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**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, Cook Islands, Japan and New Zealand.

## **Response of the North East Atlantic Fisheries Commission, NEAFC, to the Secretary-General of the UN on actions taken pursuant to paragraphs 83-84 of resolution 61/105**

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### **1. Background**

The NEAFC Convention was amended in 2004 and 2006 and the texts of both the 1982 Convention and the 2006 Convention 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 was agreed in the “London Declaration” in 2006 to apply the amendments on a voluntary basis until ratification has been finalised.

Regulations and measures setting catch levels for all major fisheries on a precautionary basis are spelled out in annual recommendations for conservation and management measures adopted for the NEAFC Regulatory Area. NEAFC has agreed precautionary measures to close areas to bottom fisheries in order to protect vulnerable deep-water habitats and deep-water corals and has formalised procedures for area management. Compliance, control and enforcement are regulated by the Scheme of Control and Enforcement. The NEAFC Scheme has all the tools to monitor and control areas where bottom fishing is prohibited, making mandatory the provision of real time information on movements of fishing vessels available to Fisheries Monitoring Centres. This makes it possible to deploy inspection platforms in an efficient way. The renowned NEAFC black lists of IUU vessels and the Port State Control Scheme ensure that free riders cannot operate in the North East Atlantic. All measures and regulations are in the public domain on the NEAFC website.

NEAFC was the first Regional Fisheries Management Organisation to undergo an independent performance review. The report of the NEAFC performance review panel has been in the public domain since November 2006. The review was positive. The comments of the panel were examined immediately by NEAFC Parties and most concerns expressed by the panel have been addressed.

NEAFC has a Memorandum of Understanding with the International Council for the Exploration of the Sea, ICES, which provides all scientific advice to the organisation, and with the OSPAR Commission, with a mandate to protect and conserve the marine environment in the North-East Atlantic. NEAFC has signed an Agreement of Cooperation with the IMO Commission. It has approached ISA on a similar arrangement. These are developments in a process aimed at increasing cooperation with intergovernmental organisations, which monitor and regulate human activities other than fisheries in the marine environment.

Later this year NEAFC will submit a Fishery Status Report with details of the fisheries in the NEAFC Regulatory Area

The NEAFC Secretariat has been an observer at FAO-COFI meetings and participates in a number of FAO and FAO initiated projects. It has participated in UNICPOLOS, “the Working Group” (on the conservation and sustainable use of the marine biological diversity) and ICSP. NEAFC is party to cooperation by the North Atlantic Fisheries Organisations (NAFO, NAMMCO, NASCO and ICCAT) and to the global Regional Fishery Body Secretariats Network, RSN.

## **2. The NEAFC Objectives**

The amendments to the Convention in 2006 include a new Article with the following language: **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.**

This means that 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.

## **3. Summary of actions taken by NEAFC to protect Vulnerable Marine Ecosystems in the High Seas of the North East Atlantic**

The need to conserve vulnerable deep-sea habitats and species has been high on the NEAFC agenda in recent years. During this period NEAFC has requested scientific information and advice on vulnerable deep-sea habitats. This has not been available in a number of instances, pending more research. It is well known that the current science surrounding temperate area closures is uncertain. Consequently NEAFC has moved forward in a precautionary and adaptive manner.

The amendments to the NEAFC Convention and the London Declaration in 2006 created the formal basis for taking action, but already in 2002 NEAFC closed an area in the Rockall Area to protect juvenile fish and in 2004 NEAFC adopted an interim ban on bottom fishing in a large area on the Reykjanes Ridge (the northern part of the Mid-Atlantic Ridge) and four seamounts adjacent to the Ridge.

In 2007 NEAFC closed five areas in the Rockall – Hatton Bank area to bottom fishing to protect deep-water corals. These closures will be reviewed not later than November 2009.

