



2014 NEAFC Annual Meeting (November 10-14)

Policy recommendations from Deep Sea Conservation Coalition, Iceland Nature Conservation Association, Oceana, Seas at Risk, The Pew Charitable Trusts and WWF

Recommendation on the protection of vulnerable marine ecosystems in the NEAFC Regulatory Area

We welcome the adoption this year of the new North-East Atlantic Fisheries Commission (NEAFC) Recommendation 19:2014 on the protection of vulnerable marine ecosystems (VMEs) in the Regulatory Area. This new measure largely incorporates the relevant provisions of the United Nations General Assembly, or UNGA, Resolutions in regard to the management of high seas bottom fisheries, specifically Resolutions 61/105 and 64/72, as well as relevant provisions of the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, and significantly improves the previous NEAFC Recommendation for the management of deep-sea fisheries.

We urge Contracting Parties to effectively implement this new Recommendation in order to achieve sustainable deep-sea fisheries, and protect additional ecosystems in the Northeast Atlantic.

We urge Contracting Parties to request advice from the International Council for the Exploration of the Seas (ICES), on areas where the additional VME indicator species included in Annex 5 of Recommendation 19:2014 are known or likely to occur, and recommendations on protecting VMEs formed by such species, including additional closed areas and thresholds for the encounter protocol.

ICES advice on area closures

It is important to bring the NEAFC measures in line with para 83(c) and 119 (b) of UNGA resolutions 61/105 and 64/72, which establish that area closures need to be put in place in areas where VMEs are known or likely to occur unless conservation and management measures have been established to prevent significant adverse impacts.

In spite of ICES advice, the Permanent Committee of Management and Science (PECMAS) meeting in September did not forward a recommendation to the Annual Meeting to close the Josephine Seamount and Southern Mid-Atlantic Ridge (MAR), areas. With regard to the "existing fishing area" on the Josephine Seamount, ICES in 2013 recommended it be closed to bottom fishing. The ICES advice reads: "...in view of the present status of Josephine Seamount MPA as an existing fishing area, ICES considers that there is a risk of significant adverse impacts to VMEs in the area from bottom fishing gear. (...) Should NEAFC wish to protect these VMEs, ICES advises a closure to bottom fisheries, the boundary of which should correspond to the Josephine Seamount High Seas MPA established by OSPAR".¹ These recommendations have been iterated in 2014 and confirmed by further records of VME indicator

¹ ICES Advice June 2013, 1.5.5.1: Special request on vulnerable deep-water habitats in the NEAFC Regulatory Area http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2013/Special%20requests/NEAFC_Vulnerable_deep-water_habitats.pdf

species.² At PECMAS in May 2014, the World Wide Fund for Nature provided new Automatic Identification System data, or s-AIS, suggesting that bottom fishing operations continue on Josephine seamount.³ In its 2014 recommendations, ICES also suggests a southward extension of the current MAR closure, again based on finding VME indicator species, closing the gap to the Azorean EEZ.

We urge Contracting Parties to adopt the most recent ICES recommendations to close areas to bottom fishing to ensure effective protection of VMEs in these areas, including the Josephine Seamount and Southern MAR areas.

The management of deep-sea fish stocks

We welcome the reference made in Article 1 of the new Recommendation 19:2014 to the need to “contribute to the key objectives of the UN General Assembly Resolutions on the protection of vulnerable marine ecosystems and to ensure the long-term sustainability of deep sea fish stocks and non-target species; the rebuilding of depleted stocks and, where scientific information is uncertain, unreliable, or inadequate, conservation and management measures established consistent with the precautionary approach”. This represents the basis for future NEAFC management of deep-sea stocks.

In this regard, it is important to highlight that in order to ensure the best ICES advice according to the objective outlined above, data on the catches of deep-sea species, including non-target species, from Contracting Parties must be “complete and accurate” and shared in a “timely manner” (as required under Article 5(j) of the 1995 UN Fish Stocks Agreement). **We urge NEAFC Contracting Parties to do their utmost to improve the data provided to ICES**, which will in turn benefit PECMAS and the Annual Meeting in adopting management measures following the best available science. Where data are not available or unreliable, fisheries should not be authorized to proceed.

