



Recommendation XVI: 2008

RECOMMENDATION BY THE NORTH-EAST ATLANTIC FISHERIES COMMISSION IN ACCORDANCE WITH ARTICLE 5 OF THE CONVENTION ON FUTURE MULTILATERAL COOPERATION IN NORTH-EAST ATLANTIC FISHERIES AT ITS EXTRAORDINARY MEETING ON 1-2 JULY 2008 TO ADOPT THE FOLLOWING 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.

Article 2. Organisation of work

It is recognised that the Permanent Committee on Management and Science (PECMAS) in implementing this Recommendation seeks comments from 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

1. NEAFC shall proceed to map existing bottom fishing areas within the Regulatory Area for bottom fishing activities. Mapping of bottom trawling activity shall be given priority.
2. The Secretary shall develop a preliminary map based on VMS data and other geo-reference data presently available in the Secretariat and/or provided

subsequently by Contracting Parties. The Secretary shall forward this map to PECMAS and ICES for review and comment no later than 15 September 2008 and thereafter to the Commission.

3. Contracting Parties with vessels involved in bottom fishing activities in the period 1987 to 2007 shall, for the purpose of paragraph 1, submit to the extent possible and no later than 1 September 2009 comprehensive maps of existing fishing areas to the Secretary. Maps shall be based on VMS data and/or other available geo-reference data and be 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. The Secretary shall refine the preliminary map prepared referred to in paragraph 2 following further submissions by Contracting Parties pursuant to this paragraph. The Secretary shall forward this map to PECMAS and ICES for review and comment no later than 15 September 2009 and thereafter to the Commission.
4. The comprehensive map of existing bottom fishing areas referred to in paragraphs 1 and 3 shall be revised regularly to incorporate any 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 required information under the exploratory fisheries protocol referred to in paragraph 1 to the Secretary for forwarding to PECMAS and to all Contracting Parties, 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) Authorise these bottom fishing to proceed and 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. On the basis of the best available scientific information, PECMAS shall identify vulnerable marine ecosystems in the Regulatory Area and map sites where these vulnerable marine ecosystem are known to occur or likely to occur and shall 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 consideration by PECMAS at its 28-29 October 2008 meeting using existing and available assessments by ICES in 2008, and based on the best available scientific information, in order to determine whether such activities, taking account of the history of bottom fishing in the areas proposed, would have significant adverse impacts on vulnerable marine ecosystems. This information shall be available to PECMAS not later than 15 October 2008.
- 3. Thereafter, assessments shall follow the procedures set out below:
 - (i) Each Contracting Party proposing to participate in bottom fishing shall submit to the Secretary information on and, where possible, an initial assessment 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 to the Commission.
 - (ii) The submission of such information shall be carried out in accordance with guidance developed by PECMAS on the basis of advice from ICES or, in the absence of such guidance, to the best of the Contracting Party's ability.
 - (iii) On the basis of an assessment made by ICES, according to its own internally developed procedures and standards, PECMAS shall 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. In this assessment, any other necessary information required, including information from other fisheries in the region or similar fisheries elsewhere may be used.

4. Taking account of the advice and recommendations provided by ICES and considered by PECMAS, concerning bottom-fishing activities, including data and information arising from reports pursuant to Article 6, the Commission shall adopt conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems. Such measures may include:
 - (i) Allowing, prohibiting or restricting bottom fishing activities;
 - (ii) Requiring specific mitigation measures for bottom fishing activities;
 - (iii) Allowing, prohibiting or restricting bottom fishing with certain gear types, or changes in gear design and/or deployment; and/or
 - (iv) Any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

The Commission shall periodically ask ICES to provide advice to NEAFC for consideration by PECMAS on the timing and requirements for the assessment of a previously assessed bottom fishery.

Article 6. Encounters with vulnerable marine ecosystems

Contracting Parties shall require that vessels flying their flag without delay 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 4, paragraph 5.

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

Article 7. Review

The Commission shall review this Recommendation at the latest at its Annual Meeting in 2012. 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 may commence only when the following information has been provided to the Secretary by the relevant Contracting Party:

- (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 PECCMAS.

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. Record the following information for identification of VMEs: vessel name, gear type, date, position (latitude/longitude), depth, species code, trip-number, set-number, and name of the observer on datasheets, if possible.
3. Collect representative samples from the entire catch

(Biological samples shall be collected and frozen when requested by the scientific authority in a Contracting Party.)
4. Provide samples to the scientific authority of a Contracting Party at the end of the fishing trip.

PROPOSAL FOR GUIDELINES FOR PRODUCING MAPS ACCORDING TO ARTICLE 3 IN THE NEAFC RECOMMENDATION ON BOTTOM FISHING ACTIVITIES IN THE NEAFC REGULATORY AREA

For fishing activity using fishing gear that is likely to come into contact with the seafloor during the normal course of fishing operations, each party shall prepare a list of sub-squares where fishing activity has taken place during the reference period 1987-2007. The data shall be delivered by year.

Each ICES statistical rectangle (‘30 min latitude and 1° longitude) shall be divided into 36 sub-squares (‘5 min latitude and ’10 min longitude). The position given for each square shall be the NW corner of the square.

Information on gear type shall be given, using following broad categories:
Bottom trawl (B), longline (L), gillnets (G), bento-pelagic (BP) (i.e. grenadier and alfonsino fishery) and others (O) (meaning other gears that have bottom contact during normal operation).

Therefore, the data shall be delivered as a table including following information for sub-squares where fishing operations have occurred:

Party	Lat	Lon	Year	Gear type
-------	-----	-----	------	-----------