



# **35th ANNUAL MEETING OF THE NORTH-EAST ATLANTIC FISHERIES COMMISSION 14-18 NOVEMBER 2016**

## **Report**

### **1. Opening of the 35th Annual Meeting**

The President, Johán H. Williams, Norway, opened the meeting. All Contracting Parties were represented.

All delegates joined the President in a minute of silence in remembrance of the former NEAFC Secretary Kjartan Hoydal, who passed away on 2 May 2016 at the age of 74.

### **2. Welcome address by the President and opening statements**

The President made a short opening address. All Contracting Parties made opening statements. Opening statements were also made by observers from cooperating non-Contracting Parties (Canada, Bahamas, Liberia and St Kitts and Nevis), intergovernmental organisations (FAO, SIOFA and OSPAR) and non-governmental organisations (Marine Stewardship Council and Seas at Risk).

### **3. Adoption of the agenda and appointment of rapporteur**

The agenda was adopted in the form that had been circulated before the meeting (document AM 2016-01).

The Secretary was appointed as rapporteur.

### **4. Establishment and arrangements for the Finance and Administration Committee, and other groups**

Arrangements were made for FAC and PECMAS to meet in the margins of the meeting.

### **5. Status of the amended NEAFC Convention**

The Secretary presented a report by the depository government on the status of the amended NEAFC Convention, document AM 2016-28.

The Secretary pointed out that the report stated that the situation was unchanged regarding the entry into force of the amendments to the Convention. One of the two amendments had entered into force, but the other would not enter into force unless the Contracting Party which had lodged an objection to the amendment would lift that objection.

The Russian Federation confirmed that the objection had not been lifted. They noted that the process regarding ratification of the amendment continued domestically and that the objection would remain in place until that process was completed.

## **6. Report from the Working Group on Fisheries Statistics, WG STATS**

The Vice Chair of the Working Group on Fisheries Statistics, Thorsteinn Hilmarsson, Iceland, presented the group's work. He noted that the group had held one meeting in 2016. The report from the group's meeting, document AM 2016-17, was noted

The improvements that have been made in gathering statistics since WG STATS was established was noted and the group was encouraged to continue its good work, in particular relating to developing the system towards there being easy access to further information such as regarding allocations and transfers between years and transfers between Contracting Parties.

## **7. Statistics on quota uptake and vessel activity**

The tables containing final catch statistics for 2015, as presented in document AM 2016-58, were noted. The tables containing the provisional catch statistics for 2016 up to and including September, as presented in document AM 2016-59, were also noted.

The Secretariat presented the annual overview of bottom fisheries in the Regulatory Area, document AM 2016-83. The tables and maps in the document were produced using data available in the VMS and catch data database of the Secretariat and showed data by quarter by gear. The bottom touching gear was selected based on the gear code in the annual vessel's notification by the Contracting Parties, when available.

It was noted that the data that the maps were based on was limited, and that therefore they showed indications of possible unauthorised bottom fishing, rather than evidence of such activity. Some of the activity that was perceived as bottom fishing was in fact clearly not bottom fishing. The gravity of such indications of unauthorised bottom fishing was nevertheless stressed by the Contracting Parties.

It was noted that each Contracting Party had an obligation to ensure that their vessels did not conduct unauthorised bottom fishing, and that they should all be implementing a system of automatic flagging in this context. It was further noted that a review by PECMAC had shown that not all Contracting Parties were monitoring their vessels in full compliance with these obligations.

However, it was noted that this issue continues to be given priority within PECMAC, and that the role that the Secretariat was given at the 2015 Extraordinary Meeting of NEAFC had resulted in improvements. It was also noted that the situation regarding data quality in this context should improve drastically when implementation of the Electronic Reporting System (ERS) begins.

WWF also presented a document that was relevant in the context of possible unauthorised bottom fisheries, based on their analysis of AIS data.

## **8. Report from the Permanent Committee on Management and Science, PECMAS**

The PECMAS Chair, Evgeny Shamray, the Russian Federation, presented the committee's work. He noted that PECMAS had held one meeting in 2016. The report from the committee's meeting, document AM 2016-35, was noted.

PECMAS had reviewed the scientific advice from ICES, but was not presenting any proposals for conservation and management measures to the Annual Meeting. However, discussions in PECMAS would form a basis for possible decisions under agenda item 11, in particular agenda sub-item 11.7 on deep-sea fisheries.

It was noted that the Working Group on Deep-Sea Species had not been able to move forward in its work, as data was missing from one Contracting Party. It was noted that the European Union intended to endeavour to submit the relevant data in time for the group to hold a meeting in 2017.

## **9. Report by the Advisory Committee of ICES**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation which was presented as document AM 2016-85. He then responded to questions and comments from the Contracting Parties

## **10. Request for scientific advice**

The PECMAS Chair noted that members of PECMAS had met in the margins of the meeting and formulated language for a non-recurring request to review the appropriateness of bottom fishing closures, as requested under agenda item 11.8. No amendments had been made to the recurring request from the one that was submitted to ICES in 2015.

