



**PERMANENT COMMITTEE ON MANAGEMENT AND SCIENCE -
PECMAS
OF THE NORTH-EAST ATLANTIC FISHERIES COMMISSION
30 September - 1 October 2010 at NEAFC Headquarters, London**

Report

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1) Executive summary and actions arising

PECMAS discussed (*agenda item 4*) the effect of the focus on fisheries in the UN and the many peer reviewed articles in journals that deem Regional Fisheries Organisations to be dysfunctional. To respond to this, PECMAS proposes that efforts are initiated to report on and evaluate the effects and effectiveness of the NEAFC regulation of bottom and deepwater fisheries, and measures to conserve deepwater species and vulnerable marine ecosystems (e.g. bottom fisheries closures). Recent variation and trends in the intensity and spatial distribution of fishing activity should be considered in a historical context. The documentation and critical review resulting from these considerations should be presented annually in a transparent manner on the NEAFC website.

Examples of items that may be considered in the report are:

- Characteristics of the fisheries and changes relevant to the regulatory efforts (fleets, licences, gears).
- Scale and spatial distribution fishing effort in existing and new fishing areas and in relation to closed areas.
- Impact assessments relevant to ‘new fishing areas’.
- VME encounters and reports on actions in relation to relevant regulations.
- Indirect effects of regulations on fishing activity, e.g. incentive to fish.
- IUU fishing.

PECMAS draws the attention of the Commission (*agenda item 6 a*) to the fact that, as ICES is going from a Precautionary Approach framework to an MSY advisory framework, there may be a need to adjust the MoU.

PECMAS discussed (*agenda item 6 a*) possible extensions of existing area closures based on advice from ICES and agreed to postpone the general discussions until the planned meeting between NEAFC, NAFO and OSPAR on objectives of closures has taken place.

PECMAS was informed (*agenda item 6 b*) about the recurrent ICES advice on the main fisheries regulated by NEAFC.

PECMAS did not reach consensus (*agenda item 7a*) on the extensions to the Mid-Atlantic Ridge closures proposed by the EU. With respect to advice on possible extensions in the Rockall area to protect corals, PECMAS draws the attention of the Commission to the information available and in addition will ask ICES for whatever information there is in this area.

PECMAS noted (*agenda item 7b*) that data on existing fishing areas had now been received from all Contracting Parties and, after an exchange of view in PECMAS, had been adopted by the Commission by postal vote and had entered into force. The NEAFC Secretariat will make the maps of existing fishing areas available in a user friendly form easily accessible for managers and industry.

PECMAS agreed (*agenda item 7c*) to propose to the Commission tighter rules for bottom fishing outside existing bottom fishing areas and amend the rules for assessing bottom fishing activities. A proposal will be submitted to the Annual Meeting for decision/

PECMAS agreed (*agenda item 7c*) to attempt to edit the two bottom fish recommendations XIV 2008 and X 2009 into one. This would not affect substance, which will be reviewed at AM2012. The Chair and the Secretariat will distribute a draft proposal to PECMAS. If the response is positive it will be forwarded to the Commission for decision.

PECMAS agreed (*agenda item 7c*) to ask the Secretariat to investigate how a guide for identification of corals can be developed in NEAFC. A note will be prepared for the 29th Annual Meeting.

PECMAS had (*agenda item 8*) a fruitful exchange of information with representatives of OSPAR. Areas of cooperation and the potential of cross sectoral cooperation with other International Government Organisation, with a mandate to regulate human activities in the oceans and with whom OSPAR and NEAFC have MoUs, was also discussed.

PECMAS draws the attention of the Commission (*agenda item 7c*) to a proposal from the last Annual Meeting on the collation of information on the distribution of all life stages of blue whiting in the North East Atlantic and the distribution of catches from the stocks of blue whiting distribution, with a deadline of 1 March 2011.

PECMAS suggests (*agenda item 11*) that next year's PECMAS meeting is around the same time as this year, linked to the release of the ICES advice.

2) Opening of the meeting

The Chair, Mr Snorri Pálmason, Norway, called the meeting of PECMAS to order at 10:10 am at NEAFC HQ. He welcomed the members of PECMAS, representing all Contracting Parties, and the observer from ICES. He noted that most documents were available on the NEAFC website. The meeting had several issues to address and he suggested starting work immediately.

3) Adoption of the agenda and appointment of rapporteur

The first draft of the agenda was circulated at the end of June 2010, PECMAS 2010-01. No comments on the first draft had been received from Contracting Parties. The present revised annotated version had been developed by the Chair and the Secretariat. He drew attention to the detailed agenda for the session with OSPAR, which will take place between 11 am to 1 pm on Friday 1 October 2010. He asked for comments. The EU representative suggested that the advice from ICES, agenda item 5, was discussed later in the meeting. The agenda was adopted and the Secretariat was appointed rapporteur. The Chair proposed starting with agenda item 6. He would report on

discussions of procedures for assessing bottom fisheries from a recent NAFO meeting, where relevant.

4) UNGA Resolution 64/72

The Secretariat introduced PECM 2010/20 describing fisheries in the UN and the many peer reviewed articles in journals that deemed Regional Fisheries Organisations to be dysfunctional.

The Icelandic and Norwegian representatives suggested that NEAFC should make information more proactively available on the status of fisheries and achievements in the regulating fisheries. For example, describe the fishing activity and, in general, if the measures taken have had an effect, in short recent fishing history and the management measures agreed. There are failings but certainly also successes. This should be communicated more efficiently and transparently. It was agreed to consider cooperating with the Nordic Council of Ministers in these matters.

