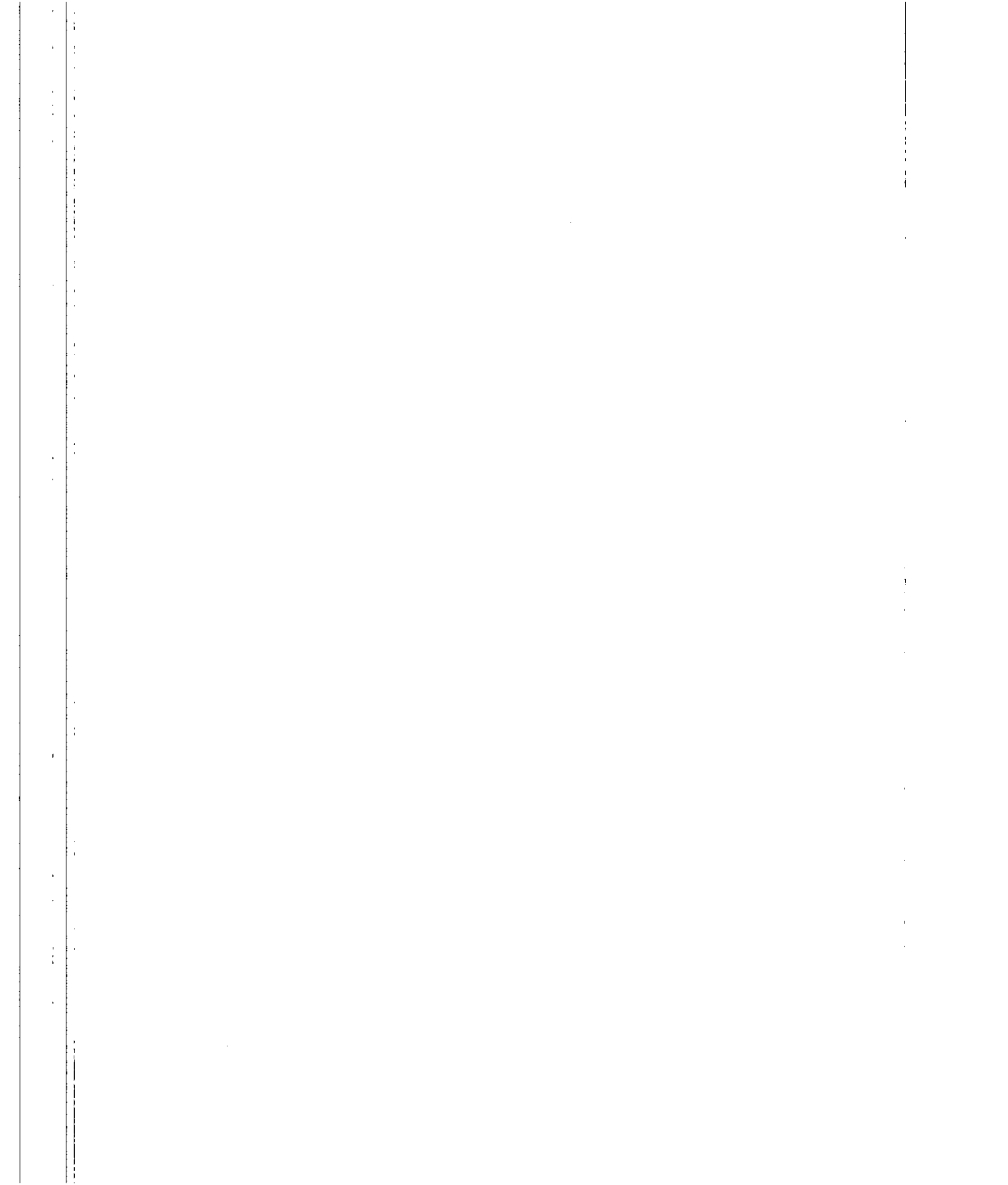


PART III

(pages 67-102)

**Report of the Second Meeting of the Standing
Committee on Fishing Activities of Non-Contracting
Parties in the NAFO Regulatory Area (STACFAC),
3-4 June 1991**



Report of the Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Dartmouth, Nova Scotia, Canada, 3-4 June 1991

1. Opening of the Meeting

- 1.1 The Second Meeting of the Standing Committee on Fishing Activities of non-Contracting Parties in the Regulatory Area (STACFAC) was held in Dartmouth, Nova Scotia, Canada on 3-4 June 1991 under the chairmanship of C. C. Southgate (EEC).
- 1.2 The following Contracting Parties were present: Canada, Denmark (in respect of the Faroe Islands and Greenland), European Economic Community (EEC), Japan, Poland, and the Union of Soviet Socialist Republics (USSR).
- 1.3 A list of participants is at Annex 1. A list of documents presented and discussed at the meeting is at Annexes 2 to 8. Some documents are left unappended and listed as Working Papers in NAFO general files in accordance with the meeting's decision.
- 1.4 The Chairman welcomed the delegates to the Second Meeting of STACFAC and indicated major items to be discussed at this meeting. Those items are the Aide Memoire (for joint diplomatic demarches) and the Certificate of Harvest Origin for statistical purposes. He requested the panel for nomination and election of a rapporteur.
- 1.5 R. J. Prier (Canada) was appointed as the rapporteur.
- 1.6 The agenda (Annex 2) was **adopted** as presented after amendment to item 4 to read "Amendment of the Rules of Procedure".

2. Amendment of the Rules of Procedure

- 2.1 The Executive Secretary presented his draft proposal for the amendment of the Rules of Procedure of STACFAC adopted at the previous meeting (30-31 January 1991). He explained that these Rules should reflect the Rules of Procedure for the General Council which is the parent body to STACFAC. Answering the question of the delegates (Japan, Canada), the Executive Secretary stated the subparagraphs (a), (b), (c) and (d) of the Rules were the same as in the previous Rules, and all major provisions of former paragraphs 1, 2 and 3 will be covered under the Rules of Procedure for the General Council.
- 2.2 After postponement for further consideration, the amended Rules of Procedure were **adopted**. (Annex 3)

3. Review of Supplementary Information on Activities of Non-Contracting Parties Vessels in the Regulatory Area

- 3.1 The Japanese representative informed on its vessel Takachiho-maru (3 608 tons and 27 years old) which was exported to Somalia on brokerage in February 1991 with preconditions to fish only in the 200 mile Somalian zone. However, the Japanese Government was informed in late May 1991 that this vessel was operating in the NAFO Regulatory Area. The Japanese Government is now investigating this case as well as urging the broker to strongly request the current owner to withdraw from such activities. The results of this investigation will be reported to NAFO.

According to the reports of the Japanese fishing vessels, the non-Contracting Parties vessels fishing in the Regulatory Area in 1991 are as follows:

5 Korean vessels in Div. 3M – Marsopla, Pukyang II, Golden Venture, Hao Quang No. 3, Great Splendor; 5 unidentified countries vessels (possibly longliners) in Subdivision 3.

Japan, in bilateral talks with the Republic of Korea in March, stressed the need for Korea to cooperate with the conservation measures of NAFO, and advised them to send observers to NAFO's annual meeting of this year as a first step to join NAFO. The Korean side expressed its willingness to cooperate and as a response reduced their effort in the Regulatory Area from seven to five vessels.