**It was agreed** to send the request for advice to ICES in the form presented in document AM 2016-80 rev1.

## **11. Scientific advice and management measures**

**It was agreed** to continue providing ICES with VMS and catch data, as presented in document AM 2016-47 rev1. It was noted that the previous recommendation on this had a time limit of two years, but that the new recommendation would be open ended.

### **11.1. Pelagic *Sebastes mentella* in the Irminger Sea**

#### **11.1.1. Report by the Advisory Committee of ICES**

#### **11.1.2. Relevant reports**

#### **11.1.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

It was noted that meetings of coastal States with other relevant parties had not resulted in an agreement on conservation and management measures.

Iceland presented a proposal for conservation and management measures that would follow the scientific advice by prohibiting directed fisheries for deep pelagic redfish in the Irminger Sea and adjacent waters in 2017 and 2018. There continues to be no consensus on the basis of the scientific advice, and thereby there was no consensus on this proposal. Some Contracting Parties stated that while they sympathised with the Icelandic proposal, the fact that the major participant in the fishery would not go along with the proposal meant that they could not agree to completely close this fishery to their own vessels.

There were discussions in the margins of the meeting that aimed at a compromise conclusion. This resulted in an alternative proposal for measures for 2017 being submitted by Denmark (in respect of the Faroe Islands and Greenland) and the European Union, which took the approach of reducing the fishery rather than closing it. There was also no consensus on this proposal. Both proposals were therefore put to a vote, in the order that they had been tabled.

The Icelandic proposal, document AM 2016-46 rev1, received two votes in favour (Iceland and Norway) and three votes against (Denmark (in respect of the Faroe Islands and Greenland), the European Union and the Russian Federation). It was thereby not adopted.

The proposal by Denmark (in respect of the Faroe Islands and Greenland) and the European Union, document AM 2016-95 rev1, received three votes in favour (Denmark (in respect of the Faroe Islands and Greenland), the European Union and Norway), one vote against (the Russian Federation) and one Contracting Party abstained from voting (Iceland). **The proposal was thereby adopted.**

Iceland explained that while they were not in a position to support the proposal, they also did not want to prevent its adoption as adopting it would be preferable to having no measures in force for redfish in the Irminger Sea.

## **11.2. Pelagic *Sebastes mentella* in ICES Sub-areas I and II in the Regulatory Area**

### **11.2.1. Report by the Advisory Committee of ICES**

### **11.2.2. Relevant reports**

### **11.2.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

It was noted that meetings of coastal States with other relevant parties had not resulted in an agreement on conservation and management measures.

Two proposals for conservation and management measures were presented, but neither of them had sufficient support to be adopted.

It was noted that Norway and the Russian Federation, supported by Iceland, on the one hand and Denmark (in respect of the Faroe Islands and Greenland) and the European Union on the other, had very different positions on what would be the appropriate NEAFC management measures for this stock, with allocation being the main

disagreement. They were unable to bridge that gap at the meeting, and therefore no measures were adopted.

### **11.3. Blue whiting**

#### **11.3.1. Report by the Advisory Committee of ICES**

#### **11.3.2. Relevant reports**

#### **11.3.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice, including the evaluation of the draft long term management strategy.

It was noted that coastal State consultations had resulted in an agreement on total allowable catches where the fishing mortality rate would be consistent with  $F_{msy}$  in the ICES advice, but that there had been no agreement on allocation. It was also noted that the coastal States were making progress in their work on a long term management strategy, taking account of the evaluation by ICES.

**It was agreed** to adopt conservation and management measures for 2017 as presented in document AM 2016-76 rev1. It was noted that these measures were not fully comprehensive, as they did not include allocation among the Contracting Parties.

### **11.4. Norwegian spring spawning (Atlanto-Scandian) herring**

#### **11.4.1. Report by the Advisory Committee of ICES**

#### **11.4.2. Relevant reports**

#### **11.4.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

It was noted that coastal State consultations had resulted in an agreement on total allowable catches consistent with the ICES advice, but that there had been no agreement on allocation.

**It was agreed** to adopt conservation and management measures for 2017 as presented in document AM 2016-75 rev1. It was noted that these measures were not fully comprehensive, as they did not include allocation among the Contracting Parties.

### **11.5. Mackerel**

#### **11.5.1. Report by the Advisory Committee of ICES**

#### **11.5.2. Relevant reports**

#### **11.5.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

It was noted that coastal State consultations had resulted in an agreement between the European Union, the Faroe Islands and Norway, but that there had not been a comprehensive agreement among all relevant coastal States. The main stumbling block was a disagreement on allocation.

**It was agreed** to adopt conservation and management measures for 2017 as presented in document AM 2016-74 rev1. It was noted that these measures were not fully comprehensive, as they did not include allocation among the Contracting Parties.

#### **11.6. Rockall haddock**

##### **11.6.1. Report by the Advisory Committee of ICES**

##### **11.6.2. Relevant reports**

##### **11.6.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

It was noted that the European Union and the Russian Federation were continuing with efforts to formulate a long term management plan, but that this work had not yet been completed.