The Chair asked if ICES should be requested to make this review. The Icelandic representative felt that this may be a major exercise, but it could probably be done. The ICES representative suggested that it could be considered by a special workshop. The Icelandic representative suggested that the Fisheries and Aquaculture group of the Nordic Council of Ministers may be interested in cooperation in this field.

The Norwegian representative stressed that the results had to appear as scientific papers in peer reviewed journals. NEAFC's role was to make available transparent information on development in effort, fishing history, and enforcement which could be used by independent scientists. ICES is not seen as an independent organisation in all forums but could arrange workshops, symposia or theme sessions that could lead to peer reviewed articles. The Norwegian representative pointed out 1998 was the last time deep sea fisheries had been debated in an ICES Science Conference. Some other practical ways forward were discussed.

The representative of the Russian Federation suggested that NEAFC should request ICES to make a review of historical fishery in deep waters. ICES could ask member states to contribute data. He also suggested that this should be extended to all bottom fisheries including demersal species. The Icelandic representative proposed that PECMAS should recommend that the Secretariat maps and makes public effort data for deep sea fisheries. The Norwegian representative proposed recommending to the Commission that steps are taken to analyse the effects of deep water fisheries measures including the effect of area closures. The Icelandic and the Norwegian representative volunteered to draft text.

The Norwegian representative introduced PECM 2010/22. The representative of the Russian Federation repeated its suggestion that the recommendation should cover all bottom fisheries in the NEAFC RA. He pointed out that the haddock and grey gurnard fisheries in the Rockall area were close to VMEs. The representative of Denmark (in respect of the Faroe Islands and Greenland) asked if the proposal only applied to the Regulatory Area. The Icelandic representative would like to include all fisheries, also benthopelagic fisheries. The representative of the Russian Federation informed that Russia, including during Soviet times, had used benthopelagic gear in the roundnose grenadier and alfonso fisheries. He informed that sometimes catches of the species were taken 100 m above seamounts and it is not clear what the criteria of benthopelagic fisheries are. The representative of Denmark (in respect of the Faroe Islands and Greenland) pointed out that the recommendation should be focusing on the spatial distribution. The Icelandic representative did not think that it was difficult to include the pelagic fisheries, because ICES already published quarterly distribution data.

The representative of Denmark (in respect of the Faroe Islands and Greenland) was worried about the burden of an annual report and wanted the questions to be spelled out more clearly. The Norwegian representative found that some facts, such as reported encounters were simple, others would be more cumbersome. The Norwegian representative volunteered to draft a revised version of the recommendation.

The revised recommendation was circulated as PECM 2010/22 rev 1¹. The changes were introduced by the Norwegian representative. The list of examples should not be seen as exclusive. The Chair asked if the recommendation applied to the RA only. The representative of Denmark (in respect of the Faroe Islands and Greenland) thought that it only referred to measures applicable in the RA. The representative of the Russian Federation suggested including daily reports as they do not use logbooks as a main source of fishery statistics.

It was agreed not to specify type of information in the bracket. It was agreed to forward the recommendation to the Commission. The Chair thanked the drafters.

5) UN meetings 2010

This item was discussed at the session with OSPAR. Reference was made to PECM 2010/16, which gives an overview of the processes in UN.

6) Cooperation with ICES

It was noted that the 2010 meeting between client commissions and ICES has been postponed to 13 October at NEAFC HQ.

ICES has had two meetings of importance for future advice: “The Form of ICES Advice 1-3 December 2010 IPIMAR, Lisbon” and “Format of the ICES advisory report 4-5 December 2010” IPIMAR, Lisbon. The recommendations of those meetings have been adopted and ICES had moved from precautionary advice to MSY advice in line with the 2002 Johannesburg commitments.

ICES made a presentation of changes in ICES advice this year. It described the movement from precautionary advice to MSY advice. The presentation will be appended to the PECMAS report. It is expected that F_{msy} will generally be lower than F_{pa} . The Icelandic representative asked about stocks with no data and therefore no advice. (EU category 11 stocks). ICES responded that this did not mean zero advice. The representative of Denmark (in respect of the Faroe Islands and Greenland) asked if the transition formula (the transition towards F_{msy}) took into account that some stocks were fished at mortality above F_{pa} . ICES would not advise fishing mortalities above F_{pa} , but would list several measures of fishing mortality. The representative of Denmark (in respect of the Faroe Islands and Greenland) thought that there should be several options for transition periods, not only the 20%

¹ It is recommended that efforts are initiated to report on and evaluate the effects and effectiveness of the NEAFC regulations of bottom and deepwater fisheries, and measures to conserve deepwater species and vulnerable marine ecosystems (e.g. bottom fisheries closures). Recent variation and trends in the intensity and spatial distribution of fishing activity should be considered in a historical context. The documentation and critical review resulting from these considerations should be presented annually in a transparent manner on the NEAFC website.

Examples of items that may be considered in the report are:

- Characteristics of the fisheries and changes relevant to the regulatory efforts (fleets, licences, gears).
- Scale and spatial distribution fishing effort in existing and new fishing areas and in relation to closed areas.
- Impact assessments relevant to 'new fishing areas'.
- VME encounters and reports on actions in relation to relevant regulations.
- Indirect effects of regulations on fishing activity, e.g. incentive to fish.
- IUU fishing.

annual reduction. The EU representative pointed out there were an infinite number of solutions as to how to approach F_{msy} .

a) Drafting the request for advice from ICES

For the last 4 years the draft has been based on the MoU with ICES, under the general headings 5.a) i-iv.