The NEAFC Permanent Committee on Management and Science, PECMAS, has adopted procedures to consider proposals for area closures. An important element is the scientific evaluation of proposals by NEAFC’s provider of scientific advice, the International Council for the Exploration of the Sea, ICES. In 2006 NEAFC decided to set up procedures for reporting scientific information on deep-sea fisheries to ICES and has a standing request to ICES for more detailed advice on vulnerable habitats and deep-sea fisheries as more information becomes available.

NEAFC has previously agreed to reduce effort in all deep-water bottom fisheries by 35%.

NEAFC in 2006 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 VMEs.

As mentioned above 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.

Moreover, in April 2009, NEAFC decided to close five areas on the Mid-Atlantic Ridge in the high seas in the North East Atlantic to bottom fisheries in order to protect VMEs from significant adverse impacts. A proposal tabled in June 2008 has formed the basis of discussions in NEAFC. NEAFC has received advice on this proposal from ICES, which has assessed the proposal against the standards and criteria for identifying vulnerable marine ecosystems (VME), developed by the UN Food and Agriculture Organisation (FAO) in response to the United Nations General Assembly resolution 61/105 to support the sustainable management of deep-sea fisheries and responsible fisheries in the marine ecosystem.

Pursuant to the competence of NEAFC, this implies that fishing activities by vessels flying the flags of NEAFC Contracting Parties, or Cooperating non-Contracting Parties, with fishing gear which is likely to contact the seafloor during the normal course of fishing operations, are prohibited within these areas.

A map of the full extent of the NEAFC closures is attached.

These new area closures include all five areas which were closed on a temporary basis in 2004. The combined size of the closed areas is estimated at 333,000 km<sup>2</sup> covering a large portion of the Mid-Atlantic Ridge, an area larger than the United Kingdom and the Republic of Ireland combined. This measure shall be in force until 31 December 2015. Before that time, the measure shall be reviewed by the Commission with the intention of extending the

period that the recommendation is in force, unless the conclusion of the review is that the continued application of the measure or parts of the measure is not required.

If scientific research demonstrates in the future that there are sub-areas where no vulnerable marine ecosystems are found within the areas referred to in this measure, the measure shall be amended in order to exclude those sub-areas from the prohibition.

