



Recommendations from the Deep Sea Conservation Coalition, Oceana, Seas at Risk, The Pew Charitable Trusts, and WWF to the May 13-14 meeting of the Permanent Committee on Management and Science of the North East Atlantic Fisheries Commission

Agenda item 4: Protection of vulnerable marine ecosystems and the Review of the Consolidated Text of all NEAFC recommendations on regulating bottom fishing

We support all the proposed improvements to the Consolidated Text of all NEAFC recommendations on regulating bottom fishing in line with the United Nations General Assembly (UNGA) resolutions on this matter, specifically Resolutions 61/105, 64/72, and 66/68. We welcome the efforts made by Contracting Parties at previous meetings of PECMAS and previous Annual Meetings towards this end.

Following are specific recommendations in regard to outstanding issues in the Consolidated Text as reflected in the bracketed text of the PECMAS proposal Rev.2 (PECMAS document 2014-01-05) and the proposals from Norway (PECMAS document 2014-01-03) and the EU (PECMAS document 2014-01-06). In addition, we have listed several general recommendations in relation to ensuring that the bottom fishing regulations adopted by NEAFC are consistent with the commitments made by NEAFC Contracting Parties through the UNGA resolutions.

1. Recommendations in regard to specific provisions with bracketed text in the PECMAS proposal (2014-01-05) and proposals from Norway and the EU:

• ***Article 5, paragraph 2, Area closures for the protection of VMEs***

It is important to bring the NEAFC measures in line with paras 83(c) and 119 (b) of UNGA resolutions 61/105 and 64/72, which call on States and RFMOs to close areas to bottom fishing where VMEs are known or likely to occur based on the best scientific information available unless conservation and management measures have been established to prevent significant adverse impacts. ICES has recommended an additional six area closures in Southwest Rockall, Hatton-Rockall Basin, Hatton Bank and the Josephine Seamount area. We welcome the recommendation from PECMAS to adopt these area closures and we strongly urge Contracting Parties to agree to the ICES advice and PECMAS recommendations and for the EU and Russian Federation to remove any reservations.

• ***Article 5, paragraph 5, Area closures for the protection of VMEs***

It is important to ensure that scientific investigations (e.g. fisheries research trawl surveys) do not cause significant adverse impacts on VMEs. We would urge PECMAS to support amending the text in brackets in the PECMAS proposal as follows: “Contracting Parties shall ensure that any such proposed investigations shall be assessed ~~[regarding the likelihood]~~ [to demonstrate] that there will be ~~[no]~~ significant adverse impacts on VMEs or VME elements. The catch from such investigations may not be sold.”

• ***Article 6, paragraph 1, Exploratory bottom fisheries***

Both the Norwegian and EU proposals for amending this paragraph are similar. We urge PECMAS to support a consolidated version of the two.

- **Article 6, paragraph 5, Exploratory bottom fisheries**

Exploratory bottom fisheries should not only be assessed by PECMAS but should also require authorization by the Commission. We would urge PECMAS to support either the EU or Norwegian proposals for amendments to this provision and for the Russian Federation to remove any reservation.

- **Article 8, Encounters with possible VMEs**

When, in the course of bottom fishing activities, evidence of VMEs is encountered the area should be immediately closed and the closure should remain in place until an assessment, including mapping of the area, is done to determine whether the area should remain closed or potentially be reopened to bottom fishing in whole or in part. We urge PECMAS to support the EU proposal.

- **Article 10, Review**

We support the amendments proposed by both Norway and the EU. It is important to ensure that the bottom fishing regulations can be amended regularly on the basis of ICES advice and/or for other reasons.

- **Annex 5, VME Indicators**

We welcome the incorporation of the ICES advice on species and underwater features that should be considered as VME indicators in line with the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas in the PECMAS proposal Rev.2.

2. General recommendations on the Consolidated Text of the NEAFC bottom fisheries regulations:

- **Articles 6 & 7: Exploratory bottom fisheries and Impact assessments**

We welcome the incorporation of the Annex 4 impact assessment requirements, together with the Notice of Intent, into the Exploratory Fisheries Articles (6 and 7) in the Proposal by PECMAS for a Recommendation on the protection of vulnerable marine ecosystems in the NEAFC Regulatory Area (AM 2013-24). We would reiterate our recommendation from previous years, however, that all bottom fisheries, including those in existing fishing areas, be subject to impact assessments as is called for in the UN General Assembly resolutions.