- i) Requirements in the amended Convention**
- ii) International trends**
- iii) Scientific basis for management measures for fisheries**
- iv) Scientific basis for area management**

At last year's meeting between client commissions and ICES a possible review of the Memorandum of Understanding with ICES was discussed. The MoU has been in place for the last 4 years. In the light of the discussions at the two meetings in Portugal in December 2009 – especially as ICES going from the present Precautionary Approach framework to an MSY advisory framework – there may be a need to adjust the MoU. The Chair asked the EU representative about progress made in renewing the MoU between EU and ICES. The EU gave a short summary of the situation. Lacking sufficient knowledge of the NEAFC MoU it was difficult to say more. The Chair proposed circulating a copy of the MoU in advance of the Annual Meeting.

The Chair reminded that he had urged parties to comment on the 2010 Request before this meeting. No comments had been received. He asked if there were any requests in addition to the normal recurrent advice. He noted that ICES has information that could be used to define or amend boundaries of closed areas. If NEAFC wishes to receive advice on suitable areas to close to protect vulnerable deep-water habitats, then NEAFC should explicitly request ICES to advise on new areas that need to be considered for closure or revision of boundaries of currently closed areas under its regulation in accordance with new information. The Chair thought that there was a standing request to ICES for information on vulnerable areas and possible closures.

The representative of Denmark (in respect of the Faroe Islands and Greenland) explained that ICES needed to know what the objective was of a certain closure and more precisely what was needed. The Secretariat informed about the proposal from NEAFC to meet NAFO and OSPAR to discuss the objective of area closures and MPAs. The Norwegian representative pointed out that there are two ways to establish closures: national research leading to proposals from a Contracting Party and advice directly from ICES based on analysis of especially VMS data. He did not think that the channel directly from ICES was effective. The Icelandic representative questioned whether ICES should on its own suggest changes to closures. Was this not a political question? The Norwegian representative understood the ICES advice as indicating that they were able to give advice on closures. PECMAS could recommend to the Commission to ask more specifically on advice on new closures or areas. The Icelandic representative felt that the request should come from NEAFC to look at specific areas and make proposals, not the other way around. The representative of Denmark (in respect of the Faroe Islands and Greenland) admitted that ICES could on its own make suggestions, but he maintained that it would be easier to handle if there was a specific request from NEAFC. The Icelandic representative pointed out that ICES may get a mixed signal, one from OSPAR and another from NEAFC. The representative of Denmark (in respect of the Faroe Islands and Greenland) thought that in general ICES took a broader approach than sectoral. The representative of the Russian Federation suggested that their exchange of letters with ICES on Rockall Bank extensions should form the basis for a request for sufficient non-recurring advice to ICES. The Chair said it had been agreed that PECMAS will draw the attention of the Commission to the ICES advice and he suggested that the exchange would be included. ICES was free to make this additional information

available in November and the Commission could act. A request for 2011 will postpone the process one year.

It was agreed to wait for discussions between NAFO, OSPAR and NEAFC on the objectives of closed areas.

The EU representative asked PECMAS to recommend to the Commission drafting very clear questions to ICES when requiring advice, so as to guarantee an appropriate answer. No follow up was given by PECMAS.

The representative of the Russian Federation informed that Russian Federation scientists retain the same position as last year with respect to the ICES advice on the Irminger Sea redfish. Russian scientists have tried to publish their critical analysis in the journal *Heredity*, but editors had not accepted the article. The Icelandic representative did not understand the Russian position and the reasons for not accepting the ICES advice. The representative of the Russian Federation said that the same data were used but the interpretation of data was different. The Icelandic representative noted that the ICES Stock Identification Methods Working Group used very strong words with respect to the Russian position. He really could not accept the arguments put forward by Russian scientists in this matter. The representative of the Russian Federation hoped that the discussions could continue and new information could be looked at.

The Chair thought that the internal ICES discussions should not take place in PECMAS. We have received the advice from ICES and have to base our work on that.

The Chair urged delegations to submit any requests for non-recurrent advice as soon as possible, so the text of the request could be in a final form before the Annual Meeting.

b) Reviewing the advice from ICES

- i) Deep Sea species advice**
- ii) Beaked Redfish (*Sebastes mentella*) in Division Va and Subarea XIV (The Icelandic representative ic Slope stock)**
- iii) Beaked Redfish (*Sebastes mentella*) in Subarea XIVb (Demersal)**
- iv) Beaked Redfish (*Sebastes mentella*) in Subareas V, XII, XIV and NAFO Subareas 1+2 (Deep Pelagic stock > 500 m)**
- v) Beaked Redfish (*Sebastes mentella*) in Subareas V, XII, XIV and NAFO Subareas 1+2 (Shallow Pelagic stock < 500 m)**
- vi) Redfish (*Sebastes mentella*) in Subareas I and II**
- vii) Blue whiting**
- viii) Norwegian spring spawning (Atlanto-Scandian) herring**
- ix) Mackerel**
- x) Rockall haddock**
- xi) Possible new advice on thresholds, move on rules and an explorative protocol**

Advice was released on 5.b.i to vi 5.b.x in June 2010 and 5.b.xi 17 August and can be found on the ICES website <http://www.ices.dk/advice/icesadvice.asp>.

ICES went through the advice to be released on 1 October 2010 for widely distributed stocks, 5.viii-5.ix. There were questions and comments from the Committee. He asked for comments on the advice for 5.b-5.vi. and 5.xi. There were no comments.

There is draft new advice on thresholds, move on rules and an explorative protocol, which has not been adopted by ACOM, but can be made available. Agreed advice will be ready in November.

With respect to the stock structure of the redfish stock there is new information, but this has not led to a change in the ICES advice. The WG on the stock structure had looked at again it and has reaffirmed its previous assessment. The response will be made available at to the Committee.

