



The high seas of the NEAFC Regulatory Area inside the NEAFC Convention Area in the North-East Atlantic are shown shaded on the map

North-East Atlantic Fisheries Commission, NEAFC

Contracting Parties: Denmark (in respect of the Faroe Islands and Greenland), the EU, Iceland, Norway and the Russian Federation.

Cooperative non-Contracting Parties: Belize, Canada, Japan and New Zealand

Information on the protection of biodiversity and mitigating impact of fisheries in the North East Atlantic

**A report prepared by the NEAFC Secretariat
for
CBD COP 10 Agenda item 5.2 and 5.4
Nagoya October 2010**

The NEAFC Convention was amended in 2004 (fast track dispute settlement procedures) and 2006. The 1982 Convention and the 2006 “NEW” Convention texts are on the NEAFC website.

The 2004 and 2006 amendments have not gone through the full process of ratification in all Contracting Parties, but it has been agreed in the “London Declaration” in 2006 to apply the amendments on a voluntary basis until ratification has been finalised. The amendments to the Convention in 2006 include a new preamble, an objective (Article 2) and a commitment (Article 4) to conservation, to take account of the impact of fisheries and conservation of marine biodiversity.¹

¹ **Preambular text**

Recognising the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982; the 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, 1995, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas, 1993 and taking into account the Code of Conduct for Responsible Fisheries adopted by the 28th Session of the Conference of the Food and Agriculture Organisation of the United Nations in October 1995.

Fisheries cannot avoid having an impact on the marine ecosystems in the process of producing seafood from healthy fisheries. Fishing communities and societies have the right to pursue their legitimate business of establishing economic development that meets the needs of the present generation without compromising the ability of future generations to meet their needs. Fishing is the only human activity in the oceans that is totally dependent on healthy ecosystems and clean oceans.

NEAFC has to find the correct balance between conservation and utilisation and, in a holistic, integrated process, based on precautionary and ecosystem approaches, secure the participation of those stakeholders that are affected by adopted measures - in short to ensure responsible fisheries in the NEAFC Area.

Changes in the North East Atlantic

Recent scientific evaluations for the NEAFC Convention Area seem to indicate that an increase in sea temperature in the medium and long term may lead to changes in the migrations of major fish stocks. The provider of scientific advice to NEAFC, the International Council for the Exploration of the Sea, ICES, in 2009 reported in a major study²,

*Changes in migration or spawning behaviour affect the catchability of individuals with fishing gear. Populations may move away from (or towards) an area where fishing fleets operate and/or an area where spatial restrictions on fishing are in place. Also, species distributions may shift across the boundaries between areas where quotas belong to different nations. For example, this situation could arise if distribution of species such as mackerel (*Scomber scombrus*)(which already has been observed in some years) or herring (*Clupea harengus*) changes leading to potentially difficult political negotiations between nations regarding future access to key fish stocks and national allocation keys.*

ICES however concludes that “Disentangling the effects of different drivers of variability in fish populations has been difficult for several reasons. How climate change will affect the major stocks in the Northeast Atlantic these requires further study.”

Desiring to promote the long term conservation and optimum utilisation of the fishery resources of the North-East Atlantic area, and in doing so to safeguard the marine ecosystems in which the resources occur, and accordingly to encourage international cooperation and consultation with respect to these resources.

ARTICLE 2

The objective of this Convention is to ensure the long-term conservation and optimum utilisation of the fishery resources in the Convention Area, providing sustainable economic, environmental and social benefits.

ARTICLE 4

1. The Commission shall perform its functions in order to fulfil the objective set out in Article 2,
2. When making recommendations in accordance with Article 5 or 6 of this Convention the Commission shall in particular:
 - a) ensure that such recommendations are based on the best scientific evidence available;
 - b) apply the precautionary approach;
 - c) take due account of the impact of fisheries on other species and marine ecosystems, and in doing so adopt, where necessary, conservation and management measures that address the need to minimise harmful impacts on living marine resources and marine ecosystems; and
 - d) take due account of the need to conserve marine biological diversity.
3. The Commission shall provide a forum for consultation and exchange of information on the state of the fishery resources in the Convention Area and on the management policies, including examination of the overall effects of such policies on the fishery resources and, as appropriate, other living marine resources and marine ecosystems.

² ICES COOPERATIVE RESEARCH REPORT No. 301 May 2010 Resolving climate impacts on fish stocks
<http://www.ices.dk/pubs/crr/crr301/CRR%20301-Web-100531.pdf>

Impacts from human activities in the oceans, inclusive fisheries, have recently been described in the comprehensively in OSPAR Commission Quality Status Report, <http://qsr2010> .

The NEAFC Fisheries and their impact

Reference is made to the NEAFC Fisheries Status Report 1998-2007, <http://www.neafc.org/international/1287>

The four main fisheries in the Convention Area are Norwegian spring spawning (Atlanto–Scandian) herring, mackerel, blue whiting and pelagic redfish. Slightly less than 4 million tonnes, or 31 %, of the total North East Atlantic catch, is taken in these fisheries. About 1 million tonnes is taken in the Regulatory Area.

The catches of the three pelagic species in 2007 had a landed value¹³ of approximately 9,117 million Norwegian kroner (or 681 million US\$) from the Convention Area and 1,566 million Norwegian kroner (or 236 million US\$) from the Regulatory Area.