- 3.2 Canada tabled a slightly revised version of the paper discussed at the last meeting of STACFAC (see GC Doc. 91/1, Appendix IV), which is attached as Annex 4. The Canadian representative pointed out that the above-reported formerly Japanese vessel had been sighted flying the Honduran flag and renamed the "Danica". After the last meeting Canada contacted Panama, Korea and the USA. Panama has passed a resolution prohibiting their vessels from harvesting salmon in the North Atlantic, and it may be worthwhile to see if a similar resolution could be passed by Panama regarding the Regulatory Area of NAFO. Korea claimed to have reduced its licensed vessels operating in the Regulatory Area from seven to five in 1990 and had submitted its catch and effort statistics for 1989 and 1990 to NAFO. Korean effort and catches are not estimated to have decreased, however. In response to other Contracting Parties, the Canadian representative stated that the Korean vessels listed in the Canadian paper as having been sighted in the Regulatory Area were flying the Korean flag; the USA has not expressed strong interest in joining NAFO nor indicated any intention to curtail its activity in the Regulatory Area, despite their efforts to prevent similar problems in the Bering Sea off the coast of Alaska.
- 3.3 The EEC representative informed that there is not, at present, a detailed EEC report on activities of non-Contracting Parties which occurred after their January report. There might be some information available later in the year, the EEC having sent an inspection vessel to the NAFO Regulatory Area which will stay for 7 months in 1991. EEC import statistics will be separated by countries but there is no method at present to identify where the fish of non-Contracting Parties comes from. The EEC unilateral presentations to non-Contracting Parties had the following positive effects:

Cayman Islands are willing to cooperate, and to provide information on catches and to remove any such vessels (fishing in the Regulatory Area) from their registry; Korea agreed to send catch statistics to NAFO; Malta has equally agreed to cooperate and for this purpose to investigate any activities of their vessels in the Regulatory Area, as they have not been aware of such activities; the USA indicated their intention to review their position regarding NAFO, with a view to a possible accession at a later stage and they would in that case like to receive some small historic allocations as the USA indicated in their reply earlier to the Executive Secretary; Panama has room to take similar steps in cooperation with NAFO after adoption of the resolution on the catch of salmon, as reported by Canada, and should cooperate with the regional International Organizations in accordance with the International Law.

- 3.4 The Executive Secretary drew attention to STACFAC Working Paper 91/11 presented to the meeting which summarizes all correspondence between the NAFO Secretariat and the non-Contracting Parties fishing in the Regulatory Area. In accordance with the Resolution

of the General Council (GC Doc. 90/8), the Executive Secretary had drawn to the attention of all non-Contracting Parties, involved in activities in the Regulatory Area, the negative impact of such fishing. The appropriate catch statistics were requested to the end of 1990. To-date, the USA, Mexico and Korea had replied to NAFO. Only two countries, USA and Korea, had presented their fishing statistics in the form of STATLANT 21A and 21B for the Regulatory Area before this meeting. The delegates expressed their recommendation that the Executive Secretary follow up further on this item.

4. Review of Supplementary Information on Landings and Transshipments of Fish Caught in the Regulatory Area by Non-Contracting Parties

- 4.1 The Canadian representative noted the increased transshipments in the area of St. Pierre-Miquelon predominantly by Korean vessels, and stated it would be very helpful to obtain the statistics on transshipment or any available information for this purpose. There are some indications that in the late 1980's the port activities in that area increased substantially but concrete statistics are unavailable.
- 4.2 The EEC representative informed that the area of St. Pierre-Miquelon does not come under EEC jurisdiction. Therefore, there is no way to provide confirmation of Canada's report and without information the Committee should not come to conclusions that all increased activity in St. Pierre-Miquelon is related to fish transshipments. In relation to the statistics of non-Contracting Parties activity, it will be summarized at a later date and then be forwarded to NAFO for distribution. The statistics will differentiate between non-Contracting Parties and Contracting Parties but not indicate where fish is caught. This might be another reason to introduce a landing declaration for statistical purposes.
- 4.3 The Japanese representative informed that the fishing companies, members of the Japan Deep Sea Trawlers Association, have restricted themselves from purchasing and transshipping fish caught by non-Contracting Parties at St. Pierre-Miquelon to discourage fishing activities by non-Contracting Parties. At this stage, Japan has no reports available to consider transshipments at St. Pierre-Miquelon.

5. Approval of the Text of the Aide Memoire (for Joint Diplomatic Demarches) and Decision on the Delivery of the Aide Memoire to the Non-Contracting Parties

- 5.1 The Executive Secretary reported to the meeting that in accordance with the decision of the first STACFAC Meeting the text of the Aide Memoire was distributed twice to the Contracting Parties for their comments and approval. The comment(s) received was only one from Canada – to change the word “zone” to “200 mile limit” in the third paragraph. As no objections were received from the Contracting Parties, the text of the Aide Memoire should be regarded as approved.
- 5.2 Taking into account the cooperative response of the non-Contracting Parties addressed and the time left before a possible introduction of a landing declaration for statistical purposes, the EEC representative, with the concurrence of other delegations, proposed that a new paragraph be added to the text requesting non-Contracting Parties to provide statistics on fish caught in the Regulatory Area using the forms established by FAO and used by NAFO. Canada suggested the addition of a reference to “to the end of 1990”, consistent with the text of the Resolution adopted by the General Council in September 1990 (GC Doc. 90/8). The revised text was approved and inserted as the second paragraph from the end of the Aide Memoire.

5.3 The delegations also **agreed** on further changes:

In paragraph 3 to change a phrase in the first sentence to read: "... occur both within the 200-mile zone of the principal coastal state, Canada, and in the area beyond and adjacent to that zone." This language is consistent with the UNCLOS.

In paragraph 6, under heading "Panama" in first sentence to delete phrase "... as shown on the attached table".

Note to 5.3: After the meeting some delegations (Canada, USSR, Denmark in respect of the Faroe Islands and Greenland) drew to attention that the last paragraph of the draft Aide Memoire should be presented without the phrase "... represented at their request by the Government(s) of ..." as this phrase is inconsistent with the decision of STACFAC. The Executive Secretary sent NAFO letter GF/91-239 to all heads of delegations of STACFAC for this purpose.

5.4 On the point of the delivery of the Aide Memoire to non-Contracting Parties the delegations expressed several options. The representatives of the EEC and Japan recommended to delay distribution until after the NAFO annual meeting in September, and to use the time before the meeting to obtain new information and assessments through unilateral contacts. Some time space should be left between the unilateral contacts and the joint NAFO approach, in order not to spoil the effect of the former. Japan specifically proposed that the Chairmen and Vice-Chairmen of the General Council and Fisheries Commission should deliver the Aide Memoire to the Embassies of non-Contracting Parties in Ottawa, after the Annual Meeting, accompanied by the Canadian representative. The EEC recommended that, as previously agreed, the demarches should be delivered by different Contracting Parties to different non-Contracting Parties and, wherever possible, the Chairman of the General Council should be involved. The Canadian, USSR and Denmark (in respect of the Faroes and Greenland) representatives were in favour of delivery of the Aide Memoire before the annual meeting. Canada recommended the note be delivered as early as possible. The USSR stressed that expeditious action was needed consistent with the last Resolution adopted by the General Council in 1990.

