

## PECMAS Working document by the Secretariat with reference to

**Response to UNDOALOS with respect to giving effect to paragraphs 66 to 68 of resolution UNGA resolution 59/25 concerning the impacts of fishing on vulnerable marine ecosystems, according to General Assembly resolution 60/31. Reference is made to e-mail from FAO 7<sup>th</sup> December 2005 Sent 24 April 2006**

66. Calls upon States, either by themselves or through regional fisheries management organizations or arrangements, where these are competent to do so, to take action urgently, and consider on a case-by-case basis and on a scientific basis, including the application of the precautionary approach, the interim prohibition of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals located beyond national jurisdiction, until such time as appropriate conservation and management measures have been adopted in accordance with international law;

67. Calls upon regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries urgently to adopt, in their regulatory areas, appropriate conservation and management measures, in accordance with international law, to address the impact of destructive fishing practices, including bottom trawling that has adverse impacts on vulnerable marine ecosystems, and to ensure compliance with such measures;

*Answer:* In 2001 the NEAFC Commission closed an area on the western slope of the Rockall Bank to bottom trawling in order to protect juvenile haddock.

In 2004 it adopted a 30% reduction in effort in deep sea fisheries in the Regulatory Area.

In 2004 the NEAFC Commission closed, on a precautionary basis, five areas in the high seas to all fishing gear for the period 2005-2007 pending scientific advice from ICES. The report from ICES in 2005 contains –on requests from NEAFC and OSPAR - advice on seamounts, the distribution of cold-water corals and other vulnerable deep-water habitats. It is obvious that information currently available is insufficient to support scientifically based closures.

In 2005 the NEAFC Commission adopted a recommendation temporarily prohibiting the use of gillnets, entangling nets and trammel nets in the NEAFC Regulatory Area.

68. Calls upon members of regional fisheries management organizations or arrangements without the competence to regulate bottom fisheries and the impacts of fishing on vulnerable marine ecosystems to expand the competence, where appropriate, of their organizations or arrangements in this regard and

The NEAFC Commission has had competence to regulate bottom fisheries since 1982. In order to operate more efficiently, in 2004 and 2005 the Commission agreed on amendments to the NEAFC Convention: in 2004 on a fast track dispute settlement mechanism and in 2005 on updating the Convention with respect to biodiversity, the ecosystem and precautionary approaches.

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<p>83. <i>Calls upon</i> regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to adopt and implement measures, in accordance with the precautionary approach, ecosystem approaches and international law, for their respective regulatory areas as a matter of priority, but not later than 31 December 2008:</p>	<p>In the Report of the performance Review panel, Section 3.2, the general conclusion was that legal framework of NEAFC was consistent with relevant international instruments. The advice from the provider of scientific advice, ICES, has built in measure of introducing a precautionary buffer which is an expression of the uncertainty in the assessment process. NEAFC in its MoU with ICES has required advice taking into account the impact of fisheries on other species and marine ecosystems</p>
<p>(a) To assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorized to proceed;</p>	<p>This is part of the request for advice from ICES. NEAFC has set up a system for processing proposals for closing areas for protection of vulnerable parts of the ecosystem.</p>
<p>(b) To identify vulnerable marine ecosystems and determine whether bottom fishing activities would cause significant adverse impacts to such ecosystems and the long-term sustainability of deep sea fish stocks, inter alia, by improving scientific research and data collection and sharing, and through new and exploratory fisheries;</p>	<p>ICES is in the process of compiling such data and i.a. uses NEAFC VMS data to map fisheries activities. NEAFC has established its own sampling scheme to assist the process. NEAFC has reduced effort in deep sea fisheries with 35 %.</p> <p>The fishery for orange roughy was banned in 2007. A box was introduced in 2002 to protect juvenile haddock in the Rockall area. Gill and trammel nets have been banned in depths below 200 m and control and retrieval programmes are under way. The major fisheries over deep water in the NEAFC Regulatory Area are clean, pelagic fisheries with no by-catch or impact on demersal habitats. Of the 1300 thousand tonnes taken in the Regulatory Area less than 20 thousand tonnes are from bottom fishing.</p>
<p>(c) In respect of areas where vulnerable marine ecosystems, including seamounts, hydrothermal vents and cold water corals, are known to occur or are</p>	<p>NEAFC closed 5 areas with effect from 1 January 2005 to protect vulnerable deep water habitats and an additional 4 areas with effect from March 2007 to protect cold water corals</p>

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<p>likely to occur based on the best available scientific information, to close such areas to bottom fishing and ensure that such activities do not proceed unless conservation and management measures have been established to prevent significant adverse impacts on vulnerable marine ecosystems;</p>	
<p>(d) To require members of the regional fisheries management organizations or arrangements to require vessels flying their flag to cease bottom fishing activities in areas where, in the course of fishing operations, vulnerable marine ecosystems are encountered, and to report the encounter so that appropriate measures can be adopted in respect of the relevant site;</p>	<p>See above</p>
<p>84. <i>Also calls upon</i> regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries to make the measures adopted pursuant to paragraph 83 of the present resolution publicly available;</p>	<p>All measure are published on the NEAFC website and communicated to UN, FAO and civil society</p>