



2017 NEAFC Annual Meeting (November 13th – 17th)

Opening statement:

Policy recommendations from the Deep Sea Conservation Coalition and Seas At Risk

Mr. President, distinguished Delegates and Observers, thank you for once again providing us the opportunity to observe and address this meeting. This statement is delivered on behalf of the Deep Sea Conservation Coalition and Seas At Risk.

Fisheries for deep-sea species and the protection of VMEs

Since the last annual meeting of NEAFC, the UN General Assembly (UNGA) adopted resolution 71/123 with new calls for actions and commitments for the management of deep-sea fisheries on the basis of a review of the implementation of its previous resolutions over the past ten years. The resolution reaffirmed and reinforced the commitment of States and RFMOs to close areas where VMEs are known or likely to occur unless bottom fisheries in such areas can be managed to prevent significant adverse impacts on VMEs. The resolution stresses the importance of implementing the full set of criteria in the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas for conducting impact assessments, including cumulative impact assessments; identifying areas where VMEs are known or likely to occur; and assessing for significant adverse impacts (UNGA 71/123; paragraph 180 (a) & (b)).

To effectively protect VMEs, the General Assembly encouraged States and RFMOs to make use of a variety of types of marine scientific research such as seabed mapping, mapping of vulnerable marine ecosystems based on information from the fishing fleet, on-site camera observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling to identify areas where vulnerable marine ecosystems are known or are likely to occur, to establish conservation and management measures to prevent significant adverse impacts on such ecosystems (UNGA 71/123; paragraphs 181 & 182).

The UNGA also committed States and RFMOs to ensure the long-term sustainability of deep-sea fish stocks, through conducting stock assessments, of non-target species and the rebuilding of depleted stocks, and to be particularly precautionary in regard to the catch or bycatch of vulnerable, threatened or endangered species (UNGA 71/123; paragraph 186).

In addition, the UNGA called on States and RFMOs to take into account the potential impacts of climate change and ocean acidification in taking measures to manage deep-sea fisheries and protect vulnerable marine ecosystems, and on States and relevant international organizations to 'consider taking action' to

address the potential impacts on VMEs from activities other than bottom fishing (UNGA 71/123; paragraphs 185 & 184).

Within this context we would like to raise the following issues:

1. Sustainability of deep-sea fish stocks

This continues to be an issue for the majority of deep-sea species regulated by NEAFC. There are no stock assessments for most deep-sea species at NEAFC and the question of sustainability is further compounded by the recent listing of several deep-sea species for which quotas have been established by NEAFC on the IUCN European Red List of Marine Fishes. In the northeast Atlantic, roundnose grenadier has been classified as endangered (RNG) and orange roughy (OR) and blue ling (BLI) as vulnerable by the IUCN.¹ Moreover, ICES states that there are serious uncertainties in the stock assessment for roundnose grenadier on the Hatton Bank in these areas which “strongly impact[s] on the quality of the assessment” because in Division XIIb “the actual level of catch has been considered uncertain for several years because of problems with species being reported and misreported in different areas”.² The Ad Hoc Working Group of PECMAS on Deep Sea Species and PECMAS also acknowledges discrepancies in catch data and the doubts this casts on the management of deep-sea species as reflected in the Section 5 of the PECMAS report. We look forward to seeing the report of the Ad Hoc Working Group of PECMAS once completed. In the meantime we would urge NEAFC to adopt a zero TAC for orange roughy at the meeting this week and we question whether any catch of roundnose grenadier should be permitted by NEAFC given apparent mis-reporting of catches and the recent Red Listing of the species by IUCN.

2. Bycatch of deep-sea species

As indicated, the UNGA placed renewed emphasis on this issue in its resolution 71/123. There appears to be relatively little information available on the bycatch in deepwater bottom fisheries in the NEAFC Regulatory Area. However, ICES has repeatedly expressed concern over the large number of species impacted in deep-sea trawl fisheries in the northeast Atlantic, stating as far back as 2008 that “such fisheries tend to deplete the whole fish community biomass”.³ This concern was reinforced by several studies published in subsequent years which concluded that the populations of some 77 species of deep-sea fish, most with no commercial value, inhabiting the continental slope in the Northeast Atlantic off the coast of Ireland adjacent

