coastal State” refers to those which have the stock in question occurring in waters under their national jurisdiction. “Fishing party” refers to those whose national jurisdiction is adjacent to the NEAFC Regulatory Area, which are not coastal States, but the vessels of which conduct fishing on that particular stock.

3. Coastal States reaffirm the duty to cooperate on conservation and management of stocks occurring both within areas under the national jurisdiction of coastal States and areas beyond as set out in Article 63 of the UN Convention on the Law of the Sea.

4. The coastal States should negotiate in good faith, adhere to these Guidelines, maintain a constructive atmosphere during consultations and conduct themselves in a manner which facilitates the consultations and their progress. The coastal States should also facilitate the pursuit and conclusion of their consultations and should use their best endeavours to continue to work towards a mutually acceptable solution in the event of an impasse in those consultations.

5. All Framework Arrangements should be based on the template annexed to these Guidelines.

Chapter 2 – Participation

6. All coastal States have the right and the duty to participate in coastal State consultations processes, and fishing parties should be invited to participate in consultations.

Chapter 3 – Basis for decisions

7. ICES should be requested to provide scientific advice on the relevant fish stocks including the sustainability of any management plan, which should form the basis for decisions on total allowable catch levels and other conservation and management measures.

8. In the absence of a management plan, coastal States should set catch limits that are consistent with the precautionary approach, as advised by ICES.
Chapter 4 – Consultations

9. The coastal States should consult annually to agree on conservation and management measures for each fish stock that is subject to coastal State consultations. This can include technical measures and measures on control and enforcement. Annual consultations should take place in October, unless otherwise decided. In addition to regular annual consultations, consultations may be held as considered necessary, and may, if agreed by all coastal States, be held by correspondence.

10. Consultations should preferably be held at NEAFC Headquarters although they can be held at another location to be decided by the Chair of the consultations.

Chapter 5 – Chairing and practical arrangements

11. The chairing of consultations should rotate between the respective coastal States, with each coastal State having the chairing responsibility for one full calendar year.

12. The Chair should, with the possible assistance of the NEAFC Secretary, make all the necessary arrangements to facilitate consultations. Such arrangements will include meeting facilities, arranging for a detailed presentation of the assessment and scientific advice by ICES-ACOM representatives, dissemination of relevant information and other tasks necessary for the consultations.

13. The Chair should, with the possible assistance of the NEAFC Secretary, assemble catch statistics in accordance with the format agreed among the coastal States.

14. In the absence of an Agreed Record, minutes from the consultations on procedural matters should be drafted by the Chair and agreed by the parties.

Chapter 6 – Observers

15. The coastal States may by consensus allow one or more observers that have been granted observer status at the previous NEAFC Annual Meeting to attend consultations.

16. The NEAFC Rules of Procedures regarding the conduct of observers should apply mutatis mutandis to coastal State consultations.

Chapter 7 – Decision making

17. Only coastal States take part in decision making.

18. Coastal States should endeavour to conclude arrangements encompassing all coastal States.

19. In the absence of consensus on a Framework Arrangement, some coastal States may enter into a more limited Framework Arrangement. In such a situation, efforts should continue to reach consensus on a Framework Arrangement where all coastal States are included.
Chapter 8 – Duration and opting out requirements

20. A Framework Arrangement should be in force for at least five years. The arrangement should continue to apply annually until a coastal State opts out pursuant to paragraph 21. The Framework Arrangement may be amended during the period it is in force, pursuant to a new entrant joining the arrangement pursuant to Chapter 10.

21. If a coastal State intends to opt out of an arrangement, it should give a formal notification before 1 June after the initial 4 years, or after any other period decided by the coastal States. The formal notification should contain at least an explanation/justification of why the coastal State has chosen to opt out of the arrangement.

22. The Framework Arrangement should remain in force also until at least the end of the year after the formal notification is submitted.

23. When a formal notification has been provided, relevant working groups of experts should be established immediately by the coastal States to produce a report on zonal attachment and other relevant information. Such reports should to the extent possible be based on agreed models. The report should be concluded within six months.

24. If conclusion on a new Framework Arrangement has not been reached within the timeframe referred to in paragraph 22 above, each coastal State should set any unilateral conservation and management measures based on the long term management strategy or ICES-advice.

Chapter 9 – Mediation

25. If agreement on a Framework Arrangement is not reached, the coastal States should consider engaging a mediator. Any decision on engaging a mediator, including the choice of the person and the terms of reference of his/her role, should be made by consensus.

Chapter 10 – New entrants

26. If a fishing party declaring coastal State status intends to become a Party to a Framework Arrangement, a formal notification should be provided to the parties to the relevant arrangement. The formal notification should contain at least an explanation/justification of why it intends to become a Party to the Framework Arrangement, including demonstration of coastal State status.

27. When a formal notification has been provided, relevant working groups of experts should be established immediately to produce a report on zonal attachment and other relevant information. Such reports should to the extent possible be based on agreed models. The report should be concluded within six months.

28. Unilateral conservation and management measures set by the fishing party in question before a new Framework Arrangement has been concluded should be based on the long term management strategy agreed by the coastal States or ICES-advice.