5.5 After productive debates, the **consensus was reached** on the subject of the Aide Memoire delivery to non-Contracting Parties as follows:

The Executive Secretary shall send the Aide Memoire to all Contracting Parties to confirm approval of the minor changes to the text and to request Contracting Parties to volunteer to deliver the notes to specific non-Contracting Parties;

The Aide Memoire shall be signed by the Chairman of the General Council, the President of NAFO;

The Aide Memoire shall be delivered to non-Contracting Parties as soon as possible before the 13th Annual Meeting;

The Executive Secretary should coordinate all demarches to the Chairman of the General Council and the Contracting Parties.

The delegations agreed in principle that in this context there should be follow-up to individual non-Contracting Parties reaction to previous and expected notes. The EEC

indicated its willingness to deliver the Aide Memoire to Panama, Venezuela and possibly the Cayman Islands.

6. Discussion of the Certificate of Harvest Origin for Statistical Purposes

- 6.1 The Canadian representative presented to the meeting a proposal for the Certificate of Harvest Origin (Annex 5), and explained that Canada had tried to address the concerns of all Contracting Parties in formulating its proposals. A system for a mark of equivalence has been outlined to facilitate compliance by Contracting Parties. Two groups of countries could avail themselves of the right to use the mark of equivalence: Contracting Parties, and countries that (a) do not fish in the Regulatory Area for species listed in Attachment A of the proposal and (b) require a NAFO certificate to accompany relevant imports into their own markets. The mark of equivalence could be just a NAFO logo stamp.
- 6.2 The USSR representative raised the question on a necessity for a non-Contracting Party to have a certificate of origin and for a Contracting Party to have a mark of equivalence on the landing invoice. The USSR would like to have more explanations and consideration for this issue.
- 6.3 The Japanese representative reiterated that the measure should be simple, technically feasible, non-discriminatory, and not a unilateral one. The Japanese delegation presented their proposal (Annex 6) and explained that this is a very simple system for the purpose of avoiding the legal justification of international regulations and technical difficulty in implementation. Practicality of the proposed system by Canada and the EEC and credibility of information collected by this system would be in question. Taking the point of cost-benefit into consideration, Contracting Parties should first make every effort to collect information by using its own domestic regulations, and then review the results for improving the method.
- 6.4 The EEC representative presented their proposal (Annex 7) and outlined the following principal points: the proposal is based upon the provisions of the UN Convention of the Law of the Sea, the 1990 NAFO Resolution and the terms of reference for the Standing Committee (STACFAC); it is called not a "certificate of harvest origin" but a "statistical landing declaration" and the footnotes do not mention imports to avoid any allusion to a possible trade measure against a nation; the declaration is left to the skipper of the vessel since he is in fact the only one to know where the fish was caught; the declaration should accompany the fish to its final landing destination; the declaration is limited only to fish caught inside the Regulatory Area because NAFO is only interested in such catches and this is a limit of really NAFO's concern and responsibility; the declaration should be limited to a few product forms, in order to present a reliable paper; the importation of fish which does not have a declaration would not be prevented but administrative follow-up action would be taken; the declaration applies only to non-Contracting Parties fishing in the Regulatory Area.

The EEC commented on the Canadian proposal as follows: a term other than "certificate" should be found for the reasons outlined; the proposed system should be limited to non-Contracting Parties whose vessels fish inside the NAFO area only; the phrase "may permit imports..." in the first sentence in the section on the mark of equivalence gave the impression that imports might be forbidden and it should, therefore, be changed; paragraph 2 in this section appeared to cover "intermediary nations" and should, therefore, be formulated in a way which avoids this impression; the requirement for "written assurances" is actually an added burden; the NAFO Executive Secretary, rather than the Contracting Parties, should

collect and compile the statistics from the certificates; the list of product forms in Attachment B is too lengthy and should be limited to a few product forms.

On the Japanese proposal, the delegate of the EEC observed that it was very tempting because of its simplicity, but doubted that it would satisfy the obligations of Contracting Parties under the 1990 Resolution and the terms of reference for STACFAC.

The EEC delegate proposed that STACFAC might consider NAFO asking the non-Contracting Parties that they oblige their vessels to provide declarations to NAFO, especially in view of the positive results that seemed to be emerging from the EEC's diplomatic initiatives. Once the effect of this approach could be assessed, the establishing of a statistical landing declaration programme by the Contracting Parties could be further elaborated.

- 6.5 The delegate of Canada stated that Canada shared the desire of other Contracting Parties to simplify and ease the administrative burden of the system but noted that reducing requirements also reduces the effectiveness of a proposed system. The amount of information available without a certification system has been disappointing. Canada is of course willing to look again at the title of the program or name of the certificate, although one problem with a "landing declaration" is that it might apply to all fishermen and could be a significant burden in Canada, with 57 000 fishermen in the Atlantic region. A new term, such as "Statement of Harvest Area", might avoid use of the words "certificate" and "origin". On the question of both inside and outside of the Regulatory Area, Canada had chosen to be comprehensive in order to cover all the fish caught, since there was otherwise no incentive for an exporter to make a declaration voluntarily. The language in the Canadian paper could be amended to avoid the impression of an import ban. Product forms could perhaps be more limited than currently proposed in Attachment B of the proposal. However, limiting the product forms to round fish might not be sufficient since most of the non-Contracting Parties vessels process on board to a certain extent before the initial landing or transshipment. As for the competent authority to make the certification, the Master of the harvesting vessel was an option in the Canadian paper and this might in fact be the best option. A system which does not address the problems of re-exports and transshipments would result in significant losses of information and evidence.

On the Japanese proposal, the delegate of Canada agreed with the EEC that its simplicity was very attractive. However, one element of the basic mandate of STACFAC was to get statistics and information which had not been forthcoming to date. It might be possible to design a combination approach, which would share the administrative burdens between both Contracting Parties and non-Contracting Parties.

- 6.6 The delegate of Japan noted that Japan is the world's biggest importer of fish, 2.4 million tons valued at \$ 11 billion (USA) a year. Both the EEC and Canadian proposals are very complicated and it is impossible for Japan to implement such a system in the existing Japanese import system. Japan questioned the necessity to have such a complicated, world-wide system just to collect information.

On the Canadian proposal, the delegate of Japan commented that to request specified countries to attach a certificate of harvest origin when importing fish would be for Japan a discriminatory measure. Japanese custom officers cannot identify fish species listed in the proposal. When export fish products according to the Canadian proposal, even Japanese coastal fish which are the same species as listed in the proposal are required to put mark of equivalence; Japan seemed it would be extra-territorial approach.

On the EEC proposal, the delegate of Japan commented as follows: for import, non-Contracting Parties vary often and the administrative burden to change Japanese import regulation to keep up with the evasions would be tremendous; when export, exporters cannot identify the skipper for signature of landing declaration because some imported fish are processed and re-exported mixed with Japanese domestic catch.

Contracting Parties to NAFO should avoid unilateral measures to get information, but it is their responsibility to obtain the required information as a first step.