**It was agreed** to adopt the proposal in document AM 2016-86, for a continuation in 2017 of the conservation and management measures that had been in place in recent years.

#### **11.7. Deep-sea fisheries**

##### **11.7.1. Report by the Advisory Committee of ICES**

##### **11.7.2. Relevant reports**

##### **11.7.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice.

**It was agreed** to adopt conservation and management measures for 2017 for grenadiers in two separate areas as presented respectively in documents AM 2016-42 and AM 2016-43.

The European Union abstained from voting on both proposals on grenadiers. They reiterated that the European Union supported the principle of applying NEAFC measures to these fisheries. However, the European Union noted that they had been managing such fisheries by their vessels for a number of years and used a somewhat different approach. They could therefore not accept to be bound by these measures but also did not want to prevent the adoption of NEAFC measures.

It was noted that it would be useful to hold consultations on the future management of grenadiers in good time before the 2017 Annual Meeting, as there was not a disagreement in principle between the Contracting Parties on the usefulness of adopting NEAFC conservation and management measures for grenadiers and consensus should be possible in the future.

Two proposals for conservation and management measures for orange roughy were presented, one by the European Union prohibiting targeted fisheries during 2017-2020 and one by Denmark (in respect of the Faroe Islands and Greenland) prohibiting targeted fisheries in some areas but allowing limited fisheries in other areas in 2017. Consultations in the margins of the meeting were unsuccessful in reaching consensus. Both proposals were voted on, but neither received enough support to be adopted.

**It was agreed** to adopt conservation and management measures prohibiting fisheries directed at deep-sea sharks, deep-sea rays and deep-sea chimaeras in the Regulatory Area during 2017-2019. These measures are as presented respectively in the proposals in documents AM 2016-79 rev1, AM 2016-60 rev4 and AM 2016-91 rev2.

**It was agreed** to adopt conservation and management measures prohibiting fisheries directed at spurdog during 2017 and 2018, as presented in document AM 2016-78.

**It was agreed** to adopt the proposal in document AM 2016-57 rev1, for a continuation during 2017-2020 of the seasonal closure for the protection of blue ling that had been in place in recent years. It was noted that the proposal was adopted on the basis of Article 5 of the Convention, despite the proposal in the document lacking an explicit reference to an Article of the Convention. **It was agreed** that the recommendation on these measures would be explicitly labelled as being adopted under Article 5.

**It was agreed** to adopt general management measures for deep-sea species in 2017 as presented in document AM 2016-41. This was a continuation of the measures that had been in place in recent years. It was noted that these measures were ineffective, but it was nevertheless considered important to have such general measures in place to prevent uncontrolled deep-sea fisheries.

It was noted that previous Annual Meetings had adopted interim guidelines for the management of deep-sea fisheries and interim categorisation of deep-sea fish stocks on the basis of the guidelines. It was further noted that ICES had now reviewed these interim documents and that finalised versions could therefore now be adopted to replace the interim versions.

**It was agreed** to adopt *The NEAFC approach to conservation and management of deep-sea species and categorisation of deep-sea species/stocks* as presented in document AM 2016-81. It was noted that this would replace the previous interim guidelines and categorisation. **It was agreed** that this new approach and categorisation would form the basis of NEAFC's conservation and management measures for deep-sea species in the future.

## **11.8. Area management**

### **11.8.1. Report by the Advisory Committee of ICES**

#### **11.8.2. Relevant reports**

#### **11.8.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice. He pointed out that there was no change to the advice that had been provided in 2014.

There was a discussion on the implementation of existing area-based management measures, where the importance of all Contracting Parties fully enforcing these measures was emphasised.

It was noted that several of the bottom-fishing closures will expire at the end of 2017. It was noted that pursuant to Article 10.2 of Recommendation 19:2014, as amended, “[b]efore that time, the measure shall be reviewed by the Commission with the intention

of extending the period that the article is in force, unless the conclusion of the review is that the continued application of the measure or parts of the measure is not required.” **It was therefore agreed** to request that PECMAS formulate in the margins of the current meeting a request to ICES to review the appropriateness of the bottom fishing closures, and consider the response at its meeting in 2017. This should enable the 2017 Annual Meeting to conduct the review required under Article 10.2 of Recommendation 19:2014, as amended.

## **11.9. Other**

### **11.9.1. Report by the Advisory Committee of ICES**

#### **11.9.2. Relevant reports**

#### **11.9.3. Recommendations on management measures**

Eskild Kirkegaard, Chair of the Advisory Committee of ICES, made a presentation of the ICES advice regarding fish stocks that had not been covered under other agenda items, and regarding some areas outside the NEAFC Regulatory Area which provided context for the NEAFC advice.

It was noted that, while the situation was not uniform, there were generally very positive trends in fisheries in the North-East Atlantic with fishing mortality rates decreasing and biomass levels increasing as a result.

