Dear Mr Ásmundsson

NEAFC’s Review of its Bottom Fishing Regulation

Thank you for the invitation dated 26 March 2012 to provide written input and participate in a symposium on 25 June 2012 to assess current NEAFC measures on regulating bottom fishing. We welcome the invitation and consider it to be in accordance with the Memorandum of Understanding between our two organisations and in the spirit of the draft Collective Arrangement for management of selected areas in the North-East Atlantic High Seas.

Unfortunately the date scheduled for the symposium and subsequent meeting of PECMAS clashes with the annual OSPAR Commission meeting, therefore it is not possible for a representative of our organisation to be present. However, OSPAR Heads of Delegation at their meeting of 18 May 2012 mandated the Chairmen of the OSPAR Biodiversity Committee (BDC) and Environmental Impact of Human Activities Committee (EIHA) - both Committees responsible for implementing Annex V of the OSPAR Convention - together with the Secretariat, to provide a written contribution.

On this basis we would specifically like to draw the symposium’s attention to the following:

- Fisheries continues to be the main human impact on the biodiversity of the OSPAR Maritime Area according to the OSPAR Quality Status Report 2010 and independent scientific studies (e.g. Benn et al., 2011);
- The OSPAR Commission is committed to the Ecosystem Approach and both the Bergen Statement (signed by OSPAR Ministers in 2010) and the OSPAR North-East Atlantic Environment Strategy endorsed by Ministers reaffirm political will to address impacts on marine biodiversity;
- OSPAR has established a List of Threatened and/or Declining Species and Habitats, and in 2010 agreed measures towards the protection and conservation of a selection of deep sea specific features known to be present in one or more of the areas currently closed to bottom fishing in the NEAFC Regulatory Area (cf. Annex 1);
- The NEAFC bottom fishery closures are informed by substantially the same information (peer reviewed by ICES) as used by OSPAR to inform the designation in 2010 of six High Seas Marine Protected Areas;
- OSPAR has been informed by NEAFC of the effectiveness of its bottom fishing regulation in terms of level of exclusion of fishing effort and mechanisms for enforcement and surveillance at both the meetings in Madeira (2010) and Paris (2012) that have contributed to development of the so-called ‘Collective Arrangement’;
f. Globally this cooperation between an RFMO (NEAFC) and RSC (OSPAR) has been hailed as a policy precedent and recognised as best practice;

g. At the same time OSPAR believes that the effectiveness of any measure should be judged in terms of monitoring against a baseline on the basis of indicators and targets. Currently we are not aware of any scientific monitoring of the areas closed to bottom fishing through population studies or on the basis of ROV photographic surveys for example to determine status and/or recovery of deep sea benthic habitats or species and would invite the symposium to identify ways of assessing the effectiveness of the closers and how this could be financed;

h. OSPAR has also questioned the threshold levels adopted by NEAFC relating to the move-on rule for fishing encounters and sought independent ICES advice on this topic (http://www.ices.dk/committe/acom/comwork/report/2010/Special%20Requests/OSPAR%20Impacts%20of%20human%20activities%20on%20cold%20water%20corals%20and%20sponge%20aggregations.pdf.) We suggest the symposium is an opportunity to give extra thought to buffer zones and protection afforded to the margins of the closed areas; and

i. OSPAR also invites NEAFC to consider the potential for additional areas and/or expanded areas closed to bottom fishing, for which the results of the Joint OSPAR/NEAFC/CBD Regional EBSA Workshop for the North-East Atlantic might provide useful background.

We support the review currently being undertaken and consider that it is part of an adaptive management approach that should react to and be informed by the latest scientific advice. In our view the current bottom fishing regulation should be maintained and, where supported by appropriate evidence, expanded.

Yours sincerely

John Clorley
Chair, BDC

Lex Oosterbaan
Chair, EIHA

David Johnson
Executive Secretary
Annex 1

List of Measures taken for Species and Habitats identified as threatened and/or declining on the OSPAR List (Agreement 2008-6) taken by OSPAR that may be of relevance to NEAFC discussions

### Species

<table>
<thead>
<tr>
<th>Functional group</th>
<th>Species</th>
<th>Measure</th>
<th>Link</th>
</tr>
</thead>
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### Habitats

<table>
<thead>
<tr>
<th>Habitats</th>
<th>Background document /pub number</th>
<th>Link</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Lophelia pertusa</em> reefs</td>
<td>OSPAR Recommendation 10-08</td>
<td><a href="http://www.ospar.org/v_measures/get_page.asp?v0=10-08e_Lophelia_Reefs.doc&amp;v1=4">http://www.ospar.org/v_measures/get_page.asp?v0=10-08e_Lophelia_Reefs.doc&amp;v1=4</a></td>
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