7) Area Management

a) Changes in existing closures,

The proposal by the EU for extensions of the MAR closures has been available since the last Annual Meeting. ICES has now given its advice. The Secretariat explained the history of the proposal and, at the request of the EU representative, it was agreed to get the decisions by OSPAR on MPAs last week in Bergen to inform PECMAS. The Secretariat and the Icelandic representative explained that only the southern part of Charlie Gibbs had been proposed as an MPA, because the situation is unclear with respect to the definition and criteria for the establishment of the outer limits of the continental shelf beyond 200 nautical miles

The ICES representative presented its advice on vulnerable deep-water habitats, PECM 2010/03²

The Chair asked if PECMAS was ready to propose extending the mid-MAR closures. ICES has given its advice and OSPAR has decided on its MPAs. The Icelandic representative asked if the ICES advice not simply stated that there may be a case for extending the Hatton Bank closures, but an extension of the MAR closures would not add to the protection of VMEs against adverse effects. ICES responded that this seems to be a fair interpretation. The representative of Denmark (in respect of the Faroe Islands and Greenland) noted that in the ICES drafting group it was established that there were no data presented that could support a proposal to extend the area to protect vulnerable areas against fisheries impact. The EU representative read the advice differently and did not interpret it as meaning that there was no need for further protection. Moreover, she considered that technology may develop and on a precautionary basis the EU proposal should stand. The representative of Denmark (in respect of the Faroe Islands and Greenland) did not see the scientific basis for the proposed extensions. The Icelandic representative was reluctant to premeditate developments in technology and their impact on the VMEs. The Norwegian representative noted that the present closures extend into waters of over 3000 m depth. The density of any harvestable resource decreases exponentially with depth. This is what the ICES advice spells out. Extending areas in shallower parts on the MAR may be something else.

² **ICES advice 2010**

2 Regarding vulnerable habitats and deep-water species

Additional closures on the Reykjanes Ridge will protect any VMEs in the areas concerned against adverse impacts resulting from bottom fishing activities. In the Sub-Polar Frontal Zone and to the north of the Azores, proposed closure extensions will probably have less effect in terms of reducing the risk of adverse impact from bottom fisheries because the majority of these areas is deeper than current fishing depths.

Closure of currently fished areas on the Mid-Atlantic Ridge, may displace fisheries towards previously unimpacted seabed areas.

Recommendations

As noted above, ICES has information that could be used to define or amend boundaries to closed areas. If NEAFC wish to receive advice on suitable areas to close to protect vulnerable deep-water habitats, then NEAFC should explicitly request ICES to advise on new areas that need to be considered for closure or whether the boundaries of currently closed areas under its regulation need to be revised in accordance with new information on vulnerable deep-water habitats.

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The Chair felt that all points had been made. He drew attention to the fact that the areas outside the closures are not open, but “new” fishing areas, except some very small areas. This gave additional protection.

The Chair again asked if PECMAS, after discussions, was ready to propose to the Commission that the MAR closures were extended. The EU representative stated that the EU wanted to maintain the proposal, but she was not in a position to discuss details. The Norwegian representative asked about the objective of the proposal. Arguing that there was reversal of the burden of proof was one thing, but there still had to be scientific reasoning behind the proposal to extend the closures. He did not see this in the ICES advice. The Icelandic representative tended to agree with the Norwegian representative. The ICES advice was not conclusive, especially not with respect to the precise extensions. The representative of Denmark (in respect of the Faroe Islands and Greenland) fully agreed with the Icelandic and the Norwegian representative. There was no clear scientific advice and ICES stated that there was no additional value in extending the closures. The representative of the Russian Federation also agreed and found it was difficult to make sense of the proposal. According to Soviet exploratory fishing there were no commercial aggregations below 1700 m so technological developments would not have any effect. The Icelandic representative stressed that PECMAS could only make a technical evaluation of scientific advice and report the outcome to the Commission. The EU representative found that the problem with the advice was the lack of conclusion. The question put to ICES was not precise enough to give a clear scientific answer. She stated that, as scientific advice is considered not precise enough, then it was up to management to decide, not science.

The Norwegian representative asked if it was the intention to replace present closures with the ones proposed. This seemed to go against the ICES advice. The Chair pointed out that this was what the proposal said in paragraph 7. The Norwegian representative thought that the north MAR closures had the potential to reduce impacts of fisheries. Therefore it was essential to judge if there was added value in replacing the present closures. This did not come out of the ICES advice and the MARECO and ECOMAR projects did not look at these areas in enough detail to make a judgement. ECOMAR was coordinated by the UK and MARECO coordinated by Norway.

The Chair concluded that there was no consensus to make a recommendation so the only thing PECMAS could do was to report the discussions in the Committee.

The latest ICES advice to NEAFC on vulnerable deep-water habitats has pointed out that there are occurrences of corals outside the present Rockall Bank closures. The Icelandic representative had plotted the borderlines of the EEZs and it is clear that this is also the case in the RA. The Chair felt that the map of occurrences presented by ICES was not very conclusive and ICES may be in a position to give more information. The representative of the Russian Federation reported that they had discussed this matter with ICES by correspondence and he was not convinced that the Scottish coral marks, which were the basis for the ICES advice, could be used. He was not convinced that there was a solid basis for proposing changes and would make the exchange of letters with ICES available to the Committee. The exchange of letters – PECM 2010/26 – was circulated. The representative of the Russian Federation suggested that their exchange of letters with ICES on Rockall Bank extensions should form the basis for a request for sufficient non-recurring advice to ICES. The Chair said it had been agreed that PECMAS will draw the attention of the Commission to the ICES advice and he suggested that the exchange would be included. ICES was free to make this additional information available in November and the Commission could act. A request for 2011 will postpone the process one year.

