

CNL_IS(20)06

Explanatory Memorandum on the Agenda

Under the conditions for attendance by observers, the President may recognise requests from the Co-Chairs of accredited NGOs and / or their designee during the video conference on all agenda items other than items 2 and 4, which are administrative.

A summary of the decisions before the Council is presented in Annex 1.

In light of the Covid-19 pandemic, the face-to-face Annual Meeting planned for Edinburgh in June 2020 was cancelled. Parties agreed that NASCO's business in 2020 would be conducted through Inter-Sessional correspondence, video conference and a reduced size inter-sessional meeting to be held in the autumn. Therefore, a face-to-face Inter-Sessional Meeting of the Council was planned to be held in Edinburgh during 9-11 September 2020.

Restrictions due to the pandemic continue and the September meeting cannot go ahead in-person. Instead, the autumn Inter-Sessional Meeting of the Council will take place via video conference.

Papers for the meeting are available on the [NASCO website](#).

1. Opening of the Meeting

The President, Serge Doucet (Canada), will open the meeting. There will be no verbal Opening Statements. However, Parties and accredited Non-Governmental Organizations are encouraged to submit a written Opening Statement to the Secretariat prior to the Inter-Sessional Meeting. These written statements and the statement of the President will be emailed to all delegates and annexed to the Report of the Meeting.

- no decision is required.

2. Adoption of the Agenda

In accordance with the Rules of Procedure and following consultation with the President, a Draft Agenda, CNL_IS(20)02, was circulated on 4 August 2020.

- a decision to adopt the Agenda is required.

3. Decisions by the Council on the Implementation Plan Process

A number of issues related to Implementation Plans (IPs), that have been postponed, are included in this agenda item. First, the item 'Discussion of NGO Input to NASCO Business' on the Draft Agenda of the (cancelled) Heads of Delegations' Inter-Sessional Meeting in March. This item was needed to discuss concerns raised by the NGO Co-Chairs in 2019. Whilst some of their concerns have been addressed (such as holding a Theme-based Special Session on aquaculture), some remain.

Second, a Special Session on the Evaluation of the 2019 – 2024 Implementation Plans had been scheduled for the 2020 Annual Meeting, as required by the IP Guidelines, CNL(18)49. However, during the Covid-19 planning process the Parties agreed that it was no longer possible to hold the Special Session. This would have allowed Parties and NGOs to comment on the Implementation Plans and their reviews in an open forum.

Third, at the 2020 Annual Meeting, under the Agenda item ‘Evaluation of Implementation Plans under the Third Reporting Cycle (2019 – 2024)’, the Secretary noted that for many of the Implementation Plans that had not yet been fully accepted, only a small amount of work may be required so that they are accepted. For others, especially regarding sea lice and containment, it appeared that it may not be possible to meet the requirements agreed in the ‘Guidelines for the Preparation and Evaluation of NASCO Implementation Plans and for Reporting on Progress’ [CNL\(18\)49](#), (hereinafter referred to as the IP Guidelines). The Secretary indicated that it would be preferable, therefore, to have a discussion about the process before the Implementation Plans were reviewed again, in November 2020.

At the 2020 Annual Meeting, Council noted that discussion of the Implementation Plan process in light of various concerns would be postponed until the autumn Inter-Sessional Council Meeting.

Paper CNL_IS(20)03, circulated on 4 August 2020, is intended to inform the discussion on this item. This is currently a private paper, i.e. it is not available on the NASCO website, as it contains text from emails which we do not have permission to put into the public domain. However, Council (and the NGO Co-Chairs) may decide that the paper can be made available on the NASCO website.

Discussion and decisions:

Council may wish to discuss whether the IP Guidelines, [CNL\(18\)49](#), should be revised formally to take account of:

- a) the revised schedule for the Implementation Plans;
- b) the wording around acceptability of Implementation Plans; and
- c) Annual Progress Reports being based on Implementation Plans that are not yet considered to be fully acceptable by the Review Group, if this is considered to be acceptable by Council.

Council may wish to discuss whether to make future revisions of Implementation Plans under the third reporting cycle freely available on the NASCO website prior to their review and, if so, revise the IP Guidelines accordingly.

Council may also wish to discuss how the Parties feel they can address the concerns expressed by the NGOs and reiterated by the Review Group members, in relation to limited progress made by some Parties on the aquaculture theme.

Council may wish to consider:

- d) how many reviews of individual Implementation Plans it is prepared to allow to enable acceptance by the Review Group; and
- e) whether any further changes to the IP Guidelines are, therefore, required.

4. Future Status of the UK Within NASCO

Article 17 of the Convention states that the ‘*Convention shall be open for accession by the parties...subject to the approval of the Council.*’

On 9 July 2020 the Secretariat received an email from the Council of the European Union (the depositary to the NASCO Convention) attaching an application by the United Kingdom to accede to the NASCO Convention and a letter to the President of NASCO. This was circulated to Heads of Delegations on 24 July 2020.

In its application the UK states ‘*if this application is approved and the United Kingdom accedes to the Convention, the United Kingdom intends to apply for membership of the West Greenland and North-East Atlantic Commissions of NASCO in accordance with Article 10(3) of the Convention.*’

Paper [CNL IS\(20\)04](#) supports this item.

