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FISKERI- OG KYSTDEPARTEMENT**

Royal Ministry of Fisheries and Coastal Affairs

Agenda item 3 – for information and discussion

PECM 2008/01/08

North-East Atlantic Fisheries Commission
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Norwegian proposal for a NEAFC Recommendation on bottom fishing activities in the NEAFC Regulatory Area

The 2006 UN General Assembly Resolution on Sustainable Fisheries (A/RES/61/105) calls for, among other things, regulation by regional fisheries management organisations (RFMOs) of bottom fisheries that have significant adverse impacts on vulnerable marine ecosystems (VMEs) by 31 December 2008. Consequently for NEAFC the key requirements are:

- (a) Adoption and implementation of a process to assess whether bottom fishing activities within the Regulatory Area would have significant adverse impacts on VMEs, and that if it is determined that these activities will have significant adverse impacts on VMEs, action is taken to prevent the impacts or to not authorize fishing to proceed;
- (b) Area closures where VMEs are known to occur or are likely to occur, unless conservation and management measures are adopted to prevent significant adverse impacts;
- (c) Adoption and implementation of measures that require the cessation of bottom fishing in areas where evidence of a VME is encountered until other appropriate conservation and management measures can be taken; and
- (d) Provisions for cooperation to identify VMEs and collect and share data.

States agreed to review actions taken in accordance with the abovementioned Resolution, and, if necessary, propose further recommendations at the negotiations concerning the 2009 UN General Assembly Resolution on Sustainable Fisheries. The 2007 UN General Assembly Resolution on Sustainable Fisheries (A/RES/62/177) reaffirmed the call on RFMOs to

implement these measures.

Work is ongoing in FAO to develop International Guidelines for the Management of Deep-Sea Fisheries in the High Seas. The UN General has invited FAO, through COFI, to continue its work on the management of deep sea fisheries, including by developing standards and criteria for use by States and RFMOs in identifying VMEs and the impacts of fishing on such ecosystems, and establishing standards for the management of deep sea fisheries. Subsequently, the FAO hosted the Technical Consultation in February 2008. Although the Consultation was unable to complete its work, the meeting came to consensus on the key aspects of the request from UN General Assembly, including identification of VMEs. Noting that some RFMOs were scheduled to meet prior to the resumption of the Technical Consultation in August, it was support for the use of the agreed text during the interim period.

The Fisheries Commission of Northwest Atlantic Fisheries Organisation (NAFO) held an extraordinary meeting in May this year aiming to respond to the calls from the UN General Assembly. NAFO adopted rules concerning identification of existing bottom fishing areas, conduct of fishing activities in new areas, assessment of bottom fishing and encounters with vulnerable marine ecosystems. Furthermore the Scientific Council of NAFO was given specific tasks, in particular concerning the development of protocols for exploratory fishing in new areas and VME data collection. NAFO also agreed to establish an Ad Hoc Working Group of Fishery Managers and Scientists on Vulnerable Marine Ecosystems with the objective to make recommendations on the effective implementation of measures to prevent significant impact on VMEs. A specific task given to the Working Group was to develop operational procedures relating to encounters with VMEs.

Recognising that all NEAFC parties also are members of NAFO, it is highly relevant to use the outcome of the intersessional NAFO meeting as a basis for the considerations at the upcoming NEAFC meeting.

Norway has undertaken the work to adjust the NAFO measures to the NEAFC context, cf. the attached proposal. It should be noted that while NAFO receives scientific advice from its Scientific Council, the International Council for the Exploration of the Sea (ICES) provides NEAFC with such advice in accordance with an agreed Memorandum of Understanding. NEAFC has also established a Permanent Committee on Management and Science (PECMAS), which already is given specific tasks concerning bottom fishing and VMEs. These organisational structures are reflected in the proposal. Furthermore the proposal includes interim protocols for exploratory fishing in new areas and VME data collection, which will apply until they are replaced.

Norway kindly requests the Secretary to circulate this letter and the attached proposal to PECMAS and to all Contracting Parties.