NEAFC Parties have made efforts to improve the management of certain deep-sea stocks in the Regulatory Area, such as for deep-sea sharks, over the past several years. It should also be noted that in certain cases - such as on the adoption of total allowable catches (TACs) for orange roughy - NEAFC has clearly not acted on the basis of ICES advice.

We urge NEAFC Parties to ensure the catch of all species is regulated consistent with ICES advice and the precautionary approach complemented by effective measures to minimize the by-catch of non-target stocks and prevent the bycatch of depleted or vulnerable stocks and species.

We are also concerned over the development of what appears to be an unregulated fishery for roughhead grenadier on the MidAtlantic Ridge – a species for which ICES has not provided any advice. Moreover, if this ‘new’ fishery is a bottom trawl fishery then it should be subject to a prior environmental impact assessment as required under Article 7 of Recommendation 19:2014 before being allowed to proceed.

² ICES Advice May 2014, 1.6.5.1: Vulnerable deep-water habitats in the NEAFC Regulatory area. http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/Vulnerable_deepwater_habitats_NEAFC.pdf

³ Josephine Seamount: Vulnerable marine ecosystems adversely affected by continued bottom fishing - additional evidence from s-AIS vessel tracking analysis – WWF submission to PECMAS (1) 2014.

We urge NEAFC Contracting Parties to set TACs for deep-sea species consistent with ICES advice in 2014, and to establish management measures to minimize or prevent the bycatch of depleted and/or vulnerable deep-sea stocks and species. Where ICES has not provided advice for the catch of particular deep-sea stock or species, TACs should be set at zero. We also urge NEAFC Parties to require an impact assessment for the 'new' fishery for roughhead grenadier if this is a bottom fishery.

EBSAs

Once again, we underline the importance of the ongoing process to describe and nominate to the Convention of Biological Diversity (CBD) marine areas that meet the scientific criteria for Ecologically or Biologically Significant Areas (EBSA), in the Northeast Atlantic. Again, following and implementing pertinent ICES advice is a matter of being consistent in this case. After a thorough process of reviewing the original descriptions of areas meeting the EBSA criteria (i.e. result of the OSPAR-NEAFC-CBD Workshop to describe EBSAs in the Northeast Atlantic; Hyères/France; September 2011), ICES has been recommending the nomination of four areas meeting the EBSA criteria in the Northeast Atlantic. We are sincerely concerned that despite the scientific advice by ICES (as requested by NEAFC) still no areas have been nominated from the region to the CBD. The lack of reporting of the results from the EBSA-process in the Northeast Atlantic region is severely undermining the scientific credibility of NEAFC as a body that otherwise is known to take science-based decisions.

We urge NEAFC parties to assume responsibility, acknowledge the scientific advice provided by ICES and to finally nominate the four identified candidate EBSAs to the Executive Secretary of the CBD with a view for inclusion in the CBD EBSA repository.

Transparency

We welcome the decision by NEAFC to open the PECMAS meetings to observers. A number of NEAFC Contracting Parties have repeatedly stated the value of having NGOs attending and providing expert advice at meetings, and strongly advised having them participate in other meetings.

We urge NEAFC Contracting Parties to agree to allow observers to attend meetings of the Permanent Committee for Compliance and Enforcement.

Shark conservation

The current NEAFC regulations prohibiting directed fisheries for basking shark, spurdog and porbeagle are set to expire on 31 December 2014. ICES advice in 2014 is that there should be no directed fisheries for each of the species and that bycatch should be minimized in the case of spurdog, landings of porbeagle should not be allowed and that there should be no catch of basking shark. ICES also advises that rebuilding plans should be established for spurdog and porbeagle.

We urge NEAFC Contracting Parties to extend the current measures (Rec 04:2012, Rec 05:2012 and Rec 06:2012) prohibiting directed fisheries of basking shark, spurdog and porbeagle, and that measures be adopted to minimize or eliminate the bycatch of these species in other fisheries.