## **12. Report from the Permanent Committee on Monitoring and Compliance, PECMAC**

The Chair of PECMAC, Gylfi Geirsson, Iceland, presented the committee’s work. He noted that this had been a busy year for PECMAC. In addition to two PECMAC meetings, the Ad Hoc Working Group on an Electronic Reporting System had met four times. The reports from the meetings of the committee and the Ad Hoc Working Group, documents AM 2016-18, AM 2016-19, AM 2016-3, AM 2016-4, AM 2016-5 and AM 2016-30, were noted.

The Chair of PECMAC noted that PECMAC was presenting a number of proposals that would be addressed under later agenda items.

The Chair of PECMAC presented a Compliance Report for 2015, document AM 2016-50. He noted that this was the first time that PECMAC was presenting this type of report to the Annual Meeting, following the changes that were made to the committee’s Terms of Reference at the 2015 Extraordinary Meeting.

The Contracting Parties were generally pleased with the work that PECMAC had done on the Compliance Report. While it was noted that development of the format would continue, the current report was considered very useful.

It was noted that the Compliance Report demonstrated that there was a significant difference between the Contracting Parties regarding the proportion of inspections that result in infringements being cited. It was suggested that this might be an indication of different procedures and/or some inspectors not being sufficiently informed about all relevant NEAFC rules.



It was also noted that the Compliance Report showed that not all Contracting Parties were fully implementing a system of automatic flagging regarding possible unauthorised bottom fishing. The Contracting Parties concerned were encouraged to rectify this situation as soon as possible, as the obligations were already in force.

In the context of the implementation of NEAFC's Port State Control system, those Contracting Parties that had not already become parties to the FAO Port State Measures Agreement were encouraged to do so at their earliest convenience.

### **13. Report from the Joint Advisory Group on Data Management, JAGDM**

The Vice-Chair of JAGDM, Ellen Fasmer, Norway, presented the group's work. She pointed out that JAGDM had held two meetings in 2016, one at NEAFC headquarters and one at NAFO headquarters. At these meetings the group had discussed, and provided advice regarding, several issues. The reports from the group's meetings, documents AM 2016-6 and AM 2016-7, were noted.

The Vice-Chair of JAGDM noted that the group was not making any proposal to the current Annual Meeting. However, several of the proposals being presented by PECMAC under agenda item 14.2 had been formulated by JAGDM. She welcomed the good cooperation with PECMAC and stated that while JAGDM could make proposals directly to the NEAFC Commission it was beneficial to have PECMAC review proposals to amend the Scheme of Control and Enforcement. This would enable PECMAC to have an overview of any amendments to the Scheme, while utilising the technical expertise and harmonising effects of JAGDM.

The Vice-Chair of JAGDM noted that parts of the work being done at the request of NAFO would also prove useful for NEAFC. It was further noted that JAGDM was open to participation by members of other regional fisheries management organisations, as harmonisation of the technical solutions applied in different regions was useful for all. The Secretariat was therefore requested to make the reports of JAGDM meetings available to all such organisations.

## **14. The NEAFC Scheme of Control and Enforcement**

### **14.1. Implementation of the Scheme**

No issues were raised under this agenda item.

### **14.2. Possible adoption of proposals from PECMAC**

**It was agreed** to amend Appendix 1.b to Annex IV, Annex IV b) and other parts of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-24.

**It was agreed** to amend Appendix 1a) to Annex IV of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-25.

**It was agreed** to amend Annex XV b of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-26.

**It was agreed** to amend Articles 1 and 5 and related Annexes of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-27 rev1.

**It was agreed** to amend Annex V of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-30.

**It was agreed** to amend Appendix 1a) to Annex IV – Product Form Codes – of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-32.

**It was agreed** to amend Article 8 – Labelling of Frozen Fish – of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-33.

**It was agreed** to amend Annexes VIII, IX C1 and IX D2a) of the NEAFC Scheme of Control and Enforcement, as presented in document AM 2016-34 rev1.

**It was agreed** to accept the proposal by PECMAC regarding an Electronic Reporting System (ERS) for NEAFC, as presented in document AM 2016-38. This includes the following six components:

1. Note the paper attached to the proposal, which is the outcome of the work of the Ad Hoc Working Group on ERS and which has been approved by PECMAC.
2. Agree that the document attached to the proposal shall be the basis for the NEAFC ERS system.
3. Instruct PECMAC to produce a finalised proposal for the appropriate amendments to the Scheme of Control and Enforcement, and other relevant proposals, and present these proposals to the 2017 NEAFC Annual Meeting.
4. Instruct PECMAC to have the Ad Hoc Working Group on ERS continue to work on this issue, to make it possible for PECMAC to have the proposals referred to in point 3 above ready for the 2017 Annual Meeting.
5. Instruct the Secretariat, and invite the Contracting Parties, to start as soon as possible to formulate requirements and develop technical solutions to implement the NEAFC ERS system on the agreed basis, so that ERS can be implemented in practice as soon after the 2017 Annual Meeting as possible.
6. Instruct the Secretariat to inform the Cooperating non-Contracting Parties about the process that is being undertaken regarding ERS.