The Committee agreed to draw the attention of the Commission to the information available and ask ICES for whatever further information they have. The EU representative noted that it was up to the Commission to act on any information.

b) Status of existing and new fishing areas

PECMAS had by correspondence dealt with an analysis of VMS data from Portugal, France and Norway. (PECM 2010/2 1.rev). The result had been adopted by the Commission in a postal vote. The Icelandic representative drew attention to the fact that three Contracting Parties had not submitted data in the correct form. The Secretariat explained that the Commission, by adopting the proposal, had accepted this. The Icelandic representative thought that there was a case for asking the three Contracting Parties that had not sent the correct data to do so to increase the basis for scientific analysis.

The amendments were accepted by all parties and will be forwarded to the Commission.

The Chair suggested that PECMAS under this item discusses how to map the now to large extent consolidated “new” and “existing” fishing areas. Managers and the industry should have easy access to the regulations. He drew attention to the map in PECM 2010/05, which should be accompanied by the list of coordinates, easy to copy and paste. The Icelandic representative informed that he had sent programmes to the Secretariat, which makes the area coordinates available in a user friendly form easy to include into Google maps. PECMAS agreed that the Secretariat should make these maps available on the website (in the process reporting to PECCOE) as soon as possible.

c) Changes to recommendations on bottom fishing

The Chair reported that NAFO at its recent Annual Meeting had discussed Environmental Impact Assessments. Some NAFO states felt that all deep sea fisheries should be strictly assessed. A compromise was worked out, exempting existing fishing areas from the strict assessment. The Chair proposed that the NAFO definitions were included in the NEAFC rules in order to better meet the requirements of the FAO Guidelines. The Chair circulated a proposal to amend the procedures for assessing the environmental impact of bottom fisheries. The proposal tightens the requirements for vessels that want to undertake exploratory fishing in new fishing areas, fisheries where there are significant changes in gear and technology in existing areas and when there is new information on encounters with VMEs. The Icelandic representative accepted this. He asked, however, where the proposal by the Chair fitted in. The Chair suggested that delegations looked carefully at the proposal.

The EU representative thought that ICES should be involved in defining data necessary for this assessment. The Icelandic representative asked if ICES would be able to answer questions on new technology and feared that there could be a process back and forth, which would delay progress. The Icelandic representative asked if the text could be changed to avoid this. The EU representative informed that her experience with impact assessment showed that, in the absence of scientific guidelines, scientific concerns are hardly given the appropriate place in impact assessment.

The EU representative could accept the proposed amendments. ICES involvement is stipulated in the bottom fishing recommendations anyway.

The Chair reported that he had been informed at the NAFO meeting that NAFO had tidied up their bottom fishing recommendations to take into account developments since the first recommendation and thought that NEAFC should do the same, merging the two bottom fish recommendations. This was an editorial exercise. Substance will be reviewed at AM 2012. He volunteered together with the

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Secretariat to undertake the editing and distribute a draft proposal to PECMAS. If the response is positive it could be forwarded to the Commission for decision. The EU representative asked which particular recommendations were to be consolidated. The Chair informed that it was recommendation XIV 2008 and X 2009.

The Chair concluded that the amendment of the assessment rules has been accepted and the consolidated text would be drafted by the Chair and the Secretariat before the Annual Meeting.

The Chair suggested that NEAFC – in line with NAFO and SEAFO – developed identification guides for corals. He suggested that the Secretary investigate how this could be done and make a note to the Annual Meeting on how this could be achieved. This was agreed

The Secretariat drew attention the agreement with ICES about the VMS data and suggested that he wrote a letter to ICES about its implementation. This was agreed. The Icelandic representative informed that in the process of determining existing fishing areas he had developed some programs which made it easier to compile data files from the NEAFC database.

8) Session with OSPAR

a) OSPAR Secretariat information

The Chair welcomed representatives from the OSPAR Secretariat - the Executive Secretary David Johnson and Deputy Secretary Richard Emmerson. He said that the purpose of the meeting was to exchange information between the two organisations.

Information on the outcomes of the OSPAR Commission and Ministerial meeting (The North-East Atlantic Environment Summit) 20-24 September 2010 in Bergen.

OSPAR has ministerial meetings every 7 years, the last in Bremen in 2003.

The OSPAR observer thanked the meeting for the opportunity to participate in PECMAS. He outlined the headlines of the recent Ministerial Meeting in Bergen. Ministers signed off several measures: a new strategy based on the ecosystem approach and a new working structure with new groups, i.e. a coordination group to make sure that OSPAR integrates work of its different Committees. OSPAR strongly supports the EU Marine Strategy Framework Directive, MSFD. A number of recommendations on declining species and habitats were also agreed.

A major outcome was agreement on MPAs in the wider Atlantic:

- the Milne Seamount Complex MPA close to the border between NAFO and NEAFC,
- the Charlie-Gibbs South MPA, covering the southern part of the Charlie-Gibbs Fracture Zone,
- the Altair and Antialtair Seamounts High Seas MPAs, either side of the Mid-Atlantic Ridge,
- the Josephine Seamount High Seas MPA towards the southern border of the OSPAR Maritime Area,
- the MAR north of the Azores High Seas MPA, an area straddling the Mid-Atlantic Ridge north of the Azores

OSPAR had not taken forward a proposal to establish an MPA for Charlie-Gibbs North because the seabed in this area is the subject of a submission to the Commission on the Limits of the Continental shelf. This matter will be discussed in a political process up to 2012. The four High Seas MPAs were

complemented by nationally designated MPAs for the seabed in these areas, which is the subject of a submission to the Commission on the Limits of the Continental Shelf by Portugal

The new OSPAR MPAs are geographically closely aligned to the NEAFC closures and the OSPAR representative wanted to discuss the possibility of aligning borderlines later in the meeting.

