

In the matter of the Fishing Industry Collective Bargaining Act and an application from Association of Seafood Producers (ASP) pursuant to section 19:14(1) of that Act for a reconsideration of its decision dated 31 March 2009 on price and conditions of sale for snow crab for 2009 .

DECISION OF THE STANDING FISH PRICE SETTING PANEL

4 May 2009

The Standing Fish Price-Setting Panel Decision on Request for Reconsideration

In the matter of the *Fishing Industry Collective Bargaining Act* and an application pursuant to Section 19.14 of the Act from the Association of Seafood Producers (ASP) to the Panel to reconsider its decision on the Snow Crab Fishery for 2009.

On April 22, 2009, the Standing Fish Price-Setting Panel received a request from ASP to reconsider its decision of March 31, 2009 with respect to the price and conditions of sale for snow crab in 2009.

Following receipt of the request from ASP for reconsideration of its March 31, 2009 decision on the Snow Crab Fishery, the Panel has met with representatives of ASP, the Fish, Food and Allied Workers (FFAW), and the Department of Fisheries and Aquaculture. As well, the Panel has had extensive consultations with Mr. John Sackton of Seafood.com. All of the consultations and discussions involved the current market issues and what could reasonably be anticipated. The situation is extremely complex and volatile.

Against the backdrop of the global economic crisis, it is not surprising that the markets for snow crab in 2009 are not as stable as one would expect in more normal circumstances. The Panel is of the view that in this time of market uncertainty, 2009 will pose a challenge for both harvesters and processors, and compromise will be an essential component in the prosecution of the fishery in 2009.

The Panel has the authority to reconsider its decision and may vary that decision. Section 19.14(3) of the Act provides that the Panel: "...shall only reconsider its decision where it believes the failure to do so would jeopardize the conduct of the fishery to which its decision applies."

It is clear to the Panel that the current market conditions, especially in the United States market, are different than those that prevailed at the end of March 2009. It is reasonable to reconsider the basis of the decision on which raw material prices to harvesters were established on March 31, 2009. At that time the Panel was required to select between the prices proposed by the parties which were \$1.50 and \$1.55 proposed by the ASP and FFAW respectively.

It is the decision of the Panel to vary its order of March 31, 2009.


Raw Material price will be adjusted based on currency adjustments as follows:

- 1. Based on 14-day currency intervals, ending on Friday.**
- 2. First currency interval will be the two week immediately preceding the opening date. Fourteen day intervals thereafter.**
- 3. If the Cdn/US exchange rate as per Oanda website is .83 or greater, the minimum raw material price will be \$1.35 for 4" crab or greater and \$1.05 for <4" crab.**
- 4. If the Cdn/US exchange rate is <.83, the raw material price will be \$1.40 for 4" crab or greater and \$1.10 for <4" crab.**

This amended price schedule is to be effective 12:01am, May 5, 2009

This price schedule is binding on all processors that process the species snow crab in the province and will form a new collective agreement or part of a collective agreement with the FFAW.

Dated the 4th day of May, 2009.



Joe O'Neill



Bill Wells



Max Short