It was noted that this agreement on what the basis for the ERS system should be still meant that technical solutions could be altered if that will be the conclusion of the Ad Hoc Working Group on ERS.

#### **14.3. Possible adoption of proposals from JAGDM**

No issues were raised under this agenda item.

#### **14.4. A- and B- lists of IUU vessels**

**It was agreed** to take note of the IUU B list of confirmed IUU vessels, as presented in document AM 2016-40. It was noted that no vessel had been added to or removed from the IUU B list in the previous year. It was further noted that there were no vessels on the IUU A list.

#### **14.5. Other**

Iceland presented a proposal, document AM 2016-45, to require the use of the Automatic Identification System (AIS) for vessels operating in the NEAFC Regulatory Area. In discussions on the proposal it emerged that there was no consensus on it, including due to some Contracting Parties requiring further domestic consultations before they had a position on the proposal.

In light of the absence of consensus, Iceland withdrew the proposal and stated that they would continue to work with the other Contracting Parties towards the aim of making AIS mandatory in the NEAFC Regulatory Area.

## **15. Cooperating non-Contracting Party Status**

### **15.1. Possible renewal of cooperating non-Contracting Party status**

As proposed by PECMAC, **it was agreed** to renew the cooperating non-Contracting Party status of the Bahamas and New Zealand for the year 2017.

The PECMAC Chair noted that Liberia and St Kitts and Nevis had also applied to have their cooperating non-Contracting Party status renewed, but there had been no consensus in PECMAC on making any recommendation to the Annual Meeting in this context.

The European Union pointed out that it implemented a specific regulation explicitly aimed at combating IUU fisheries, independently of the NEAFC-centred regime. Due to measures that were being taken against both Liberia and St Kitts and Nevis in that context, and due to insufficient responses by both of them so far, the European Union would not be in a position to support renewing the cooperating non-Contracting Party status of these two States.

The proposals to renew the status for Liberia and St Kitts and Nevis were respectively put to a vote, and in both cases the European Union voted against and the other four Contracting Parties voted in favour. **It was therefore agreed** to renew the cooperating non-Contracting Party status of Liberia and St Kitts and Nevis for 2017.

The PECMAC Chair noted that due to special circumstances, the application from Canada to have its cooperating non-Contracting Party status renewed for 2017 had not been submitted before the deadline of 30 June and also not before the PECMAC meeting in September. However, the proposal had been prepared before the deadline and had been submitted to NEAFC, albeit after the relevant deadline.

Despite the late submission, in light of Canada's longstanding relationship with NEAFC and the Contracting Parties' good cooperation with Canada regarding fisheries, **it was agreed** to renew the cooperating non-Contracting Party status of Canada for 2017. It was noted in this context that this should be seen as recognition of there being special circumstances that had led to Canada's application being submitted late, and that this should not be seen as a precedent for it being acceptable for applications for cooperating non-Contracting Party status being submitted after the 30 June deadline.

### **15.2. Possible new granting of cooperating non-Contracting Party status**

No applications for new granting of cooperating non-Contracting Party status had been received, and therefore no issues were raised under this agenda item.

## **16. Report from the Working Group on Allocation Criteria**

The Chair of the Working Group on Allocation Criteria, Terje Løbach, Norway, presented the group's work. He noted that a seminar on Allocation Criteria had been held with participation by experts from different regions around the world. The issues that were considered at the seminar included a legal analysis; experience from other RFMOs; experience from other relevant allocation exercises; and, an academic perspective. He also noted that the Working Group itself had met three times and made significant progress, but nevertheless had not been able to complete its work. The reports from the group's meetings, documents AM 2016-8, AM 2016-9 and AM 2016-12, were noted.

In addition to the reports of the meetings of the group, the Chair of the Working Group on Allocation Criteria pointed to a document that summarised the interim outcome of the work undertaken during 2016. The document, AM 2016-29, reads in part as follows:

*So far, the Working Group identified a series of criteria to be taken into account in allocation exercises and discussed their relative importance. However, there was no consensus on the definition or description of the criteria that were identified and there was not an agreement in explicit quantitative terms on the relative importance.*

*There was agreement, however, that a major criterion in allocation exercises should be "stock distribution during life cycle" ('zonal attachment'). Although no explicit weighting of the different criteria was agreed, there was agreement on this criterion being the most important one.*

*A number of other important criteria were also discussed, for example fishing patterns, the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources, the needs of coastal fishing communities which are dependent mainly on fishing for the stock, conservation and management of the stock, the collection and provision of accurate data and, the conduct of scientific research on the stock.*

*It was noted that some of these criteria might be of a nature that might be difficult to gather the information required and to undertake assessments. It would thus be difficult to quantify differences between the coastal States. The suggestion was made that some of these criteria might be merged into a single "basic share" that all coastal States or NEAFC Contracting Parties would receive in allocation exercises, but not all participants in the Working Group supported that suggestion as they considered that this would constitute in practice only an equal minimum share for all parties.*

The Chair of the Working Group on Allocation Criteria pointed out that the group had agreed to establish a sub-group composed of scientists in order to undertake work to respond to a number of specific questions to create an improved basis for discussions on how "stock distribution during life cycle" ('zonal attachment') should be applied in practice. This sub-group, for which the European Union would provide the Chair, had been mandated to finalise its work by the end of February 2017.