Discussion and decisions:

- that the Convention be open to accession by the UK;
- that the UK may become a member of the North-East Atlantic and the West Greenland Commissions should this be requested;
- what role, if any, the UK might have in the North American Commission;

Additionally, in order to ensure the smooth running of NASCO it would be helpful to understand:

- which of the NASCO bodies should have a UK representative (see list of NASCO bodies in document [CNL\(20\)07](#)).

5. Decisions by the Council on the Process for the Third Performance Review

At its Annual Meeting in 2020, Council agreed to delay NASCO’s third performance review, planned originally for 2021, by one or more years. The Council also agreed to postpone discussion of the process and decisions needed to arrange the third performance review, including a decision on the length of the delay, until the autumn Inter-Sessional Council Meeting.

Speakers for the (cancelled) Special Session on Performance Reviews have provided their papers on best practice, for information. They may help guide the planning process using best practice. They are available on the [NASCO website](#).

Paper [CNL IS\(20\)05](#) ‘Background to the Process for NASCO’s First and Second Performance Reviews’, and previously issued papers [CNL\(19\)18](#) and [CNL\(20\)15](#), support this item.

Discussion and decisions:

Parties may wish to agree that **either**:

- a) a Working Group with representatives from each Party and the NGOs is established to consider and propose Terms of Reference, the review criteria and budget for the third performance review; **or**
- b) the Secretariat works with one Party and the NGO Co-Chairs to summarise progress since the first and second performance reviews, and consider and propose Terms of Reference, criteria and budget for the third performance review; **or**
- c) Parties propose an alternative approach to initiating the third performance review.

Once agreement is reached on the approach to initiating the performance review, Parties may wish to agree Terms of Reference for the Working Group or Secretariat. Parties may wish to consider the Terms of Reference proposed in [CNL\(20\)15](#).

Whichever route is chosen, a decision is then required to:

- d) agree that the proposals be discussed and agreed by Council during the 2021 Annual Meeting for a performance review in 2022.

Additionally, two of the Parties also proposed that the Working Group could either follow up on the recommendations from the Review Panel to ensure implementation or, be charged with reviewing the recommendations from the Review Panel to advise the Council on possible follow-up actions, including how to track progress in their implementation.

6. Other Business

Any other business may be raised.

7. Date and Place of the Next Meeting

A face-to-face Council Inter-Sessional Meeting has been agreed provisionally to take place in Copenhagen, during 9-11 December 2020.

- a decision on whether this meeting will take place is required.

8. Close of the Meeting

A Report of the Meeting will be agreed by correspondence. The President will close the Meeting.

Secretary
Edinburgh
18 August 2020

Summary of Council Decisions

Agenda Item	Decision	Paper No.
2. Adoption of the Agenda	Adopt the Agenda	CNL_IS(20)02
3. Decisions by the Council on the Implementation Plan Process	<ul style="list-style-type: none"> • whether the ‘Guidelines for the Preparation and Evaluation of NASCO Implementation Plans and for Reporting on Progress’, CNL(18)49 should be revised to take account of: <ul style="list-style-type: none"> a) the revised schedule for the Implementation Plans; b) the wording around acceptability of Implementation Plans; and c) Annual Progress Reports being based on Implementation Plans that are not yet considered to be fully acceptable by the Review Group, if this is considered to be acceptable by Council. • whether to make future revisions of Implementation Plans under the third reporting cycle freely available on the NASCO website prior to their review and, if so, revise the IP Guidelines accordingly. • how to address concerns expressed by the NGOs and reiterated by the Review Group members, in relation to limited progress made by some Parties on the aquaculture theme. <ul style="list-style-type: none"> d) how many reviews of individual Implementation Plans it is prepared to allow to enable acceptance by the Review Group; and e) whether any further changes to the IP Guidelines are, therefore, required. 	CNL_IS(20)03

<p>4. Future Status of the UK Within NASCO</p>	<ul style="list-style-type: none"> • that the Convention be open to accession by the UK; • that the UK may become a member of the North-East Atlantic and the West Greenland Commissions should this be requested; • what role, if any, the UK might have in the North American Commission; and • which of the NASCO bodies should have a UK representative. 	<p>CNL_IS(20)04</p>
<p>5. Decisions by the Council on the Process for the Third Performance Review</p>	<p>either:</p> <p>a) a Working Group with representatives from each Party and the NGOs is established to consider and propose Terms of Reference, the review criteria and budget for the third performance review; or</p> <p>b) the Secretariat works with one Party and the NGO co-chairs to summarise progress since the first and second performance reviews, and consider and propose Terms of Reference, criteria and budget for the third performance review; or</p> <p>c) Parties propose an alternative approach to initiating the third performance review.</p> <p>Once agreement is reached on the approach to initiating the performance review, Parties may wish to agree Terms of Reference for the Working Group or Secretariat. Parties may wish to consider the Terms of Reference proposed in CNL(20)15.</p> <p>Whichever route is chosen, <u>a decision is then required</u> to:</p> <p>d) agree that the proposals be discussed and agreed by Council during the 2021 Annual Meeting for a performance review in 2022.</p> <p>Additionally, two of the Parties also proposed that the Working Group could either follow up on the recommendations from the Review Panel to ensure implementation or, be charged with reviewing the recommendations from the Review Panel to advise the Council on possible follow-up actions, including how to track progress in their implementation.</p>	<p>CNL_IS(20)05</p>

7. Date and Place of the Next Meeting	<ul style="list-style-type: none">• whether the face to face Council Inter-Sessional Meeting planned for Copenhagen, during 9-11 December 2020, should take place.	
---------------------------------------	--	--