¹ Nieto, A et al., European Red List of marine fishes. Prepared by the International Union for Conservation of Nature (IUCN). Luxembourg: Publications Office of the European Union. 2015. Retrieved from http://cmsdata.iucn.org/downloads/iucn_european_red_list_of_marine_fishes_web_1.pdf

² ICES Advice on fishing opportunities, catch, and effort Faroes, Celtic Seas, and Oceanic Northeast Atlantic ecoregions: Roundnose grenadier (*Coryphaenoides rupestris*) in subareas 6 and 7, and divisions 5.b and 12.b (Celtic Seas and the English Channel, Faroes grounds, and western Hatton Bank). ICES Advice 2016, Book 9. June 2016.

³ ICES. (2008). Report of the Working Group on the Biology and Assessment of Deep-Sea Fisheries Resources (WGDEEP), 3–10 March 2008, Copenhagen, ICES Headquarters. (ICES CM 2008/ACOM:14), p. 70.

to the NEAFC Regulatory Area have declined by an average of almost 70% as a result of deep-sea bottom trawl fisheries in the area.⁴

Deep-sea sharks have been recorded in substantial quantities as bycatch in the French deepwater trawl fishery in this area as well, including a catch in 2012 of over 120t⁵ of deep-sea sharks now classified as endangered or critically endangered on the IUCN European Red List of Marine Fishes. ICES has consistently advised that the bycatch deep-sea sharks be minimized or avoided in the mixed species deepwater fisheries.⁶ However, there are no management measures in place to avoid or prevent the bycatch of deep-sea sharks in the deepwater trawl fishery in the NEAFC Regulatory Area. Measures to eliminate the bycatch of deep-sea species, in particular vulnerable, threatened or endangered species should urgently be established by NEAFC.

3. **Protection of VMEs**

We are pleased to see the Proposal from PECMAS (AM 2017-12) with the Recommendation on amending Recommendation 19:2014 on the protection of vulnerable marine ecosystems in the NEAFC Regulatory Area by extending the closed areas, set to expire this year, until 2022 and the extension of the Hatton–Rockall Basin Area closure as recommended by ICES.

However, ICES can and should provide better advice on where VMEs are likely to occur in the NEAFC Regulatory Area. One of the main tools for identifying areas where VMEs are likely to occur is the use of biogeographic information and predictive modelling or habitat suitability modelling. The usefulness of these tools was recognized by the UNGA in resolution 71/123 and much work has been done to develop models for the likely presence of VMEs in the northeast Atlantic. ICES has been debating the use of habitat suitability modelling for several years but has not yet adopted an agreed approach. This is something NEAFC should ask ICES to resolve on an expeditious basis.

4. **Enforcement of bottom fisheries measures/IUU fishing**

We remain concerned over the implementation and enforcement of the measures prohibiting bottom fisheries in closed areas and the measures for exploratory fisheries outside of the existing fishing areas. Once again, there are indications that this remains a problem and that these measures are not being effectively enforced as indicated in the ICES advice published 20 June 2017 (see Figure 2 (Hatton Bank) and Figure 4 (South of Iceland) in the ICES Advice: New information regarding vulnerable habitats in the NEAFC Regulatory Area, North Atlantic Ecoregion).

⁴ See for example Bailey, D. M., Collins, M.A., Gordon, J. D. M., Zuur, A. F. & Priede, I. G. (2009). Long-term changes in deep-water fish populations in the northeast Atlantic: a deeper reaching effect of fisheries? Proceedings of the Royal Society B. doi: 10.1098/rspb.2009.0098.

⁵ Anne-Sophie Cornou, Alain Biseau, Analyse des captures du métier 'Chalutiers à espèces profondes en Ouest Ecosse'. IFREMER, March 2014. Table on pages 7-9: catch in 2012: Squale-chagrin de l'Atlantique (*Centrophorus squamosus*), classified by IUCN as "endangered" - 65.05 tonnes; Squale savate (*Deania calcea*) classified by IUCN as "endangered" - 39.82 tonnes; Pailona commun (*Centroscymnus coelolepis*) classified by IUCN as "endangered" – 19.74 tonnes.

⁶ ICES (2015). ICES Advice on fishing opportunities, catch, and effort Oceanic Northeast Atlantic Ecoregion: Leafscale gulper shark (*Centrophorus squamosus*) in the Northeast Atlantic. October 2015.

