

NEA(03)13

Report of the Twentieth Annual Meeting of the North-East Atlantic Commission of the North Atlantic Salmon Conservation Organization 2-6 June 2003, Edinburgh, Scotland, UK

1. Opening of the Meeting

- 1.1 The Chairman, Mr Árni Ólafsson (Denmark (in respect of the Faroe Islands and Greenland)), opened the Twentieth Annual Meeting of the North-East Atlantic Commission and welcomed delegates to Edinburgh.
- 1.2 An opening statement was made on behalf of the Non-Government Organizations attending the Annual Meeting (Annex 1).
- 1.3 A list of participants at the Twentieth Annual Meeting of the Council and Commissions is included on page 215 of this document.

2. Adoption of the Agenda

- 2.1 The Commission adopted its agenda, NEA(03)14 (Annex 2).

3. Nomination of a Rapporteur

- 3.1 The Commission appointed Dr Niall Ó Maoiléidigh (European Union) as its Rapporteur for the meeting.

4. Review of the 2002 Fishery and ACFM Report from ICES on Salmon Stocks in the Commission Area

- 4.1 The representative of ICES, Dr Walter Crozier, presented the scientific advice relevant to the North-East Atlantic Commission, CNL(03)8, prepared in response to a request from the Commission at its Nineteenth Annual Meeting. The ACFM Report from ICES, which contains the scientific advice relevant to all Commissions, is included on page 127 of this document.
- 4.2 The representative of Iceland noted that the description of the stock status of non-maturing Northern European stocks did not appear to reflect the Icelandic situation which was similar to that for the non-maturing Southern European stocks. He referred to the statement from ICES that the proportion of multi-sea-winter salmon (46%) in Northern European stocks had never been higher. He sought clarification as to whether this was due to an increase in the abundance of the multi-sea-winter component or a decrease in the abundance of the one-sea-winter component. The representative of ICES stated that the pre-fishery abundance (PFA) for the maturing component of Northern European stocks was decreasing while that of the non-maturing stocks was increasing and the number of multi-sea-winter recruits was higher than in previous years.

- 4.3 The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that the Southern European MSW stocks were in a tenuous condition and that ICES had advised that there should be no harvest of these stocks. He asked if this advice would apply to both distant water and homewater fisheries. The representative of ICES indicated that the catch advice presented for the non-maturing Southern European stocks had been developed in a quantitative framework which included risk analysis. The existing sharing arrangement between Greenland (40%) and North America (60%), would imply that there could be no harvest of these stocks at West Greenland or in homewaters. The exception to this is in-river fisheries on stocks which are meeting their conservation requirements as there was no biological reason to restrict catches in these situations.

5. Salmonid Introductions and Transfers

- 5.1 The Secretary introduced documents NEA(03)4 (Annex 3) and NEA(03)6 (Annex 4) detailing the returns by the Parties under the Commission's Resolution to Protect Wild Salmon Stocks from Introductions and Transfers. He referred to the development by the Council of a new umbrella resolution (the "Williamsburg Resolution") incorporating all NASCO's agreements in relation to aquaculture, introductions and transfers and transgenics. He suggested that the returns under the Commission's Resolution might, in future, be made to the Council under the reporting procedures of the new Resolution, assuming it is adopted by the Council. The Commission accepted this suggestion.
- 5.2 The representative of Norway referred to an EU Directive (91/67) covering trade in aquaculture animals. An exemption under this Directive for Norway had expired on 31 December 2002 and Norway is now, therefore, obliged to allow the movement of live salmonids into Norwegian coastal waters and water courses. He expressed his concern that this would increase the risk of spreading disease and parasites. While this concern had been expressed to the relevant authority in the EU he wished to inform the Commission that the Directive is currently under review and in this regard he suggested that two provisions be considered:
- (a) the possibility of establishing protection zones for wild salmonids where introductions and transfers of salmonids would be forbidden or restricted;
 - (b) allowing the movement of salmonid eggs only since, in most cases, this posed less risk of introducing diseases and parasites than movements of live fish.

These provisions would be consistent with the Precautionary Approach in general and the measures contained in Annex 2 of the new "Williamsburg Resolution".

- 5.3 The representative of Iceland recognised that this was an issue being dealt with in the context of the European Economic Area (EEA). However, Iceland's exemption under this Directive had expired in mid-2002 and in this regard they were in a similar position and echoed the sentiments and concerns which had been raised by Norway.
- 5.4 The representative of the European Union noted the statements made by Norway and Iceland and agreed to convey these sentiments and concerns to the proper authorities.