The issue of marine litter was a major political issue and was included in the Ministerial Declaration. Litter is one of 11 Descriptors for Good Environmental Status that requires consideration by Member States under the MSFD.

The Deep Horizon oil spill accident had been considered and it had already been decided to look at the lessons learned based on EU and US assessments in the next cycle of meetings.

The OSPAR observer stressed the importance of international cooperation, with NEAFC and the signing of the MoU with ISA

PECMAS took note of the information. There were no questions or comments.

The QSR process

The OSPAR observer made a presentation which will be appended to the final report from this PECMAS meeting. Quality Status Reports, QSR, are published every decade. Quality is assessed against the OSPAR vision, strategy and on the basis of a Joint Assessment and Monitoring Programme.

A pack of OSPAR material was distributed to some of the PECMAS members including a DVD with the QSR 2010 and the detailed thematic assessments that underpin it. There is also an interactive website that contains the report and the supporting thematic assessments..

The OSPAR observer stressed that the report had been very carefully put together over the previous two years, with a QSR Fisheries Drafting Group providing a major input to the chapter on fishing and its underlying assessment. In presenting the overall conclusions on trends and status at the OSPAR area scale, he highlighted that the amalgamation of information might mean that some more finely nuanced details were not fully represented. The Report, launched by ministers at OSPAR 2010, is an OSPAR contribution in line with conclusions of the UN “Assessment of Assessments”.

The OSPAR List of threatened and/or declining species and habitats.

Richard Emmerson introduced the list, PECEM 2010/23. This is the first step in making Annex V operational and had been signed off in its initial form by the 2003 Ministerial Meeting. It has been peer reviewed by ICES against the Texel /Faial criteria³. Candidates for the lists were nominated by OSPAR Contracting Parties and Observers.

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ANNEX 5
(Ref. § A-4.8)

A number of elasmobranchs and some sea birds have been added in 2008. There had been much internal discussion in OSPAR on how to take forward work on furthering the protection and conservation of the listed species and habitats- competence is an important issue.

At the Bergen meeting, OSPAR Ministers adopted Recommendations on environmental impact assessments, measures for elasmobranchs, orange roughy, *Lophelia pertusa* reefs, coral gardens, deep-sea sponge aggregations and sea-pen and burrowing megafauna communities. OSPAR has produced a large number of background documents summarising the current status of the species and habitats on the OSPAR List and proposing recommendations for actions that could be taken.

The Chair asked about the difference between threatened and declining species. The OSPAR observer responded that threatened is a difficult concept so a precautionary approach had often been used. OSPAR also uses regional listings. The list influences decisions on MPAs.

The representative of Denmark (in respect of the Faroe Islands and Greenland) understood that there were criteria. Assessments were analytical or qualitative. He asked why some species were included while others were not. The OSPAR observer did not want to give the impression that there were no problems or that the list should be taken as fully comprehensive. He asked if it would help if NEAFC and OSPAR discussed particular cases. The Norwegian representative thought it would, but pointed out problems in categorising some fisheries and stocks. He asked that if there was a mechanism to remove species from the list. The OSPAR observer responded that there had not been any proposal to remove elements on the list. The Icelandic representative thought that a process for removal should be tried out. Without such a procedure there would be reluctance to put species and habitats on the list. The OSPAR observer would take that message back to OSPAR's biodiversity committee. There was a policy decision not to make changes to the list before 2011.

The EU representative raised the problem of OSPAR and ICES geographical areas being so different. This makes it difficult for "fisheries" people to understand the OSPAR measures. The OSPAR observer agreed. The purpose of the list is to bring conservation issues to the attention of competent authorities. If NEAFC has matters in hand that could influence the OSPAR discussions, they should make OSPAR aware of them.

OSPAR working groups had discussed how large a percentage, for example of *Lophelia* reefs, should be protected, but there is no firm position.

The Chair asked if OSPAR has the competence to regulate other human activities, for example oil drilling. The OSPAR observer informed that licensing is in most cases a national matter, but this problem will come up when considering the management of MPAs in the high seas.

OSPAR and UN and UNEP processes

OSPAR contributes to the report of the Secretary-General of the Oceans and the Law of the Sea, (as does NEAFC), but mostly works with UNEP and the global Regional Seas Conventions, RSCs. Focus is on European RSCs and the Abidjan Convention immediately to the south of the OSPAR area. In future the OSPAR area may be expanded southwards on the initiative of Spain and Portugal.

OSPAR has project links with the CBD expert group on EIAs and the UN Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction.

b) NEAFC secretariat information

The NEAFC Mandate

The most recent NEAFC Convention entered into force in 1982. Negotiated in 1979-1980 it reflected discussions relevant when setting up UNCLOS. Things have moved on since 1982, particularly the signing of the United Nations Fish Stock Agreement in 1995, UNFA, and its entry into force in December 2001 which called for new tools for managing fisheries in the high seas. NEAFC began immediately to react to the new demands and also initiated a process of revising its Convention to bring it up to scratch. The first amendment in 2004 established a fast track dispute settlement procedure and committed NEAFC to protect biodiversity and regulate the impact of fisheries on marine ecosystems, on top of management measures that ensure sustainable fisheries and the optimal utilisation of the fishery resources in its Convention Area, providing economic, environmental and social benefits,

The importance of collective measures through regional fisheries management organisations and arrangements has been stressed. In May 2006 the UNFA Review Conference proposed means of strengthening the mandates and measures of RFMOs. Some of relevance to NEAFC are:

1. Modern approaches to fisheries management, relying on best scientific information, the precautionary and ecosystem approach and strengthening of the mandates of the of the RFMOs;
2. Strengthening and enhancing cooperation between existing and developing regional organisations;
3. Addressing participatory rights;
4. Ensuring that non-Contracting Parties respect regional measures;
5. Transparency;
6. Undergoing performance review;
7. Strengthening monitoring, control and enforcement.