These fisheries are industrial in nature and are mostly fished by large mid-water trawl and purse seine vessels. Landings from these vessels form the basis of large operations processing for human consumption, fish feed for the aquaculture sector, and fish oil and meal in general. NEAFC fisheries have significant economic and social importance to Coastal States and fishing communities.

The four main fisheries in the Regulatory Area - pelagic fishery for redfish, and the major pelagic fisheries for Norwegian spring spawning herring (Atlanto-Scandian), mackerel and blue whiting - are unique with respect to their impact on ecosystems. Most of the fishing activity reported to the NEAFC database in the NEAFC Regulatory Area can be attributed to these fisheries.

These pelagic fisheries are pursued with pelagic trawls or purse seines that do not affect demersal habitats. They are - for all practical purposes - clean fisheries, where target species account for close to 100 % of catches. They are pursued by large vessels, run by companies under market conditions.

The fisheries are managed according to the precautionary approach, thus reducing the risk of irreversible effects on ecosystems. This applies in most cases both to target and non-target species.

These large pelagic stocks play an important role by transporting energy from plankton into fish assemblages in other areas and in deep waters. ‘Deep-sea fisheries’ covers a heterogeneous group of fishing, fleets, species and areas using bottom trawl, long line and gillnets. The fishing activity in the NEAFC Regulatory Area is limited.

Some deep-water fisheries have been regulated by unilateral or internationally agreed TACs. In 2003 and 2004 Contracting Parties agreed to freeze effort in the NEAFC Regulatory Area. In 2005 and 2006 it was agreed to freeze the effort at 70% of earlier levels and in 2006 and later years at 65%.

Balancing conservation and utilisation

Fisheries measures

In 2006 NEAFC prohibited fisheries with gillnets, entangling nets and trammel nets in depths below 200 m and introduced measures to remove and dispose of unmarked or illegal fixed gear and retrieve lost gear to minimise ghost fishing.

In July 2008 NEAFC adopted additional comprehensive measures on bottom fishing activities in the NEAFC Regulatory Area. These were supplemented at its 2008 Annual Meeting with specific operational procedures. There are now clear procedures and rules in place on how to identify existing bottom fishing areas, exploratory fishing in new bottom fishing areas, how to assess bottom fishing activities, how to deal with encounters with vulnerable marine ecosystems and data collection protocols for observers onboard fishing vessels to increase knowledge of vulnerable habitats in deep waters.

In this regard, the NEAFC Contracting Parties recognise the importance of dialogue and collaboration with responsible fisheries operators and the value of industry information and experience in developing responsible fishing techniques and adapting gear, as well as implementation methods to avoid or mitigate significant adverse impacts on Vulnerable Marine Ecosystems (VMEs).

Scientific information has not been available to the extent NEAFC would have wished. Assessment of the risk of significant adverse impacts by bottom fishing activities will therefore be an ongoing process. The work in 2008 represented what can be done with the information and resources available. However, NEAFC will continue its assessments in 2009 and beyond as information and experience grows.

Procedures for assessment have been brought into place and each Contracting Party is required to assess impacts for any proposed bottom fishing in 2009. The conclusion of the preliminary assessment is that current bottom fisheries practices in the NEAFC Regulatory Area do not have significant adverse impacts on VMEs.

Protecting vulnerable marine ecosystems

Large areas on the Mid-Atlantic Ridge and 4 areas in the Rockall Hatton Bank area have been closed to fisheries. Juvenile haddock in the Rockall Area is protected by the Rockall box. Bottom Fishing regulations restrict fishing activities in “new” fishing areas.

The draft FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas in paragraph 43bis reads as follows: “Risk assessments referred to in paragraph 43 (vi) above should take into account, as appropriate, differing conditions prevailing in areas where DSF³ are well established and in areas where DSF have not taken place or only occur occasionally”.

Based on this, NEAFC in its bottom fishing regulation has outlined “existing fishing areas” where bottom fishing has taken place and “new fishing areas” where bottom

³ DSF. Deep-sea Fisheries

fishing has not taken place. In most instances there are not enough research or data to identify VMEs in “new fishing area”. To reduce risks to VMEs to a minimum these areas are closed to normal commercial bottom fisheries under normal authorisations to fish from the Contracting Parties of NEAFC. To gather further data exploratory fishing can be authorised under strict conditions in an Exploratory Bottom Fisheries Protocol. Vessels authorised under this protocol have to have an observer on board. Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol.

Large areas on the Mid-Atlantic Ridge and 4 areas in the Rockall Hatton Bank area have been closed to fisheries.

NEAFC has analysed the extent of the protection of VMEs in its Regulatory Area. The following rough estimates were arrived at:

AREA of NEAFC Reg. Area		Effective Fishing	Existing Area	New Fishing	Area	Closures	
square km		sq km	%	sq km	%	sq km	%
South of Iceland	4.900.000	42.500	0,9	4.502.200	91,9	355.300	7,3
Norwegian Sea	326.000			326.000			
Barents Sea	71.000	71.000					
Arctic Ocean	275.000			275.000			
		Fishable	Area and	Closures			
	Sq km	%					
Fishable Area South of Iceland	655,000						
All closures	355,300	54					

The closure of 54 % of the fishable area in the area between Iceland and the Azores provides extensive reduction in by-catches and protection for habitats of special concern.