However, he felt that it was not normal or appropriate that in NASCO there were discussions concerning one Party's legislation. Furthermore, both of the Parties concerned had participated in the EEA discussions and had fully accepted the consequences. The representative of Norway disagreed with this view since the Directive is under review.

6. Risk of Transmission of *Gyrodactylus salaris* in the Commission Area

- 6.1 The representative of Norway introduced document NEA(03)8. It is the intention of the Directorate for Nature Management to host a workshop on the risk of transmission of *Gyrodactylus salaris* in the Commission area. The representative of the European Union noted the provisional list of participants and requested that the meeting be open to all delegations. The representative of Norway agreed to this request.

7. Application of the Precautionary Approach to the Work of the Commission

- 7.1 The Secretary referred to the work of the Council in relation to application of the Precautionary Approach to salmon management. The Commission agreed that this item could be removed from its agenda but recognised that the Precautionary Approach will continue to influence its work in the future.
- 7.2 The representative of the European Union noted that there had been no report to the Council by Denmark (in respect of the Faroe Islands and Greenland) in relation to actions taken to implement the Decision Structure for management of fisheries and asked why this was the case. The representative of Denmark (in respect of the Faroe Islands and Greenland) responded that the Faroe Islands had stated their support for the Precautionary Approach several times and were willing to comply with it.

8. Regulatory Measures

- 8.1 The representative of Denmark (in respect of the Faroe Islands and Greenland) reported that there had been no commercial fishery at Faroese in 2002 or to date in 2003 and no research fishery. He reminded the Commission that whenever regulatory measures have been discussed during the last twenty Annual Meetings, his delegation had stressed that the ocean and its marine resources are vital to the wellbeing of the people of the Faroe Islands and that rational utilisation of these resources is, therefore, in their interest. He noted that, under the Convention, one of the factors to be taken into account in establishing regulatory measures is the extent to which the salmon stocks concerned feed in the areas of fisheries jurisdiction of the respective Parties. For 2002 and 2003 the Commission did not set a quota for the fishery, on the understanding that the fishery would be managed in a precautionary manner. His delegation proposed that the decision applying in 2003 should remain in 2004.
- 8.2 The representative of the European Union indicated that he did not know what the proposal entailed, since there is no regulatory measure in place for 2003. He asked the representative of Denmark (in respect of the Faroe Islands and Greenland) if he could be more specific as to the intention and content of the proposal.

- 8.3 The representative of Denmark (in respect of the Faroe Islands and Greenland) referred to document NEA(02)12 contained in the report of the Nineteenth Annual Meeting of the Commission. The proposal would involve changing the date in this document but leaving the remaining text unchanged. The representative of the European Union noted that this was a decision of the Commission, not a regulatory measure, and he asked what regulatory measures had applied to the Faroese salmon fishery in 2002. The representative of Denmark (in respect of the Faroe Islands and Greenland) responded that the Act governing commercial fishing in the Faroes requires that all fishermen wishing to fish for salmon at sea must apply for a licence. In 2002 no licences had been issued.
- 8.4 The representative of the European Union expressed the opinion that no regulatory measures applied to the salmon fishery in 2002 but no licences had been issued. He asked why there had been no requests for licences. The representative of Denmark (in respect of the Faroe Islands and Greenland) responded that this was not a question that the Ministry of Fisheries could answer; it was a question that would have to be addressed to the fishermen. He also stated that if the decision to issue a licence or not rests with the Ministry, this constitutes a regulatory measure.
- 8.5 The representative of the European Union asked if the Chairman of the North Atlantic Salmon Fund (NASF) had offered compensation to the fishermen in Faroes for not fishing. The representative of Denmark (in respect of the Faroe Islands and Greenland) responded that he was not in a position to answer this question. The representative of the European Union stated that it was his impression that the Chairman of NASF had been to the Faroes. He reiterated that rational management by an international organization responsible for regulating fishing for salmon should be in the form of a TAC. He expressed concern about temporary compensation arrangements in the absence of a TAC because of the uncertainty associated with these arrangements, which depend on funds being available. He indicated that his delegation wishes an appropriate TAC to be agreed for the 2004 salmon fishery at Faroes so that there is appropriate management of the fishery under international auspices and in accordance with the Convention. He indicated that his delegation could not turn a blind eye to these responsibilities. The representative of Denmark (in respect of the Faroe Islands and Greenland) stated that there was no better way of applying the Precautionary Approach than not fishing. The representative of the European Union agreed with this and questioned why it could not, therefore, be stated clearly that there would be no fishing in Faroes in 2004. The representative of Denmark (in respect of the Faroe Islands and Greenland) reiterated that the Faroes have a right to fish for salmon, and that since the discussions were not making progress, he again put forward his proposal.
- 8.6 The representative of the European Union stated that, as he was not getting answers to his questions, he would re-phrase them. He asked how much salmon the Faroe Islands would fish if it did exercise its legitimate right to fish under the Convention. The representative of Denmark (in respect of the Faroe Islands and Greenland) responded that, in accordance with the decision agreed at the Nineteenth Annual Meeting, the Faroe Islands would follow the advice from ICES and also conduct a research fishery. However, he could not say how much the Faroes would fish. The representative of the European Union stated that he could not understand how the delegation from Denmark (in respect of the Faroe Islands and Greenland) could attend