The Chair of the Working Group on Allocation Criteria pointed out that the group had agreed to propose to the NEAFC Commission that it be given a mandate to continue its work in 2017, under its existing Terms of Reference, with a priority being given to the three main pelagic stocks that are the most relevant for NEAFC: blue whiting, Norwegian

spring spawning (Atlanto Scandian) herring and North-East Atlantic mackerel. **It was agreed** to accept this proposal by the Working Group on Allocation Criteria.

### **17. Report from the Working Group on a Framework for Coastal State Negotiations**

The Chair of the Working Group on a Framework for Coastal State Negotiations, Andrew Thomson, the European Union, presented the group's work. He noted that the Working Group had met three times and made significant progress, but nevertheless had not been able to complete its work. The reports from the group's meetings, documents AM 2016-10, AM 2016-11 and AM 2016-13, were noted.

The Chair of the Working Group on a Framework for Coastal State Negotiations pointed out that the group had gone far in formulating draft Guidelines for Coastal State Consultations in the North-East Atlantic. There was no consensus on a final version, and the version presented to the Annual Meeting (document AM 2016-31) contained some square brackets. However, the Chair noted that while some issues remained unresolved, there was agreement on several elements regarding the document.

The Chair of the Working Group on a Framework for Coastal State Negotiations pointed out that work had also been undertaken to formulate a Model Framework Arrangement. The group had agreed that this work should be finalised in the light of the eventual outcome of discussions on the Guidelines.

The Chair of the Working Group on a Framework for Coastal State Negotiations pointed out that the group had agreed to propose to the NEAFC Commission that it be given a mandate to continue its work in 2017, under its existing Terms of Reference. **It was agreed** to accept this proposal. In this context, **it was agreed** that the Working Group should place an emphasis on finalising the draft Guidelines, by resolving the issues that remained unsettled, and then formulate a Model Framework Arrangement on the basis of their conclusion on the Guidelines. The aim would be to have draft Guidelines and a draft Model Framework Arrangement submitted by the group to the 2017 Annual Meeting.

### **18. Relationships with other Regional Fisheries Management Organisations**

#### **18.1. Observer reports**

The reports submitted by NEAFC observers at meetings of regional fisheries management organisations were noted.

**It was agreed** that the Contracting Parties would provide observer reports to the Annual Meeting in 2017 in the following way:

CCAMLR – Norway

ICCAT – European Union

ICES – Iceland

NAFO – Denmark (in respect of the Faroe Islands and Greenland)

NAMMCO – Norway

NASCO – European Union

Pollock in the Bering Sea – the Russian Federation

SEAFO – Norway

#### **18.2. Regional Secretariats Network**

The Secretary presented a report on the work of the RSN. It was noted that the RSN is a forum for Secretariats, and therefore not involved in policy development. However, it was considered to be a very useful forum for exchanging information, sharing experiences and monitoring new developments.

It was noted that the RSN had held a meeting in 2016 where several issues were discussed. The NEAFC Secretary had been Chair of RSN since 2014, but it was noted that Driss Meski of ICCAT would replace him before the end of 2016. The Secretariat will continue to take part in the work of the RSN.

### **18.3. Other**

The Secretary highlighted the Secretariat's good cooperation with the Secretariats of other RFMOs. Cooperation is particularly close with the NAFO Secretariat.

## **19. Collective arrangement between competent international organisations**

The Secretary and the Executive Secretary of OSPAR gave an overview of the work that led to the establishment of the collective arrangement with OSPAR, and the work that has been undertaken under the arrangement.

It was noted that the second meeting under the collective arrangement was held in 2016, with the aide memoire from the meeting available as document AM 2016-36, and that the third meeting was being planned for 2017. While the first meeting in 2015, as an initial meeting, had to a large extent focused on procedural and administrative issues, the second meeting had proved to be the first meeting focused on the substantive issues relating to cooperation between NEAFC and OSPAR. It was noted that while the collective arrangement itself formally related to the area-based measures adopted by the respective organisations, the meetings under the arrangement were proving to be useful fora to discuss in a somewhat informal manner any issue relating to the work of the two organisations. These meetings were therefore a useful tool to increase mutual understanding and awareness of the work being done in the respective organisations, and the measures they have adopted.

It was noted that the 2016 meeting had been attended by a number of representatives of Contracting Parties to NEAFC and OSPAR. **It was agreed** that continued success for this forum would require continued good participation by Contracting Party representatives, as it would negatively change the character of the meetings if they were to develop into only inter-Secretariat meetings.