- 6.7 The delegate of the USSR noted that the cornerstone question was whether the proposed systems should apply to NAFO Contracting Parties. In his view, the answer was "no". The terms of reference for STACFAC stated clearly that the objective was to get non-Contracting Parties to withdraw from fishing activities contrary to NAFO Conservation Measures. It should also be remembered that the terms of reference mention only the NAFO Regulatory Area and do not suggest that other harvesting areas should be included in a NAFO system of harvest certification.
- 6.8 In this context, the EEC delegate took the view that a limitation of the proposed statistical landing declaration to non-Contracting Parties was not to be regarded as being discriminatory, since Contracting Parties had already to deliver detailed equivalent catch information under the NAFO scheme.
- 6.9 The Chairman proposed for these debates that it would be necessary to consider not only what is possible under GATT but also what is desirable for Contracting Parties.
- 6.10 The representative of Denmark (in respect of the Faroe Islands and Greenland) stated that he in principle was positively inclined towards the idea of a certificate provided that it would not imply heavy burdens on the administrative system.

Of the three proposals which should still be subject to deliberation the EEC proposal in Working Paper 91/17 could be interpreted as a compromise model which might prove useful, possible with a few modifications, as a basis for a mutual agreement.

- 6.11 The representatives, seeking compromise, further exchanged ideas as follows: Canada drew attention to the implications of volume of imports, number of countries, impact on domestic fishermen, legal and regulatory measures, specific international agreements and cost. All those items could be put into a technical paper by the Contracting Parties for further discussion at the next meeting of STACFAC. After discussion, the Canadian draft of such a technical paper was set aside in view of disagreement of some delegations on technical issues and points of principle.

The Japanese and EEC delegations indicated that technical and questions of principle could not be separated. The basic approach must be stated and reported to the General Council. The EEC emphasized on restrictions of such an approach to the Regulatory Area and non-Contracting Parties.

The USSR supported this idea based on the terms of reference noting on a containment of fundamental concerns of all delegations in the previous records.

- 6.12 All delegations agreed that this issue shall be considered at the next STACFAC meeting (in September) based on proposals and fundamental questions discussed during this meeting.

7. Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures

- 7.1 The Canadian representative stated that their paper tabled in the January meeting still stands. (GC Doc. 91/1, Appendix VIII).
- 7.2 The Japanese representative reconfirmed its opinion on this paper as at previous meeting (30-31 January 1991).
- 7.3 All delegations agreed that at this stage the discussions on this issue would be premature and should be postponed.

8. Consideration on the Report, Including Concrete Recommendations to the General Council

- 8.1 According to the decision of the General Council (GC Doc. 90/9), the delegations agreed that STACFAC shall report back to the General Council on progress achieved and develop its recommendations.
- 8.2 The delegations reviewed a paper presented by the EEC to develop the recommendations (Annex 8). Canada and Denmark (in respect of the Faroe Islands and Greenland) supported this idea in principle but emphasized the need for more concrete recommendations on such issues as a "harvesting certificate" and others. The Canadian representative also pointed out that it would be premature to draft a report to the General Council when the single concrete initiative agreed upon by STACFAC, the joint delivery of the NAFO Aide Memoire, had not yet been finalized or undertaken. The EEC recommended to keep their paper as a working paper and as a starting point for any possible recommendations.
- 8.3 After extensive discussions, the delegations agreed that at this stage STACFAC cannot report back to the General Council with specific recommendations to resolve the problem of fishing of non-Contracting Parties. The time is needed to have the results of unilateral actions and to receive reactions on the Aide Memoire. Therefore, the recommendations of STACFAC to the General Council will be elaborated at the annual meeting in September.

9. Other Matters and Next Meeting

- 9.1 The Japanese representative stated in context of previous discussions that NAFO should provide non-Contracting Parties with precise information and invite them to the annual meeting to give them a choice of either withdrawing from the Regulatory Area or joining NAFO. The EEC supported this idea in principle. Canada reminded that STACFAC does not have the authority or duty to invite non-Contracting Parties. The Japanese representative stated that, in accordance with the terms of reference for STACFAC, Contracting Parties are asked to examine and assess all options, and in this context STACFAC should consider other matters than trade restriction.

The representative of Denmark (in respect of the Faroe Islands and Greenland) supported the idea to include in the recommendation which will be elaborated at the annual meeting in September.

- 9.2 The Executive Secretary reminded STACFAC that in his communications to all non-Contracting Parties there is information that those Parties may attend the NAFO meetings, and definitely, non-Contracting Parties are well aware of such possibilities.

- 9.3 The delegations resolved that the next STACFAC meeting will be held on 9-13 September 1991 during the annual meeting. The agenda should be similar to that of the second meeting except for items 7 and 4 which were resolved.

The Chairman adjourned the meeting at 1810 hours on 4 June 1991.

Annex 1. List of Participants

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) Dartmouth, Nova Scotia, Canada, 3-4 June 1991

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SECRETARIAT

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T. Amaratunga, Assistant Executive Secretary

B. Cruikshank, Senior Secretary

Annex 2. Agenda

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

NAFO Headquarters, Dartmouth, Nova Scotia, Canada, 3-4 June 1991

1. Opening by Chairman, C. C. Southgate (EEC)
2. Appointment of Rapporteur
3. Adoption of Agenda
4. Amendment of the Rules of Procedure
5. Review of supplementary information on activities of non-Contracting Parties vessels in the Regulatory Area (national reports)
6. Review of supplementary information on landings and transshipments of fish caught in the Regulatory Area by non-Contracting Parties (national reports)
7. Approval of the text of the AIDE MEMOIRE (for joint diplomatic demarches):
decision on the delivery of the AIDE MEMOIRE to the non-Contracting Parties
8. Discussion of the Certificate of Harvest Origin (submitted by Canada, Appendix VII, Report of First Meeting of STACFAC)
9. Discussion of the Trade Related Measures Concerning Fish Harvested Inconsistent with NAFO Conservation Measures (submitted by Canada, Appendix VIII, Report of First Meeting of STACFAC)

Annex 3. Rules of Procedure

Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1. There shall be a Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC) including one representative from each Contracting Party that wishes to participate, who may be assisted by experts and advisers, and which shall:
 - a) obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - b) obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - c) examine and assess all options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area and to prevent the reflagging of fishing vessels to fish under the flags of non-Contracting Parties;
 - d) recommend to the General Council measures to resolve the problem;
 - e) elect from among its members, to serve for two years, a chairperson and a vice-chairperson, who shall be allowed a vote. The Executive Secretary shall be an *ex officio* member, without vote.

Annex 4. Non-Contracting Parties Fishing Activity in the NAFO Regulatory Area, by the Canadian Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

1.0 Introduction

This report examines the activities of NAFO non-Contracting Parties vessels that fish groundfish species in the NAFO Regulatory Area. The report attempts to distinguish between "non-Contracting Parties vessels", such as those from Korea or the USA and re-flagged vessels, generally crewed by western Europeans.

The information sources for this report are Canadian air surveillance and courtesy boardings¹ conducted by Canadian officials on non-Contracting Parties vessels. Catch reports to NAFO are used in the case of USA vessels.