the meeting without knowing how much they wish to fish. The representative of Denmark (in respect of the Faroe Islands and Greenland) stated that he was not prepared to make any further comments on this issue.

- 8.7 The representative of the European Union requested that the dialogue continue as it is the objective of the Commission to set regulatory measures. He expressed his disappointment at the approach adopted by Denmark (in respect of the Faroe Islands and Greenland) and their failure to clarify their position.
- 8.8 The representative of Norway confirmed that his delegation shared the concerns of the European Union and would like to see a regulatory measure for a low quota allowing only a research fishery, as recommended by ICES. He was pleased that the Faroe Islands had acted responsibly by not exercising their right to fish.
- 8.9 The representative of ICES stated that ICES had not recommended that a research fishery take place but if there is a fishery, the results of any sampling would be of interest to ICES. The representative of the European Union referred to last year's decision which stated that the Faroe Islands would take management decisions with due regard to the ICES advice, and noted that the advice was that there should be no fishery. He concluded, therefore, that there would be no fishery and he asked if that was correct. He stated that research is necessary but ICES had recommended no fishery and he asked, therefore, whether Denmark (in respect of the Faroe Islands and Greenland) would accept ICES' advice not to fish in 2004.
- 8.10 The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that ICES had recommended sampling of the resource so there was a need for a research fishery. The representative of ICES reiterated that ICES had not recommended the nature and type of fishery but that if there is a fishery they would welcome access to information from it.
- 8.11 The representative of Norway indicated that the main point is that if a fishery takes place it should be a research fishery, according to advice from ICES.
- 8.12 The representative of Denmark (in respect of the Faroe Islands and Greenland) introduced document NEA(03)10 outlining recommendations made by ICES concerning a research fishery at Faroes over the past eight years. This document concluded that the Faroes research fishery had been duly recommended by ICES. The representative of ICES responded that a research fishery had not been specifically recommended by ICES in 2003 although this had been the case in the past. He reiterated that information from any fishery at Faroes should be made available to ICES as this would enhance several areas of the assessment process. Although he was not in a position to state that ICES had recommended a research fishery in 2003, he was willing to endorse this on behalf of ICES. The Commission amended the document to reflect this, NEA(03)11.
- 8.13 The representative of the European Union tabled document CNL(03)41 which provided details of salmon fisheries in European Union Member States. He indicated that the document was relevant to the work of the Council and the West Greenland and North-East Atlantic Commissions.

8.14 The Commission considered a proposal from the Chair, NEA(03)9, for a decision regarding the salmon fishery in Faroes waters in 2003. The Commission adopted this decision, NEA(03)12 (Annex 5).

8.15 The representative of the European Union made the following statement in relation to the decision:

“Mr. Chairman, Denmark (in respect of the Faroe Islands and Greenland) is a signatory to the NASCO Convention and this means that they have agreed to take decisions on the promotion of the conservation, restoration, enhancement and rational management of salmon stocks occurring in their waters through international co-operation. Article 8(b) of the Convention specifically states that the function of the Commission is to “propose regulatory measures for fishing in the area of fisheries jurisdiction of a member of salmon originating in the rivers of other Parties”. I would also refer Denmark (in respect of the Faroe Islands and Greenland) to paragraph 4 of Article 66 of the United Nations Convention on the Law of the Sea, which states that in cases where anadromous stocks migrate into or through the waters landward of the outer limits of the exclusive economic zone of a State other than the State of origin, such State shall co-operate with the State of origin with regard to the conservation and management of such stocks.