Yours sincerely,

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NORWEGIAN PROPOSAL FOR A NEAFC RECOMMENDATION ON BOTTOM FISHING ACTIVITIES IN THE NEAFC REGULATORY AREA

Article 1. Use of terms

1. The term 'bottom fishing activities' means bottom fishing activities where the fishing gear is likely to contact the seafloor during the normal course of fishing operations.
2. The term "existing bottom fishing areas" initially means areas where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted at least in two years within a reference period of 1987 to 2007. This shall be revised regularly in accordance with Article 3.4.
3. The term "new bottom fishing areas" means all other areas within the Regulatory Area which are not defined as existing bottom fishing areas, including waters deeper than 2000 metres.

Article 2. Organisation of work

It is recognised that the Permanent Committee on Management and Science (PECMAS) in implementing this Recommendation seeks comments and advice by the International Council for the Exploration of the Sea (ICES) in accordance with the Memorandum of Understanding between NEAFC and ICES.

Article 3. Identification of existing bottom fishing areas (footprint)

1. In 2008, NEAFC shall proceed to map existing bottom fishing areas within the Regulatory Area for bottom fishing activities. Mapping of trawling activity shall be given priority.
2. Contracting Parties with vessels involved in bottom fishing activities in the period of 1987-2007 shall, for the purpose of paragraph 1, submit during 2008 comprehensive maps of existing fishing areas to the Secretary. Maps shall be based on VMS data and/or other available geo-reference data and expressed in as precise spatial and temporal resolution as possible. Contracting Parties may, in the future, consider the possibility of refining these maps on the basis of haul by haul information, if available.
3. The Secretary shall compile maps submitted by Contracting Parties pursuant to paragraph 2. The Secretary shall on that basis, as well as on any data available to

it, produce a comprehensive map of existing fishing areas. The Secretary shall forward this map to the PECMAS and ICES for review and comment no later than 15 September 2008 and thereafter to the Commission.

4. The comprehensive map of existing bottom fishing areas referred to in paragraph 3 shall be revised regularly to incorporate any new relevant information.

Article 4. Bottom fishing activities in new bottom fishing areas

1. From 1 January 2009, all bottom fishing activities in new bottom fishing areas or with bottom gear not previously used in the area concerned, shall be considered as exploratory fisheries and shall be conducted in accordance with an Exploratory Bottom Fisheries Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted the interim protocol set out in Annex 1 shall apply.
2. The exploratory bottom fishing activities shall be subject to the assessment procedure set forth in Article 5, with the understanding that particular care shall be taken in the evaluation of risks of the significant adverse impact on vulnerable marine ecosystems, in line with the precautionary approach.
3. Contracting Parties shall communicate the exploratory fisheries protocol referred to in paragraph 1 to the Secretary for forwarding to PECMAS for review and to all Contracting Parties for information, together with the information or preliminary impact assessment referred to in Article 5, paragraph 3 (i), below.
4. Contracting Parties shall provide promptly a report of the results of such activities to the Secretary for circulation to all Contracting Parties.
5. Prior to commencing new bottom fishing activities based upon the results of exploratory bottom fisheries conducted in the prior two years, the Commission shall review the assessments undertaken in accordance with Article 5 below and the results of the fishing protocols implemented by the participating fleets, and shall:
 - (i) establish conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems from individual bottom fishing activities and to ensure the long-term sustainability of deep sea fish stocks, or
 - (ii) not authorize these bottom fishing activities to proceed.
6. Contracting Parties shall ensure that vessels flying their flag conducting exploratory fisheries have an observer on board. Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol to be adopted by the Commission as soon as possible. Until such a protocol is adopted, the interim protocol set out in Annex 2 shall apply.