It was further noted that efforts to bring the IMO and the ISA into the collective arrangement would continue. At the same time, these bodies would continue to be invited to take part in meetings under the collective arrangement even if they were not there as full participants in the arrangement. This should enable information-sharing with them, which could achieve a part of the objective of the collective arrangement.

## **20. Relationship with other international fora**

### **20.1. ICES**

### **20.2. UN**

### **20.3. FAO**

### **20.4. OSPAR**

- 20.5. International MCS Network**
- 20.6. North Atlantic Coast Guard Forum**
- 20.7. Nordic cooperation**
- 20.8. Civil Society**
- 20.9. Other**

The Secretary presented reports regarding the work of the different international fora and NEAFC's cooperation with them. Among the points raised were the following:

The Secretary stressed the importance of the meetings of ICES with the recipients of ICES advice (MIRIA) and encouraged all Contracting Parties to actively participate in them. He further noted that the first meeting in the new bilateral fora between NEAFC and ICES, which the 2015 Extraordinary Meeting had agreed to establish, was held in January 2016. He noted that this initial meeting had been intended to mainly discuss what the two organisations expected to get out of the new forum, and that future meetings would be more substantive. The next meeting was being planned for January 2017, and the intention was for them to take place every two years thereafter. The Secretary stressed the importance of good participation by Contracting Party representatives at these meetings.

The Secretary reported on the so-called BBNJ work by the UN General Assembly and noted that a Preparatory Committee had started its work in 2016 and would continue during 2017 to prepare for a formal Conference to formulate a new implementing agreement to the 1982 UN Convention on the Law of the Sea. It was noted that the Secretariat will continue to monitor and contribute to this process, including to ensure that those involved in these negotiations are well aware of the importance of the regional approach on which the existing legal framework was based.

It was noted that the work of regional fisheries management organisations (RFMOs) was generally welcomed at both the resumed review conference of the 1995 UN Fish Stocks Agreement and the UN Workshop in the General Assembly resolutions on the impacts of bottom fishing on vulnerable marine ecosystems and the long term sustainability of deep-sea fish stocks. While implementation remained uneven between different regions of the world, significant progress, and RFMOs' role in making that progress, was recognised at both these global events.

The Secretary pointed out that he had participated in the meeting of the FAO Committee on Fisheries earlier in the year, and taken the floor there both as a representative of NEAFC and in his capacity as the Chair of the Regional Fishery Bodies' Secretariat Network.

It was noted that the Secretariat continued to work very closely with the FAO and looked at it as an area for emphasis when it comes to international cooperation to work with the FAO and to work on projects where the FAO requests input from NEAFC. Among the projects where NEAFC had cooperated with the FAO over the past year were the global record of fishing vessels; the ABNJ Programme and its Deep Sea Project; the VME Database; PSMA Workshops; IUU Workshops; preparation for establishing new RFMOs or transforming advisory bodies into full-fledged RFMOs; and, establishing and strengthening cooperation between RFMOs and Regional Seas Organisations. On the last

point, NEAFC was also cooperating with UNEP. It was noted in this context that UNEP had published an information document on the process of forming a cooperative mechanism between NEAFC and OSPAR.

The fact that the FAO repeatedly approaches NEAFC to cooperate on a variety of projects was welcomed. It was considered as recognition of the fact that NEAFC achieves high standards, despite the various challenges facing the organisation.

The observer from the FAO emphasised the importance that the organisation places on cooperation with NEAFC and welcomed the continuation of NEAFC and FAO working closely together.

It was noted that a good working relationship with OSPAR had been developed in recent years. The Secretary pointed out that in addition to the work being done in the context of the collective arrangement with OSPAR, as discussed under agenda item 19, there were several other issues relating to OSPAR that were important for NEAFC. The work of OSPAR's Biodiversity Committee was particularly highlighted. This includes OSPAR's work on lists of threatened species and habitats and on marine protected areas.

It was noted that the Secretariat would continue to work with the International MCS Network and the North-Atlantic Coast Guard Forum on the same basis as in previous years.

It was noted that the Secretariat is regularly asked to take a seat on the advisory board of various projects that are run by research institutes, academic institutions or non-governmental organisations. These invitations are usually not accepted, primarily due to such projects being less of a priority than cooperating with organisations such as FAO, other RFMOs, OSPAR, UNEP or CBD. It was noted that the Secretariat might accept such offers if it considered the project to be sufficiently relevant and considered that the Secretariat's input would be likely to have a significant positive impact on the project.

The Contracting Parties thanked the President and the Secretary for their work regarding NEAFC's relationship with other international fora and encouraged them and their successors to continue to be active in this regard.

## **21. Appointment of Secretary**

The President pointed out that the contract of the present Secretary would expire on 30 June 2017. The vacancy of the position was announced earlier this year and it attracted several applications. The President administered a process where four of the applicants were selected as shortlisted candidates that were interviewed by the Heads of Delegation on Sunday 13 November 2016.