To my mind, Mr. Chairman, this means that the Faroe Islands have clear obligations to co-operate. Any management decisions on the fisheries taking place in their waters are a joint responsibility, which is shared with their partners in NASCO. So, Mr. Chairman, the obligation to regulate the wild salmon fisheries rests with NASCO. There is no legal basis for the management of salmon fisheries in the absence of a genuine regulatory measure.

It is for this reason, Mr. Chairman, that from the very outset, my Delegation has proposed that NASCO should take its responsibilities and revert to the earlier practice of establishing a TAC and possible accompanying measures with the objective of controlling the impact of any mixed stock fishery. This practice has not been used for the last three years, during which time we, as the responsible NASCO Contracting Parties, appear to have abdicated from our responsibilities by agreeing not to take a decision on these fisheries.

Mr. Chairman, I understand the real concerns of Denmark (in respect of the Faroe Islands and Greenland) with regard to the management of wild salmon occurring in their waters. Nevertheless, whilst being exceptionally prepared to accept that we do not set a quota for the Faroe Islands fishery for 2004, I can only urge Denmark (in respect of the Faroe Islands and Greenland) to accept its obligations under the NASCO Convention as well as under the UN Convention on the Law of the Sea. On this basis, I hope that Denmark (in respect of the Faroe Islands and Greenland) will be able to accept that a full NASCO regulatory measure can be established for the fishery in 2005. I cannot accept any further derogation from the obligations we all hold.”

8.16 The representative of Denmark (in respect of the Faroe Islands and Greenland) noted the statement by the European Union that the rational management of fish stocks should be in the form of a TAC. The European Union had experience of using TACs and this was part of European fishery policy. However, Denmark (in respect of the

Faroe Islands and Greenland) was not sure that this was the ideal way to manage fisheries. With regard to interceptory fisheries, he reminded the Commission that there were major interceptory fisheries in the European Union. He suggested that it was more important to focus on the objectives of fishery management rather than the methods to achieve them and he reiterated that all Parties were concerned with the conservation of wild salmon.

- 8.17 The representative of Norway agreed with the European Union that the situation regarding the use of a decision rather than a regulatory measure was a cause for concern. The crucial point is that the Faroe Islands has not been exercising its right to fish and this was the main emphasis for Norway. Therefore, although he could accept the proposal put forward by the Chairman, he reiterated that Norway would prefer to have seen a small quota allowing a research fishery.
- 8.18 The representative of Iceland welcomed the decision and stated that he appreciated the restraint demonstrated by Denmark (in respect of the Faroe Islands and Greenland) to date and encouraged the same restraint and responsibility in future.

9. Announcement of the Tag Return Incentive Scheme Prize

- 9.1 The Chairman announced that the winner of the Commission's \$1,500 prize was Mr J.C. Brookes, Bridgemere, Cheshire, England. The Commission offered its congratulations to the winner.

10. Recommendations to the Council on the Request to ICES for Scientific Advice

- 10.1 The Commission reviewed the relevant sections of document SSC(03)2 and the changes from the advice requested in 2002 and agreed to recommend it to the Council as part of the annual request to ICES for scientific advice. The request to ICES, as agreed by the Council, is contained in document CNL(03)12 (Annex 6).

11. Other Business

- 11.1 The representative of Norway tabled a proposal for an experimental tagging programme for investigating the behaviour of escaped farmed salmon, NEA(03)7 (Annex 7). The representative of the European Union stated that this was a worthwhile initiative and he would recommend that his delegation participate in the programme. The representative of Denmark (in respect of the Faroe Islands and Greenland) also endorsed the initiative. The representative of Iceland stated that he considered this to be a very important initiative and that Iceland would look forward to collaborating on the project. The representative of Norway thanked the delegates and proposed that the project be co-ordinated by Dr. Lars Petter Hansen of the Norwegian Institute for Nature Research. The Commission endorsed this proposal.

12. Date and Place of Next Meeting

- 12.1 The Commission agreed to hold its next Annual Meeting in conjunction with the Twenty-First Annual Meeting of the Council during 7-11 June 2004.

13. Report of the Meeting

13.1 The Commission agreed a report of the meeting, NEA(03)13.

Note: The annexes mentioned above begin on page 57, following the French translation of the report of the meeting. A list of North-East Atlantic Commission papers is included in Annex 8 on page 81 of this document.