2.0 Fleet Profile

During the 1984-90 period, approximately 190 NAFO Contracting Parties vessels fished groundfish in the Regulatory Area on an annual basis. By comparison, non-Contracting Parties vessels have steadily increased from 11 in 1984 to 47 in 1989 and 44 in 1990. Table 1 provides a full summary of groundfish vessels for the 1984-90 period.

TABLE 1. Number of vessels fishing for groundfish in the NAFO Regulatory Area from 1984 to 1990.

	Year						
	1984	1985	1986	1987	1988	1989	1990 ^a
Contracting Parties - Total	159	191	196	182	179	198	222^b
Caymen Islands	0	1	1	1	1	1	1
Korea	1	1	1	1	3	5	6 ^c
Mauritania	0	0	1	0	1	1	0
Malta	0	0	0	0	0	1	1
Panama (Korean-crewed)	0	4	3	4	5	5	2
Panama (European-crewed)	4	4	5	8	15	19	22
St. Vincents	0	0	0	0	1	1	1
USA	0	14	15	9	11	14	9
Mexico/Chile	6	6	4	6	4	0	0
Venezuela	0	0	0	0	0	0	2
Non-Contracting Parties - Total	11	30	30	29	41	47	44
TOTAL	170	221	226	211	220	245	266

^a Preliminary data.

^b Thirteen (13) Norwegian vessels fished exclusively for capelin.

^c May include squid fishing vessels registered in Taiwan.

¹ Non-Contracting Parties vessels are not subject to NAFO Conservation and Enforcement Measures and, therefore, are not required to permit NAFO inspectors onboard.

The 1990 non-Contracting Parties fleet included 24 vessels crewed by Western Europeans (7 pair trawlers, 10 single trawlers), 11 crewed by Koreans and 9 crewed by USA¹.

Table 2 provides a list of non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area in 1990.

TABLE 2. Non-Contracting Parties vessels and crew nationalities that fished in the NAFO Regulatory Area during 1990.

Western European	Korean	USA
Colombo III – Panama	Marsopla – Cayman Is.	Constellation
Colombo IV – Panama	Hao Quang # 3 – Korea	Helenic Spirit
Colombo V – Panama	Golden Venture – Korea	Mr. Simon
Colombo VI – Panama	Puk Yang II – Korea	Miss Lori Lou
Colombo VII – Panama	Sam Won Ho – Korea ^a	Northern Venture
Colombo VIII – Panama	Cesped – Korea	Unidentified (4)
Anita I – Panama	Rainbow – Malta	
Elly I – Panama	Hes Wen No. 1 – Korea	
Alpes II – Panama	Peonia # 7 – Panama	
Alpes III – Panama	Peonia # 9 – Panama	
Santa Joana – Panama	Great Splendor – St. Vincent's	
Maria de Lourdes Verde – Panama		
Espadarte – Panama		
Porto Santo – Panama		
Pescamex III – Panama		
Pescamex IV – Panama		
Amazones – Panama		
Acuario Uno – Panama		
Acuario Dos – Panama		
Classic Belair – Panama		
Rio Gabriel – Panama		
Leone III – Panama		
Pescagel – Venezuela		
Bacanova – Venezuela		

^a May have been squid vessel of Taiwan registry.

¹ Prior to 1985, there were no observations of USA groundfish vessels in the NAFO Regulatory Area. Since 1985, an average of 12 USA vessels have frequented the NAFO Regulatory Area annually. This average is believed accurate. However, due to the nature of trips (4-6 days in the NAFO Regulatory Area) and infrequent air surveillance, it is conceivable that the average could be higher.

3.0 Catch Statistics

3.1 Method of determining catch statistics

In the absence of catch reports to NAFO, the catch statistics for each non-Contracting Party are obtained primarily from logbooks/verbal conversations with masters during courtesy boardings combined with an estimate for non-boarded periods. Estimated statistics represent a "best estimate" of vessel activity and catches. A brief step by step method to determine catches for non-Contracting Parties vessels follows:

- 1) Courtesy boarding and sighting data are obtained.
- 2) Sighting information which is covered by courtesy boardings is omitted.
- 3) Days on ground are counted between sightings that are less than 30 days apart and totalled. Where a vessel is sighted greater than 30 days apart, seven days is attributed to the vessel for each sighting.
- 4) The known days when vessels are not in the Regulatory Area (eg port visits, etc.) are counted and subtracted from days on ground.
- 5) The final figure obtained is then reduced by 15% to account for bad weather, steaming, mechanical breakdown, etc.
- 6) The final days on ground are totalled for each nation.
- 7) Courtesy boarding data for each nation is analyzed to determine the major fisheries engaged in, as well as to determine catch rates.
- 8) The percentage of time (based on courtesy boarding) spent engaging in each fishery is applied to the total estimated days for each nation.
- 9) As a result, an estimate of catch by species for each nation is obtained.
- 10) This estimated catch and effort is added to the courtesy boarding data to obtain a combined total catch for each nation/fishery.

3.2 Overview – 1990

During 1990, 266 groundfish vessels from 15 nations fished in the NAFO Regulatory Area.¹ Eight of these nations are NAFO Contracting Parties and accounted for 222 vessels. Seven (7) non-Contracting Parties accounted for the remaining 44 groundfish vessels.

In 1990, it is estimated that non-Contracting Parties caught 48 800 tons of groundfish consisting of 15 400 tons of cod, 19 400 tons of redfish, 7 300 tons of flounder, 3 300 tons of Greenland halibut and 3 400 tons of various other species. Tables 3 and 4 give a breakdown of catch for each non-Contracting Party which fished in the NAFO Regulatory Area in 1990.

¹ Thirteen (13) Norwegian vessels fished exclusively for capelin.

TABLE 3. Groundfish catches of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Parties	No. of vessels	Effort (days)	Catch (tons)	C/R
Caymen Islands	1	250	2 500	10.0
Korea	6	1 000	17 200	17.1
Malta	1	200	1 500	7.5
Panama	24	2 700	21 700	8.0
St. Vincents	1	200	3 300	16.5
Venezuela	2	50	600	12.0
USA	9	225	0	0
Total	44	4 625	48 800	10.6

TABLE 4. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area in 1990.

Non-Contracting Party	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
Caymen Islands	0	600	1 900	0	2 500
Korea	5 900	7 700	3 400	200	17 200
Malta	0	1 500	0	0	1 500
Panama	8 900	6 300	0	3 200	18 400
St. Vincents	0	3 300	0	0	3 300
Venezuela	600	0	0	0	600
USA	0	0	2 000	0	2 000
Total	15 400	19 400	7 300	3 400	45 500

Explanatory Notes:

Catch information is generally provided verbally by master(s) and, therefore, the separation of catches on a divisional basis cannot be completed accurately. In 1990, it is believed that all (95%) flounder catches were taken in Div. 3N and 3O, cod catches were primarily (60 - 70%) from Div. 3M, 3N and 3O, Greenland halibut catches were primarily (90%) from Div. 3L and redfish catches were split between Div. 3M, 3N and 3O.

The catch estimate procedure is completed on the basis of registered nation/vessels not crew nationality; therefore, the division of catches by crew nationality cannot be completed accurately. In 1990, it is believed that most cod (60%) catches, all Greenland halibut catches and a portion (33%) of redfish catches were taken by vessels crewed from Western Europe with the remaining catches taken by vessels crewed from Korea or USA.