The MAR closures

PECMAS has discussed the EU proposal to extend the MAR closures. NEAFC has examined the decisions of OSPAR on MPAs at the Bergen ministerial meetings and has received advice from ICES on the proposal. ICES reports that no data have been made available to suggest that additional closures on the Reykjanes Ridge will protect any VMEs in the areas concerned against adverse impacts resulting from bottom fishing activities. In the Sub-Polar Frontal Zone and to the north of the Azores, proposed closure extensions will probably have less effect in terms of reducing the risk of adverse impact from bottom fisheries because the majority of these areas are deeper than current fishing depths.

Closure of currently fished areas on the Mid-Atlantic Ridge may displace fisheries towards previously unimpacted seabed areas.

There is no consensus to go forward with the proposed extensions, but the discussion will be reported to the Annual Meeting.

UN Food and Agriculture Organisation, FAO

The really important part of international contacts is cooperation with the fisheries department of the FAO.

FAO is at the moment preparing for the 29th Meeting of the Committee of Fisheries of COFI where states and observers (IGOs and NGOs) will meet and discuss the main themes in international fisheries. IUU fishing and control and enforcement has been very much in focus in recent years, but one should not forget that seen from the FAO perspective the important issues are:

1. Poverty alleviation
2. Food security
3. Economic basis for settlement in coastal areas
4. Profitability in fishing industries
5. Fair and equitable sharing of resources
6. Integration of environmental concerns

Because of discussions in the UN, FAO has been forced to use time for deep sea fisheries and has used resources to develop Guidelines for Deep Sea Fisheries. This has been a rather confrontational business and, in the personal opinion of the NEAFC Secretary, had relied far too much on global one size fits all thinking. There was a meeting in Korea this spring which exemplified the different lines of action by academics, NGOs and fisheries managers.

The more important part of cooperation in FAO is in projects and partnerships - CWP which documents global fisheries landings, FIRMS which develops a global database of information on fisheries and fish stocks, historical fisheries and the status of stocks. The main NEAFC fisheries are in the database now. The idea is to have one source of reliable information on fisheries and fish stocks.

FAO liaises with other UN organisations, CBD, UNEP and also CITES, ensuring that correct information on fisheries is brought to the table. NEAFC has joined FAO in some of these endeavours.

FAO has just introduced a legally binding Port State Control System. The experiences from the NEAFC system have been instrumental in developing the FAO agreement.

FAO is considering Global Record of Fishing vessels. NEAFC has supported this and has delivered vessel data to make trial runs for setting up a Global Database.

FAO has also supported strongly the Regional Fishery Body Secretariats Network, which meets biennially and tries to inform about results and best practices worldwide. There are close to 50 RFBs with various mandates. The NEAFC Secretary chairs the Network at the moment.

Criticism of deep sea fisheries management in the high seas and UN processes

There has been a relentless onslaught from a number of NGOs on the performance of RFMOs and their ability to bring into place robust and proper management of the high seas, compatible with what is achieved in the waters under national jurisdiction. The forum for these discussions has been the United Nations.

This year alone there have been four meetings.

Dates	Title of the meeting
1 to 5 February 2010	Ad Hoc Open-ended Informal Working Group to study issues

	relating to the conservation and sustainable use of marine biologic diversity beyond areas of national jurisdiction
16 to 17 March 2010	Ninth round of Informal Consultations of States Parties to the United Nations Fish Stocks Agreement (Preparatory meeting – Review Conference)
24 to 28 May 2010	Review Conference – UN Fish Stocks Agreement
21 to 25 June 2010	United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea (11 th meeting)

As mentioned previously, the UN has an organisation that deals with fisheries, FAO, the Food and Agriculture Organization of the United Nations, which has strong expertise in fisheries and the context of fisheries. However, the UN has an oversight over ocean matters based on UNCLOS and UNFSA.

Each year the Secretary General prepares a report for the General Assembly “Oceans and the Law of the Sea”, which has been related to the focus of meetings of the United Nations Open-ended Informal Consultative Process, ICP (former UNICPOLOS), in the recent decade.

The General Assembly, based on this, adopts two resolutions:

1. Oceans and the Law of the Sea
2. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments.

At the centre of concern for UNGA must be the totality of impacts of all human activities on marine ecosystems and that these are reduced appropriately to avoid irreversible changes of marine ecosystems. However, out of the complex and majestic legal framework of UNCLOS, dealing with all human activities in the oceans, fisheries are singled out for a separate General Assembly resolution of 148 paragraphs, which over the years has become more and more detailed in prescribing what States, and States through RFMOs and RFMAs, have to do.

A former President of NEAFC said the following in his opening statement to a NEAFC Annual Meeting:

“I think all Contracting Parties of NEAFC will agree that cooperating through regional fisheries organisations, as set out in international law and instruments, is a more efficient way to reach the target of sustainable fisheries development than hijacking the General Assembly of the UN to manage fisheries. The point must be to strengthen and support regional arrangements and organisations, not diminishing their role. “

One of the NEAFC Contracting Parties stated at the 2005 UN General Assembly:

“It is the view of the Government of The Icelandic representative that the General Assembly should focus on specific issues that have global implications, and not on issues that fall within the purview of the sovereign rights of States or under the responsibility of Regional Fisheries Management Organizations. The General Assembly should address issues that are global in nature and can only be solved through global cooperation.”