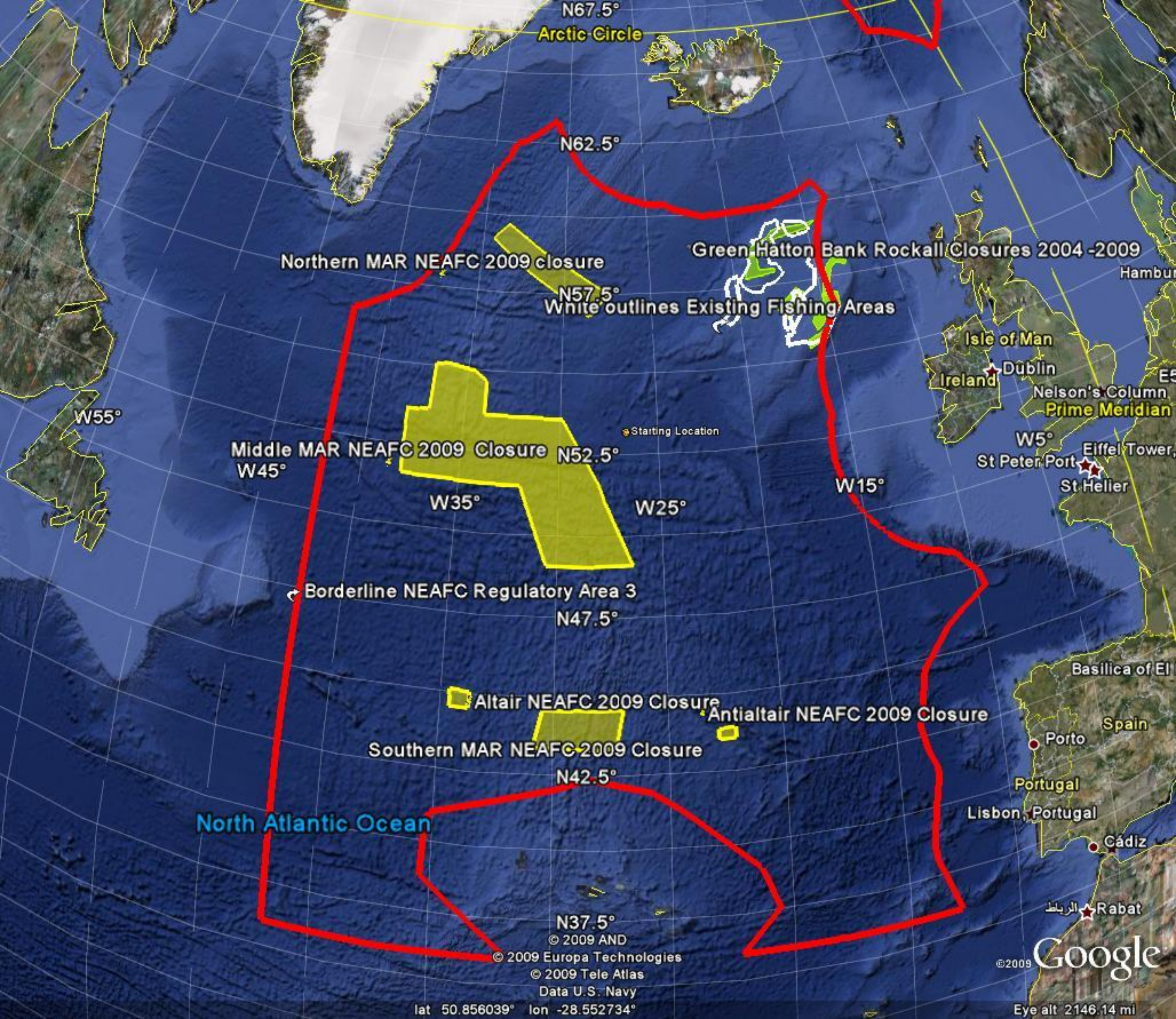
Most of the remaining part of the NEAFC Regulatory Area is at present subject to the provisions for bottom fishing adopted in 2008.

The two permanent Committees of NEAFC, the Permanent Committee on Control and Enforcement, PECCOE, and PECMAS have been asked to consider thresholds of catches of live corals and sponge, with a view to reduce them, and move-on provisions. The considerations will be based on scientific advice from ICES, and results will be reported to the 28<sup>th</sup> Annual Meeting of NEAFC in November 2009.

NEAFC is confident that it is well prepared to meet all requirements in international law, technical guidelines adopted in FAO and the objective of its own Convention.

NEAFC considers therefore that it has taken major initiatives in order to address its responsibilities for implementing UNGA Resolution 61/105. It would also underline that this is a dynamic process and, in that context, NEAFC commits itself both to keeping under continuous review the measures currently in place and to adjust those measures in the light of available scientific information and advice.

NEAFC runs a public website ([www.neafc.org](http://www.neafc.org)) on which it publishes all relevant documents, including those related to bottom fishing and vulnerable marine ecosystems.



N67.5°  
Arctic Circle

Northern MAR NEAFC 2009 closure

Green Hatton Bank Rockall Closures 2004 -2009

N57.5°  
White outlines Existing Fishing Areas

Middle MAR NEAFC 2009 Closure  
N52.5°  
W45°

Starting Location

Borderline NEAFC Regulatory Area 3  
N47.5°

Altair NEAFC 2009 Closure

Antialtair NEAFC 2009 Closure

Southern MAR NEAFC 2009 Closure  
N42.5°

North Atlantic Ocean

N37.5°  
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Data U.S. Navy

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lat 50.856039° lon -28.552734°

Eye alt 2146.14 mi