3.3 Catch Overview – 1984-90

Since 1984, there has been an increase in the amount of effort by all nations fishing in the NAFO Regulatory Area. In 1984, the total effort by all nations was 8 820 days, whereas the seven (7) year average (1984-90) stands at 16 809 days per year.

Non-Contracting Parties activity has increased dramatically from 840 days in 1984 to 4 625 days in 1990. This is reflected by an increase in Korean-crewed vessels and registry transfers by Western European vessels.

The average yearly total of groundfish catch of all species by all nations fishing in the NAFO Regulatory Area during the 1984-90 period was approximately 187 500 tons¹.

Non-Contracting Parties catches have increased dramatically from 12 000 tons in 1984 to 30 000 tons in 1987 and 48 800 tons in 1990.

From 1984 to 1990 non-Contracting Parties used an average of 33 fishing vessels per year in the NAFO Regulatory Area. These vessels fished for an average of 2 612 days catching approximately 29 000 tons of groundfish, an average catch per day of 11 tons (Table 5). The fishing effort for non-Contracting Parties has increased significantly in every year since 1984. Except for 1986 the estimated groundfish catches have also increased.

The yearly average of 29 000 tons of groundfish caught by non-Contracting Parties consisted of a yearly average of 7 114 tons of cod, 12 624 tons of redfish, 7 957 tons of flounder, 472 tons of Greenland halibut, 857 tons of various "other" species (Table 6). Cod and redfish catches for non-Contracting Parties have increased since 1986. Estimated catches of flounder have decreased since 1986. Greenland halibut was taken in significant quantities for the first time in 1990.

Table 5. Fishing activity of non-Contracting Parties fishing in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	11	840	12 000
1985	30	1 730	23 500
1986	30	2 030	19 300
1987	29	2 640	29 400
1988	41	3 130	35 200
1989	47	3 290	34 900
1990	44	4 625	48 800

¹ Excludes 27 300 tons of capelin taken in 1990.

TABLE 6. Groundfish catches (by species) of non-Contracting Parties in the NAFO Regulatory Area from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	3 800	0	8 200	0	12 000
1985	7 100	500	15 300	600	23 500
1986	4 500	0	14 600	200	19 300
1987	5 400	20 900	3 100	0	29 400
1988	7 800	23 500	3 000	900	35 200
1989	5 800	24 000	4 200	900	34 900
1990	15 400	19 400	7 300	400	45 500 ^a

^a 3 300 tons of Greenland halibut taken in 1990.

3.3.1 St. Vincents (Korean crew)

A St. Vincent's registered fishing vessel fished in the NAFO Regulatory Area in 1988, 1989, 1990 catching 400 tons (16 days), 3 525 tons (187 days) and 3 300 tons (200 days) of groundfish respectively.

3.3.2 USA

From 1984 to 1990 an average of ten (10) USA vessels per year fished in the NAFO Regulatory Area. These vessels averaged 348 fishing days and 3 000 tons of groundfish (primarily flounder species) per year over the 7 years. Tables 7 and 8 outline USA fishing activity for 1984-90.

3.3.3 Mauritania (European crew)

One Mauritanian vessel operated in the NAFO Regulatory Area during 1986, 1988 and 1989. Tables 9 and 10 outline Mauritanian fishing activity since 1984.

3.3.4 Cayman Islands (Korean crew)

From 1984 to 1990 one vessel (Marsopla) fished in the NAFO Regulatory Area. Tables 11 and 12 outline Cayman Islands fishing activity for the 1984 to 1990 period.

3.3.5 Korea

During the years 1984 to 1987 one Korean vessel fished the NAFO Regulatory Area while in 1988 three vessels participated and in 1989 and 1990 Korean activity increased to 5 and 6 vessels respectively. Tables 13 and 14 outline the Korean fishing activity for 1984-90.

3.3.6 Panama (West European and Korean crews)

During the years 1984 to 1990 an average of 18 Panamanian registered vessels per year fished in the NAFO Regulatory Area. The number of vessels has risen from a low of 10 in 1984 to a high of 24 in 1988, 1989 and 1990. Panamanian flag vessels averaged 16 342 tons of groundfish in almost 1 600 fishing days for each of the past 7 years. Tables 15 and 16 outline Panamanian fishing activity for 1984-90.

3.3.7 Malta (Korean Crew)

In 1989 and 1990, one Maltese vessel was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 711 tons of groundfish in 45 days during 1989 and 1 500 tons of groundfish during 200 days in 1990.

3.3.8 Venezuela (Western European)

In 1990, one Venezuelan pair trawler (Bascanova/Pescagel) was observed fishing in the NAFO Regulatory Area. It is estimated that this vessel caught 600 tons of cod in 50 days.

TABLE 7. USA fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Catch reported to NAFO (tons)
1984	0	0	0
1985	14	370	5 531
1986	15	380	5 770
1987	9	580	3 345
1988	11	560	2 868
1989	14	330	1 500 *
1990	9	225	2 000 *

* Estimated catch reported to NAFO.

TABLE 8. Groundfish catches (by species) in the in the NAFO Regulatory Area reported by the USA from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	84	85	5 362	0	5 531
1986	315	4	5 451	0	5 770
1987	217	0	3 128	0	3 345
1988	266	0	2 602	0	2 868
1989	0	0	1 500 ^a	0	1 500
1990	0	0	2 000 ^a	0	2 000

^a Estimated catch reported to NAFO.

TABLE 9. Mauritania fishing activity and catches in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	0	0	0
1986	1	10	44
1987	0	0	0
1988	1	60	200
1989	1	50	212
1990	0	0	0

TABLE 10. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Mauritania from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	0	0	0	0	0
1986	0	0	44	0	44
1987	0	0	0	0	0
1988	0	0	200	0	200
1989	0	0	212	0	212
1990	0	0	0	0	0

TABLE 11. Caymen Islands fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	0	0	0
1985	1	90	2 000
1986	1	200	2 400
1987	1	270	5 300
1988	1	170	3 500
1989	1	210	3 000
1990	1	250	2 500

TABLE 12. Estimated groundfish catches (by species) in the NAFO Regulatory Area for the Caymen Islands from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	0	0	0	0	0
1985	100	0	1 600	300	2 000
1986	100	0	2 300	0	2 400
1987	0	5 300	0	0	5 300
1988	0	3 500	0	0	3 500
1989	0	2 500	500	0	3 000
1990	0	600	1 900	0	2 500

TABLE 13. Korean fishing activity in the NAFO Regulatory Area from 1984 to 1990.

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	1	240	4 900
1985	1	220	3 400
1986	1	210	3 200
1987	1	220	3 000
1988	3	130	2 100
1989	5	620	11 800
1990	6	1 000	17 200

TABLE 14. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Korean from 1984 to 1990.

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	300	0	4 600	0	4 900
1985	0	0	3 300	100	3 400
1986	100	0	3 100	0	3 200
1987	0	2 000	1 000	0	3 000
1988	0	1 800	200	0	2 000
1989	0	10 800	1 000	0	11 800
1990	5 900	7 700	3 400	200	17 200

TABLE 15. Panamanian fishing activity in the NAFO Regulatory Area from 1984 to 1990. (Includes four trawler vessels formerly registered in Mexico/Chile.)