The RFMOs do not need global mandates. Their conventions already give them mandates and tools to perform their jobs according to international law. They do not need an UNGA resolution to prescribe to them what they already are obliged to do and what they can be held to account for.

As mentioned the protection of the deep-sea ecosystem has attracted a lot of interest in recent years, a disproportionate attention when considering the global importance of deep sea fisheries. Following calls from the UN General Assembly, NEAFC's Contracting Parties have been active participants in the process within FAO drafting International Guidelines for the Management of Deep-sea Fisheries in the High Seas. This work was not finalised until late August 2008, but in July 2008 NEAFC put in place regulations for bottom fishing activities which, with some supplementary parts and protocols, will hopefully be adopted at this Annual Meeting and will provide NEAFC with adequate tools to protect Vulnerable Marine Ecosystems to the extent agreed in the international community. These regulations have been supplemented and large areas in the NEAFC Regulatory Area have been closed to all bottom fishing.

PECMAS has decided to propose that NEAFC publishes information on fishing activity levels in deep sea and bottom fisheries in the Regulatory Area more actively compared to historical levels and the effects of the management measures agreed.

The OSPAR observer noted the information on the MAR closures. OSPAR would be interested to know that if the OSPAR MPAs will influence discussions on the borderlines of the closures. He agreed that the 2006 Convention amendments made a better basis for cooperation. He had noted the role of NGOs in NEAFC was quite different from OSPAR. Is there any way to improve stakeholder dialogue? The OSPAR observer suggested that joint presentations in an upcoming International Workshop 'Exploring the role of MPAs in Reconciling Fisheries Management with Conservation' (scheduled for 29-31 March 2011 in Bergen) and a meeting of the long distance RAC could help.

The Norwegian representative pointed out the limited time measures that deep sea fisheries have been in force. This has led NEAFC to think that it may be premature to analyse the data. NGOs, however, do so and make strong conclusions. He had reviewed OSPAR documents and the message seems to be that there is a huge threat to deep sea habitats from fisheries. This may be correct for some areas, but not regionally. It was correct in the 1990s, but is probably not the case now. New regulations and economic factors have reduced the incentives to participate in these fisheries.

c) Cooperation

ICES advice

No progress has been made, the practicalities prevent it. OSPAR finalises its request in June, NEAFC in November, but this should probably be pursued further. ICES should feel free to suggest alignment. The MAR closures may be an opportunity. The Norwegian representative asked how far the discussion on management of the MPAs had got. Which activities will be allowed under the OSPAR measures? OSPAR informed that there were management measures in the decisions including reporting requirements. The Norwegian representative asked whether OSPAR will request NEAFC to manage its closures in a particular way to meet OSPAR objectives. The OSPAR observer responded that this is work on progress. The Chair concluded that there is much work to be done.

The Madeira workshop

The OSPAR observer introduced the report from an informal meeting with stakeholders on options for the management of the proposed CGFZ-MPA held in Funchal (Madeira) from 23 – 25 March 2010 which had been attended by the Secretariats of NEAFC, OSPAR and ISA. The main output

from the meeting had been a proposal for a collective arrangement between international competent authorities on the management of MPAs in areas beyond national jurisdiction. Within OSPAR, the Jurist and Linguists Group had concluded that OSPAR needed more time to consider and agree on the approaches for implementing this collective arrangement, which would represent a world first under UNCLOS.

The OSPAR observer asked about any thoughts NEAFC has about continuing along these lines. The Icelandic representative expressed the concern of many OSPAR Contracting Parties that the arrangement overstepped the competences of the participating organisation. These parties do not want to discuss fisheries management in OSPAR, fisheries management being clearly excluded from OSPAR competencies. The EU representative said that the EU reserved its position, pending a legal assessment, and explained the differences in competencies in fisheries issue and environmental issues in the EU. There are sensitivities about the boundaries, but that will be discussed internally and between organisations. The OSPAR observer saw this initiative as currently being in a 'making aware' phase which may move forward. An annual meeting between Secretariats has been suggested. More IGOs and RFMOs have to be informed.

Cooperation with IMO and ISA

The NEAFC Secretariat informed about links with IMO and ISA and common projects. The OSPAR observer wanted to make the MoUs work. In IMO the Marine Environment Protection Committee, MEPC, is the relevant forum, but it has a very wide agenda.

The OSPAR observer appreciated the time set aside by PECMAS. He invited the Secretariat to participate in the OSPAR Biodiversity Committee in April.

9) Other possible tasks for PECMAS

a) Report of the NEAFC Working Group on Fisheries Statistics

The Secretariat reported that Working Group set up by PECMAS had fulfilled its job and developed a new system for reporting quota uptakes reporting by stocks rather than ICES areas. The new system will operate from 1 February 2011.

10) Report of the meeting

A draft report based on summary records will be circulated 8 October and be open for comments until 15 October. The Report will then be issued as an Annual Meeting document.

11) Future Meetings

It is suggested next year's PECMAS meeting is around the same time as this year linked to the release of the ICES advice.

12) Any other business

The Chair made reference to PECM 2010/15, a proposal from the last Annual Meeting on the collation of information on the distribution of all life stages of blue whiting in the North East Atlantic and the distribution of catches from the stocks of blue whiting distribution, with a deadline of 1 March 2011. There has not been any progress or comments from Contracting Parties on this proposal. It was agreed to remind Contracting Parties and the Commission about this proposal that was adopted by the Commission in November 2009.

13) Actions arising

The specific actions arising will be listed in the report from the meeting.

14) Closure of the meeting

The Chair closed the meeting at 1:30 pm and thanked everybody and wished them a safe journey home.