Article 5. Assessment of bottom fishing activities

1. PECMAS shall identify, on the basis of best available scientific information, vulnerable marine ecosystems in the Regulatory Area and map sites where these vulnerable marine ecosystem are known to occur or likely to occur and provide such data and information to the Secretary for circulation to all Contracting Parties
2. Proposed bottom fishing activities in the Regulatory Area for 2009 shall be subject to assessment by PECMAS in 2008, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would have significant adverse impacts on vulnerable marine ecosystems.
3. Thereafter, assessments shall follow the procedures below:
 - (i) Each Contracting Party proposing to participate in bottom fishing shall submit to the Secretary information and an initial assessment, where possible, of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, in advance of the next meeting of PECMAS. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts. The Secretary shall promptly forward these submissions to PECMAS and the Commission.
 - (ii) The submission of such information shall be carried out in accordance with guidance developed by PECMAS, or, in the absence of such guidance, to the best of the Contracting Party's ability.
 - (iii) PECMAS shall undertake an assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on vulnerable marine ecosystems and, if so, whether mitigation measures would prevent such impacts. PECMAS may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.
5. The Commission shall, taking account of advice and recommendations provided by PECMAS, concerning bottom fishing activities, including data and information arising from reports pursuant to Article 6 adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, that may include:
 - (a) allowing, prohibiting or restricting bottom fishing activities;
 - (b) requiring specific mitigation measures for bottom fishing activities;
 - (c) allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
 - (d) any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

6. Commission shall periodically ask ICES to provide advice to Commission on the timing and requirement for assessment of a previously assessed bottom fishery.

Article 6. Encounters with vulnerable marine ecosystems

Contracting Parties shall require that vessels flying their flag cease bottom fishing activities in any site in the Regulatory Area where, in the course of fishing operations, evidence of vulnerable marine ecosystems is encountered, and report the encounter, including the location, and the type of ecosystem in question, to the Secretary so that appropriate measures can be adopted in respect of the relevant site. Such sites will then be treated in accordance with Article 5, paragraph 5.

PECMAS shall develop, during 2008, operational procedures relating to these encounters.

Article 7. Review

The Commission shall review this Recommendation at its Annual Meeting in 2011. The Commission shall biannually thereafter examine the effectiveness of these provisions in protecting vulnerable marine ecosystems from significant adverse impacts.

Interim Exploratory Bottom Fishing Protocol for New Bottom Fishing Areas

Until the Commission adopts a new protocol in accordance with Article 4, paragraph 1 of this Recommendation, exploratory bottom fisheries shall not commence until the following information has been provided to the Secretary:

- (a) A harvesting plan which outlines target species, dates and areas. Area and effort restrictions shall be considered to ensure fisheries occur on a gradual basis in a limited geographical area.
- (b) A mitigation plan including measures to prevent significant adverse impact to vulnerable marine ecosystems that may be encountered during the fishery.
- (c) A catch monitoring plan that includes recording/reporting of all species caught. The recording/reporting of catch shall be sufficiently detailed to conduct an assessment of activity, if required.
- (d) A data collection plan to facilitate the identification of vulnerable marine ecosystems/species in the area fished.

The Secretary shall promptly forward this information to all Contracting Parties and PECMAS.

Annex 2

Interim Vulnerable Marine Ecosystem (VME) Data Collection Protocol

Observers on fishing vessels in the NEAFC Regulatory Area who are deployed pursuant to Article 4, paragraph 6 of this Recommendation shall:

1. Monitor any set for evidence of VMEs and the presence of vulnerable marine species.
2. For VMEs in general: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip-number, set-number, and name of the observer on datasheets, if possible.

(Live animals should be measured and released, dead animals measured and sexed; and samples may be collected and frozen when requested by the scientific authority in a Contracting Party.)

3. For deep-sea coral species, also collect as many samples as practicable for use in confirmation of species identification, genetic and geochemistry composition.

(A small (~5 cm) piece of each coral species should be collected and frozen in plastic bag, with a pre-printed waterproof label indicating vessel name, gear type, date, position (latitude/longitude), depth, species code, trip-number, set-number and name of the observer.)

(For species with large skeletons (*Primnoa*, *Paragorgia*, *Paramuricea*, *Bathypathes*), as large a piece of the coral as possible should be collected, labelled with total weight and sub-sample weight, and frozen.)

4. Samples shall be provided to the scientific authority in a Contracting Party at the end of the fishing trip.