Year	No. of different vessels	Estimated effort (days)	Estimated catch (tons)
1984	10	600	7 100
1985	14	1 050	15 700
1986	22	1 230	12 000
1987	16	1 570	18 900
1988	24	2 150	24 500
1989	24	1 850	14 500
1990	24	2 700	21 700

TABLE 16. Estimated groundfish catches (by species) in the NAFO Regulatory Area for Panama from 1984 to 1990. (Includes estimated catches of four pair trawler vessels registered in Mexico/Chile.)

Year	Estimated catch (tons)				Total
	Cod	Redfish	Flounder	Other	
1984	3 500	0	3 600	0	7 100
1985	7 000	400	8 100	200	15 700
1986	4 200	0	7 800	0	12 000
1987	5 300	13 600	0	0	18 900
1988	7 500	16 100	0	900	24 500
1989	5 700	6 500	1 400	900	14 500
1990	8 900	6 300	0	3 200	18 400

^a Excludes 3 300 tons of Greenland halibut taken in 1990.

Annex 5. Certificate of Harvest Origin, by the Canadian Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Purpose

To gather information on catches of groundfish species regulated by NAFO and caught within the NAFO Regulatory Area by countries that are not members of NAFO and to identify those countries.

Process

The General Council of NAFO would pass a resolution which would record the agreement of all Contracting Parties to require that imports of specified fish and fish products derived from groundfish species regulated by NAFO (listed in Attachment A) be accompanied by either a certificate of harvest origin in the format appended to the resolution or a mark of equivalence in the format appended to the resolution.

Certificate of Harvest Origin

The Certificate of Harvest Origin shall state the following:

1. The fish was harvested:
 - a) outside the NAFO Regulatory Area; or
 - b) inside the NAFO Regulatory Area.
2. The flag state of the harvesting vessel(s).

A sample certificate of harvest origin is attached as Attachment C.

Mark of Equivalence

A NAFO Contracting Party may permit imports of fish and fish products of species listed in Attachment A to be accompanied or identified by a mark of equivalence (to be affixed to the Master Shipping Container), in lieu of a certificate of harvest origin, if the exporting country has provided written assurances that:

1. a) Its vessels do not fish in the NAFO Regulatory Area for the species listed in Attachment A; or
 - b) Its vessels fish in the NAFO Regulatory Area for the species listed in Attachment A and it is a NAFO member; and
2. Its imports of fish and fish products of the species listed in Attachment B have been accompanied by either a certificate of harvest origin or a mark of equivalence, a record of which is forwarded annually to the Executive Secretary of NAFO.

Contracting Parties which have provided for a mark of equivalence shall forward copies of written assurances received from countries which export fish or fish products of the species listed in

Attachment A to the Executive Secretary of NAFO. A summary of the information shall be distributed to all Contracting Parties annually by the Executive Secretary of NAFO.

Contracting Parties shall collect and compile statistics, in a format to be decided, on their imports of fish and fish products of the species listed in Attachment A which were accompanied by a certificate of harvest origin indicating that the fish was harvested in the NAFO Regulatory Area. Contracting Parties shall send these statistics to the Executive Secretary not later than 31 March of each year. The Executive Secretary shall distribute these statistics to all Contracting Parties.

Attachment A. Groundfish Species Managed by NAFO

Species	Scientific Name
Atlantic cod	<i>Gadus morhua</i>
Atlantic redfishes	<i>Sebastes</i> sp.
American plaice	<i>Hippoglossoides platessoides</i>
Witch flounder	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	<i>Limanda ferruginea</i>

Attachment B. Specified Fish and Fish Products

Imports of specified fish and fish products derived from groundfish species regulated by NAFO shall include the following (from the Tariff Schedule of Canada, 1 January 1990):

03.02	Fish, fresh or chilled, excluding fish fillets and other fish meat of heading No. 03.04
0302.29.10	Flounder
0302.29.90	Other
0302.50.10	Cod (<i>Gadus morhua</i>), Atlantic
0302.69.11	Ocean perch
03.03	Fish, frozen, excluding fish fillets and other fish meat of heading No. 03.04
0303.39.10	Flounder
0303.60.10	Cod (<i>Gadus morhua</i>), Atlantic
0303.79.15	Ocean perch
03.04	Fish fillets and other fish meat (whether or not minced), fresh, chilled or frozen
0304.10	Fresh or chilled
	Fillets of flatfish
0304.10.12	Plaice
0304.10.13	Flounder
0304.10.21	Fillets of cod, Atlantic
0304.20	Frozen fillets
0304.20.24	Flounder
0304.20.26	Other, Atlantic
0304.20.41	Cod, Atlantic
0304.20.51	Ocean perch
0304.90	Other
0304.90.11	Cod, blocks and slabs: minced
0304.90.12	Cod, blocks and slabs: not minced
0304.90.70	Ocean perch, blocks and slabs
0304.90.91	Other, sea fish
03.05	Fish, dried, salted or in brine; smoked fish, whether or not cooked before or during the smoking process; fish meal fit for human consumption
0305.30	Fish fillets, dried, salted or in brine, but not smoked
0305.30.30	Cod
0305.30.90	Other
	Dried fish, whether or not salted but not smoked
0305.51.00	Cod (<i>Gadus morhua</i>)

0305.59.00	Other
0305.62.	Fish, Salted but not dried or smoked and fish in brine
0305.62.10	Cod (<i>Gadus morhua</i>)
	Green salted, wet salted
	Light salted
0305.62.21	Over 43% moisture content
0305.62.22	43% or less moisture content
	Heavy salted
0305.62.31	Over 45% but not over 50% moisture content
0305.62.32	Over 43% but not over 45% moisture content
0305.62.33	43% or less moisture content
0305.62.90	Other

Attachment C. A Sample Certificate of Harvest Origin

Exporter (Name, full address, country)

Consignee (Name, full address, country)

Place and date of shipment – Means of transport

Country of origin

Country of destination

Area of Harvest:

- A. Outside the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO); or
- B. Inside the Regulatory Area of the Northwest Atlantic Fisheries Organization (NAFO).

(Description in coordinates available on request.)

Name and flag state of the vessel(s) that caught the fish, and the date(s) of the fishing trip on which the fish was caught.

Detailed Description of Goods

Quantity in tons

Product form

Declaration

To be signed by either a responsible government official from the harvesting nation or the master of the vessel(s) and stating: "I certify that the above information is complete, true and correct to the best of my knowledge and belief."

Annex 6. Japanese Proposal on Certificate of Harvest Origin, by Japanese Delegation

Second Meeting of the Standing Committee on Fishing Activities of Non-Contracting Parties in the Regulatory Area (STACFAC)

Each Contracting Party shall make every effort in conformity with its domestic rules and regulations to obtain information on the area of harvest whether the fish listed below was harvested inside or outside of NAFO Regulatory Area and on the country of origin as well as volume and value of fish import, and shall report collected information to the Executive Secretary of NAFO. The Executive Secretary shall distribute the information to all Contracting Parties.

cod, redfish, flatfish

Note: Information on fish (whether fish species or fish group, type of product) is under the discretion of each Contracting Party due to its import performance.

