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1. In the context of recent developments in the management of the Redfish stock in ICES Subareas I and II **LDRAC is of the opinion that a rational and equitable allocation key should be agreed upon between all interested parties. The allocation key must be based on objective criteria.** Catch track records have to be incorporated into any discussion about future stock management measures.
2. During the recent NEAFC Meeting in London, April 2013, Norway and Russia have presented their proposition of quota allocation, which was based on the assumption that 95% of the quota will be fished in their respective EEZs and just 5% in international waters. Of the latter figure, 90% is to be allocated to Norway and Russia and just 10% to third countries,
3. LDRAC would like to point out that estimated biological/physical presence in various parts of the ICES areas I and II, as observed over a short period of sampling time, can't be seen as the sole criteria for allocation of redfish TAC between different areas and stakeholders.
4. Redfish is known to be migrating between areas, these migration patterns are changing, due to number of factors, and NEAFC working paper and its conclusions are not reflecting the complexity of redfish distribution in areas I and II.
5. Therefore, it is the opinion of the LDRAC that historical track record of catches must be taken into account when allocating redfish in areas I and II. The track record must be sufficiently long to show patterns in actual fishing and it must also be recent to reflect the state of the stock and possible changes of its behavior due to climate change phenomena. Such an approach would be much more equitable and rational than unilateral appropriation by Norway and Russia of almost all available quota.
6. It is the opinion of the LDRAC that the most rational approach to the allocation key is to base it on catches in last 5 years. The statistics of catches for 5 latest available years are as follows.
- 7.

ICES I,II TOTAL	2007	2008	2009	2010	2011	5 years total
Total catches	43178,36	28361,19	10135	11751	12422	105847,55
EU catches	7170	2643	1458	2099	3940	17310,00
EU Share	16,61%	9,32%	14,39%	17,86%	31,72%	<b>16,35%</b>

IIB	2004	2005	2006	2007	2008	2011
Total catches	1372	2442	1866	768	1125	7573,00



EU catches	510	331	315	184	113	1453,00
EU Share	37,17%	13,55%	16,88%	23,96%	10,04%	<b>19,19%</b>

IIA	2008	2009	2010	2011	2012	2011
Total catches	12550	5627	7779	8039	7085	41080,00
EU catches	2504	2062	1764	3678	4121	14129,00
EU Share	19,95%	36,64%	22,68%	45,75%	58,17%	<b>34,39%</b>

8. One of the conclusions from documents presented by NEAFC working group on redfish is that **EU is a coastal state for redfish in areas I and II**. LDRAC members support the view expressed by EC during April 2013 working group meeting that all coastal states should be treated equal.
9. In view of the LDRAC, **most of EU Member States should be treated as having legal status equal to a coastal state – because of their participation in the Spitsbergen Treaty**. This treaty established an equitable international regime in the Svalbard Archipelago and it was one of the basic conditions for recognition of Norway’s sovereignty over that territory. In particular due to the non-discrimination principle, all parties to this treaty have equal rights in region of Svalbard Archipelago. From the Spitsbergen Treaty, it logically flows that not only Norway (and Russia) can be seen as coastal states, but also all parties to the treaty. Norway has the right to regulate fishing in the maritime zones around Svalbard but rules concerning access to resources must fulfill non-discrimination principles of the Spitsbergen Treaty.
10. LDRAC would like to ask the EC to share and discuss with LDRAC:
  - a. its legal position on the issue of the right of EU Member States to the natural resources of the Svalbard Archipelago, in the context of international law,
  - b. possible management measures for redfish in ICES areas I and II, which also includes Svalbard territorial waters and Svalbard Fisheries Protection Zone,
  - c. possible actions to be taken in view of unilateral steps of Norway and Russia with respect to management of fishing in the Barents Sea – especially if they are detrimental to the rights of EU Member States.

**LDRAC would like to ask EC to organize a working meeting to discuss various options.**

11. LDRAC members also note that Russia, during the course of discussions, has stated that it does not recognize the right of Norway to establish Svalbard Protection Zone. LDRAC members would like to ask EC to explain its position in Svalbard Protection Zone, and rights of members States in this region.



12. LDRAC is of the opinion that in the light of the possibility that the Joint Norwegian-Russian Fisheries Commission takes strategic decisions concerning management of redfish (and other species), it would be beneficial if the EU had an observer during future sessions of the Commission, including the upcoming 43<sup>rd</sup> session which will take place in autumn 2013.
13. LDRAC calls upon the European Commission to safeguard and promote fishing interests of the EU Member States and fishermen in international relations with third countries, in particular with Norway and Russia.