The President notified the meeting that the Heads of Delegation had agreed to offer Darius Campbell the position of Secretary of NEAFC for a term of four years, with eligibility for re-appointment for a further term, and that he had accepted. **It was agreed** to request that the President finalise all the necessary arrangements, such as the terms and conditions of the contract and the start date of the new Secretary. It was noted that the new Secretary was well known to the Contracting Parties for his work as the Executive



Secretary of OSPAR, and prior to that as a British civil servant where his work had included contributions to the fight against IUU fisheries.

The Contracting Parties thanked the outgoing Secretary for his contribution to NEAFC.

## **22. Election of President and Vice President**

It was noted that the terms in office of the current President, Jóhán H. Williams, Norway, and Vice President, Andrew Thomson, the European Union, would end on 31 December 2016. A new President and Vice President would have to be elected at the current meeting. It was further noted that there was a tradition in NEAFC by which there was a rotation where the Contracting Parties took it in turns to provide a President and Vice President.

**It was agreed** to elect Jacques Verborgh, the European Union, as President of NEAFC for 2017-2018 and Janet Nørregaard, Denmark (in respect of the Faroe Islands and Greenland) as Vice President for the same period.

The Contracting Parties thanked the outgoing President and Vice President for their contributions to NEAFC.

## **23. Report from the Finance and Administration Committee**

### **23.1. Audited accounts for the year ended 31 December 2015 and preliminary statements for 2015**

### **23.2. Draft budget for 2017 and draft budget estimate for 2018**

### **23.3. Review of annual contributions from Contracting Parties with reference to Article 17.4 of the Convention**

### **23.4. Other**

The Chair of the Finance and Administration Committee, Áki Johansen, Denmark (in respect of the Faroe Islands and Greenland), presented the committee's work. He noted that the committee had met in the margins of the current Annual Meeting. The committee's report, document AM 2016-93, was noted.

**It was agreed** to adopt the proposals by the committee to: take note of the audited accounts for 2015; take note of the latest forecast of outturn for the accounts for 2016; adopt the budget for 2017 set out in Annex 1 of the report of the committee; take note of the estimated budget for 2018 as set out in Annex 1 of the report of the committee; and, agree that the committee should reconvene if necessary if there is an Extraordinary Meeting of NEAFC during 2017.

In adopting the budget for 2017, the level of contributions due from Contracting Parties was noted. **It was agreed** to use Article 17.4.c of the Convention as a basis for calculating the financial contributions of the Contracting Parties. **It was also agreed** that contributions for 2017 shall be paid in full no later than 1 April 2017.

It was noted that the importance of timely payments of the financial contribution was particularly great for 2017 due to the costs associated with the move of the NEAFC office from the current location in Berners Street to the new office in Baker Street. It was further noted that the decisions made regarding the move to the new premises had been consistent with what had been agreed at the 2015 Annual Meeting, and that the cost had

been kept down to the extent that it had not proved necessary to call for the supplementary financial contributions that had been foreseen at the 2015 Annual Meeting. The Contracting Parties thanked the Secretariat for its good work relating to the move to Baker Street.

## **24. Arrangements for future meetings**

### **24.1. Annual meetings 13-17 November 2017 and 12-16 November 2018**

### **24.2. Meetings of subsidiary bodies of NEAFC**

It was noted that NEAFC Annual Meetings are traditionally held during the second full week of November. Therefore, the 36th Annual Meeting will be held on 13-17 November 2017, and the 37th Annual Meeting will be held on 12-16 November 2018.

**It was agreed** that the timing of meetings of subsidiary bodies of NEAFC in 2017 would be as presented in the calendar in document AM 2016-94, although some changes may still be made in consultation between the President, the Heads of Delegation and the relevant committee and working group Chairs. It was noted that the meeting of the Working Group on Deep-Sea Species, planned for 6-7 September 2017, would only take place if the data referred to under agenda item 8 is submitted before the end of July.

## **25. Press statements and other reports of NEAFC's activities**

**It was agreed** that the press statement from the meeting would be dealt with by the President and that the Secretary would support him in that task.

## **26. Any other business**

The European Union raised the issue of the rights of Contracting Parties who have fished in areas of seabed that are subject to national jurisdiction beyond 200 nautical mile limits. They suggested that NEAFC should establish a mechanism for addressing the position of those who have conducted fisheries and have thereby acquired rights, without prejudice to the rights of the relevant coastal States.

Norway and the Russian Federation stated that the right to harvest sedentary species is an exclusive right of the coastal State. No other State could utilise these resources without the explicit consent of the coastal State, and any historical practices were irrelevant in that context. They stated that they could not see any role for NEAFC in this context, and could therefore not support setting up any mechanism in NEAFC to address these issues.

The President noted that there was no proposal for firm steps at this time, and that the report of the meeting would include a reference to both the points put forward by the European Union and by Norway and the Russian Federation.

## **27. Closure of the 35th Annual Meeting**

The President thanked all participants for a fruitful meeting. He then closed the meeting and wished everyone a safe journey home.