**Annex 7. Draft Recommendation to the General Council,
by the EEC Delegation**

**13th Annual NAFO Meeting
9-13th September 1991**

**THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING
PARTIES IN THE NAFO REGULATORY AREA – STACFAC**

- ◇ Recalling the Resolution on Non-NAFO Fishing activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that
 - ◇ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;
- ◇ Recalling the Terms of Reference for the Standing Committee, established by the General Council, resolving i.a. that the Committee will
 - ◇ obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - ◇ obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - ◇ examine and assess all such options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area;
 - ◇ recommend to the General Council measures to resolve the problem,
- ◇ Recalling that according to Article 119.2 of the United Nations Convention on the Law of the Sea available catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation of all States concerned;
- ◇ Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area,
- ◇ Recalling the GATT principles of non-discrimination, transparency and proportionality,

herewith, therefore, recommends to the General Council to consider for adoption, at the 1991 annual meeting of the Northwest Atlantic Fisheries Organization, the Landing Declaration issued with a view to obtaining statistical information on harvest origin, as set out in the Annex, to be transferred to the NAFO Executive Secretary.

EEC DRAFT
PRCJET CEE
STATISTICAL LANDING DECLARATION/DECLARATION STATISTIQUE DE DEBARQUEMENT (1)

1. Exporter (Name, full address, country) Exportateur (Nom, adresse complete, pays)	2. Number Numero	000
3. Consignee (Name, full address, country) Destinataire (Nom adresse complete, pays)	DECLARATION IN REGARD TO Atlantic cod (<i>Gadus morhua</i>) Atlantic redfish (<i>Sebastes</i> spp) American plaice (<i>Hippoglossoides platessoides</i>) Yellowtail flounder (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) (2) Issued with a view to obtaining statistical information on harvest origin	
	DECLARATION CONCERNANT La Morue Fraiche (<i>Atlantique</i>) (<i>Gadus morhua</i>) Sebaste (<i>Atlantique Nord</i>) (<i>Sebastes</i> spp) Plie canadienne (<i>Hippoglossoides platessoides</i>) Limande a quene jaune (<i>Limanda ferruginea</i>) Plie grise (<i>Glyptocephalus cynoglossus</i>) (2) Delivree en vue de l'obtention d'information statistique concernant l'origine de peche	
	4. Country of origin Pays d'origine	5. Country of destination Pays de destination
6. Place and date of catch/shipment/transshipment/ - name and flag of catch-/transport vessel(s) lieu et date de peche/d'embarquement/-de transbordement/ - ncm et pavillon du (des) navire(s) de peche/de transport	7. supplementary details Donnees supplementaires	
8. Marks and numbers - Number and kind of packages - DETAILED DESCRIPTION OF GOODS (3) Marques et numeros - nombre et nature des colis --- DESIGNATION DETAILIEE DES (3) MARCHANDISES	9. Quantity in tons Quantite en tons	
10. DECLARATION BY THE SKIPPER I the undersigned declare that in accordance with the entries in the logbook the consignment described above contains only Atlantic cod (<i>Gadus morhua</i>) Atlantic redfish (<i>Sebastes</i> spp) American plaice (<i>Hippoglossoides platessoides</i>) Yellowtail flounder (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) from the stocks of the Northwest Atlantic Ocean fished in the Regulatory Area of the Northwest Atlantic Fisheries Organization - NAFO. (2) DECLARATION DU CAPITAINE Je soussigne declare qu en accord avec les inscriptions dans le livre de bord l'envoi decrit ci-dessus contient exclusivement de la Morue Fraiche (<i>Atlantique</i>) (<i>Gadus morhua</i>) Sebaste, (<i>Atlantique Nord</i>) (<i>Sebastes</i> spp) Plie canadienne (<i>Hippoglossoides platessoides</i>) Limande a quene jaune (<i>Limanda ferruginea</i>) Witch flounder (<i>Glyptocephalus cynoglossus</i>) provenant des stocks de l'océan de l'Atlantique Nord-Ouest et capturee dans la Zone de Reglementation de l'Organisation de Peche de l'Atlantique du Nord-Ouest - OPANO. (2)		
11. SKIPPER (Name, full address, country) CAPITAINE (Nom, adresse complete, pays)	At/A..... on le (Signature)	

- (1) This landing Declaration has to be presented to the competent authorities upon landing Cette Declaration Debarquement doit etre presentee aux autorites competentes lors du debarquement
- (2) Delete as appropriate
Biffer la mention inutile
- (3) - Fresh/Frozen (Harmonized System 0302-0303) Frais/Corgele (Systeme harmonize 0302-0303)
- Fillets/Filets - Meat/Chair - Salted/Sale

Annex 8. Revised Draft Recommendation to the General Council, by the EEC Delegation

13th Annual NAFO Meeting
9-13 September 1991

THE STANDING COMMITTEE ON FISHING ACTIVITIES OF NON-CONTRACTING PARTIES IN THE NAFO REGULATORY AREA – STACFAC

- ◇ Recalling the Resolution on non-NAFO Fishing activities adopted by the General Council at the 12th Annual Meeting of the Northwest Atlantic Fisheries Organization, resolving i.a. that
 - ◇ in full respect of the international obligations of Contracting Parties, further measures should be developed for consideration by the General Council at its 1991 annual meeting;
- ◇ Recalling the Terms of Reference for the Standing Committee, established by the General Council, resolving i.a. that the Committee will
 - ◇ obtain and compile all available information on the fishing activities of non-Contracting Parties in the Regulatory Area, including details on the type, flag and name of vessels and reported or estimated catches by species and area;
 - ◇ obtain and compile all available information on landings, and transshipments of fish caught in the Regulatory Area by non-Contracting Parties, including details on the name and flag of the vessels; the quantities by species landed, transshipped; and the countries and ports through which the product was shipped;
 - ◇ examine and assess all such options open to NAFO Contracting Parties including measures to control imports of fish caught by non-Contracting Party vessels in the Regulatory Area;
 - ◇ recommend to the General Council measures to resolve the problem,
- ◇ Recalling that according to Article 119.2 of the United Nations Convention on the Law of the Sea available catch and fishing effort statistics, and other data relevant to the conservation of fish stocks shall be contributed and exchanged on a regular basis through competent international organizations, whether subregional, regional or global, where appropriate and with participation of all States concerned;
- ◇ Considering that the Northwest Atlantic Fisheries Organization is the competent regional fisheries organization for the conservation and rational management of fish resources in the NAFO Regulatory Area,
- ◇ Recalling the GATT principles of non-discrimination, transparency and proportionality,

herewith, therefore, recommends to the General Council at its 13th Annual Meeting to give further consideration to methods of improving the provision of information on catches and landings of certain groundfish species by non-Contracting Parties in the NAFO Regulatory Area.

In so doing, the Council is also called upon to note the serious difficulties surrounding the adoption and the implementation of part of the measures and under consideration, as evidenced during the sessions of the STACFAC Working Group, taking into account in particular the international obligations which bind the Contracting Parties.

In the light of the successive diplomatic initiatives undertaken individually and jointly by NAFO Contracting Parties and the positive if partial results obtained therefrom, the Council will no doubt wish to assess whether further measures should be contemplated at this juncture.