- **Articles 8 & 9: Encounters with possible VMEs and Threshold levels**

We support the amendments to the bottom fishing regulation in regard to the move-on rule in Article 8.1 (b) (i) of the PECMAS proposal. We would note however, that the cornerstone of the rule, the encounter threshold levels are still set at levels for corals and sponges in Article 9 (a) which have no scientific basis and which effectively render the rule meaningless as a conservation measure in all but exceptional circumstances. This results not only in a risk of significant further losses of VMEs, but also is a serious impediment to the recovery of these ecosystems. As ICES has been unable to provide advice on science-based threshold levels, and the rate of retention of certain VME indicator species such as cold-water corals in trawl nets is limited, we reiterate our recommendation from previous years that any

encounter with VME indicator species, whether live or dead, should be established as a threshold for triggering the move-on rule and an assessment of the area concerned.

- **Article 10: Review**

In regard to an expiration date for area closures, we would recommend amending Article 10.2 as follows:

10.2 “Article 5 (a) – (i) shall be in force until 31 December 2015. Before that time, the measure shall be reviewed by the Commission and the period that the article is in force shall be extended indefinitely, unless the conclusion of the review is that the continued application of the measure or parts of the measure is not required. Additional area closures shall be adopted and added to Article 5.2 and Annex 2 on an ongoing basis based on ICES advice and the need to adopt measures to prevent significant adverse impacts of bottom fishing activities on vulnerable marine ecosystems known to occur or likely to occur in the NEAFC Regulatory Area consistent with the objective established in Article 1.”

- **Annex 4: Assessment of Exploratory Bottom Fishing Activities**

Annex 4 (d), (f), and (g) should be amended to make consistent with paragraph 47 of the International Guidelines for the Management of Deep Sea Fisheries in the High Seas and the UNGA resolutions, in particular resolution 64/72, paragraph 119(a), though including the following text (in bold/italics):

(d) identification, description and evaluation of the occurrence, character, scale and duration of likely impacts, including cumulative impacts of the proposed fishery on VMEs ***and low productivity fishery resources*** in the fishing area;

(f) risk assessment of likely impacts by the fishing operations to determine which impacts on VMEs ***and low productivity fishery resources*** are likely to be significant adverse impacts; and

(g) mitigation and management measures to be used to prevent significant adverse impacts on VMEs ***and ensure long term conservation and sustainable utilization of low-productivity fishery resources*** and the measures to be used to monitor effects of the fishing operations.

Agenda item 5: The management of deep-sea species

General Approach to the management of deep-sea species

We recognize that ICES has made improvements regarding the number of deep-sea stocks for which advice is provided. However, the ability of ICES to provide good advice is seriously hampered by the low quality of the data on these stocks, which is directly related to deficient information provided by NEAFC parties.

We agree with the conclusion of the PECMAS meeting in October 2013 that “Regarding general measures for deep sea species, it was agreed that the current approach was far from satisfactory, but still better than nothing” (PECMAS AM 2013-15-Rev.1, page 7). This is an area where major improvement is needed in the NEAFC regulations to bring the management of deep-sea fisheries into line with the UN General Assembly resolutions on deep-sea fisheries and international law.

In this regard we would recommend, at a minimum, a “general approach” to managing deep-sea species consistent with the UN General Assembly resolutions. This would involve incorporating paragraph 119(d) of UN General Assembly resolution 64/72 (with minor modifications to the text as indicated below) as a general obligation for the management of deep-sea fish stocks into the Consolidated Text of the NEAFC recommendations on regulating bottom fishing as a separate, stand-alone, new Article as follows:

“Adopt conservation and management measures, including monitoring, control and surveillance measures, ~~shall be adopted~~ on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks.”

Alternatively, NEAFC Recommendation 03 2014, “Management Measures for Deep Sea Species in the NEAFC Regulatory Area”, could be amended accordingly with the inclusion of this paragraph. Either way, this would provide a general obligation in the NEAFC regulation for deep-sea species to ensure that fisheries for these species are managed consistent with international law.

TACs for deep-sea species

Although NEAFC parties have made some efforts to improve the management of certain stocks in the Regulatory Area, such as deep-sea sharks stocks, these efforts should be completed by adopting effective measures to minimize or eliminate the by-catch of these species and stocks.

We urge PECMAS to recommend that NEAFC Contracting Parties set quotas for deep-sea species following ICES advice in 2012 and/or the new ICES advice in 2014 for deep-water stocks and, in doing so, take into consideration both the status of the stocks and the need to establish management measures to minimize or avoid the bycatch of stocks and species of concern.

In addition we urge PECMAS to recommend that NEAFC Contracting Parties do their utmost to improve the data provided to ICES, which will in turn benefit PECMAS and the annual meeting in agreeing to management measures on the basis the best available science.