5. Extended continental shelf measures

We are deeply concerned about the report in paragraph 4.4 of PECMAS that Norway intends to propose an “exclusion clause” to the NEAFC Recommendation on protecting VMEs in areas of extended continental shelves. We have previously raised similar concern in relation to the failure of NEAFC to act on ICES advice to close the Josephine Seamount to bottom fishing and over the management of the snow crab fishery in the NEAFC Regulatory Area in the Barents Sea. Further on whether the measures established in NEAFC Recommendation 19:2014 for new and exploratory fisheries for bottom fishing outside of existing fishing areas, or equivalent measures, have been implemented and enforced in the snow crab fishery. To exclude extended continental shelf areas within the NEAFC Regulatory Area from the bottom fishing measures established by NEAFC would risk removing the NEAFC VME protection measures, including closed area designations, from large portions of the NEAFC Regulatory Area where bottom fishing takes place. Should NEAFC Contracting Parties agree to entertain a proposal of this nature, it would likely lead to a fragmented and inconsistent regime for the management of bottom fisheries in the NEAFC Regulatory Area. In such a situation, we would urge relevant coastal states to apply the strongest possible conservation measures consistent with the UNGA resolutions and international law and establish credible enforcement mechanisms to ensure effective compliance by both domestic and foreign vessels bottom fishing on their continental shelves in high seas areas. In this regard we would note that the UN Fish Stocks Agreement requires the compatibility of conservation and management measures within and beyond areas of national jurisdiction for fisheries on straddling fish stocks, including measures pursuant to the obligations in Articles 5 & 6 to assess the impacts of fishing on species belonging to the same ecosystem (Art 5(d)); protect biodiversity in the marine environment (Art 5(g)); and to protect habitats of special concern (Art 6.3(d)).

Transparency and PECMAC

Finally, regarding the request by environmental NGOs to open also PECMAC to observers, we welcome the openness of delegations that has in some cases resulted in positive discussions. Following an initial exchange of views at last year’s annual meeting, we are hopeful that NEAFC Contracting Parties follow the positive examples of other RFMOs such as CCAMLR, ICCAT, NAFO and IATTC to which many are also members and allow, within clearly defined limits, observers also at NEAFC PECMAC meetings.

I would like to close this statement with a warm welcome on behalf of all environmental organisations to both the new NEAFC president and secretary. We are looking forward to many years of good cooperation and wish you all the best for fulfilling your tasks.

Thank you

Annex to the NGO opening statement

Paragraphs 179-186 of from UNGA resolution 71/123

179. Welcomes the important progress made by States, regional fisheries management organizations and arrangements and those States participating in negotiations to establish a regional fisheries management organization or arrangement competent to regulate bottom fisheries to implement paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113, 117 and 119 to 124 of resolution 64/72 and paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68 and address the impacts of bottom fishing on vulnerable marine ecosystems, but notes with concern the uneven implementation of those provisions and that, in particular, bottom fishing continues to occur in certain areas beyond national jurisdiction without an impact assessment having been completed in the 10 years since the adoption of resolution 61/105, in which the General Assembly called for such assessments to be undertaken by 31 December 2008;

180. Calls upon, in this regard, States, regional fisheries management organizations and arrangements with the competence to regulate deep-sea fisheries, and States participating in negotiations to establish such organizations or arrangements to take in particular the following urgent actions regarding bottom fishing in areas beyond national jurisdiction:

(a) To use, as applicable, the full set of criteria in the Guidelines to identify where vulnerable marine ecosystems occur or are likely to occur as well as for assessing significant adverse impacts;

(b) To ensure that impact assessments, including for cumulative impacts of activities covered by the assessment, are conducted consistently with the Guidelines, particularly paragraph 47 thereof, are reviewed periodically and are revised thereafter whenever a substantial change in the fishery has occurred or there is relevant new information, and that, where such impact assessments have not been undertaken, they should be carried out as a priority before authorizing bottom fishing activities;

(c) To ensure that conservation and management measures adopted by States and regional fisheries organizations and arrangements are based on and updated on the basis of the best available scientific information, noting in particular the need to improve effective implementation of thresholds and move-on rules;

181. Recognizes that different types of marine scientific research, such as, inter alia, seabed mapping, mapping of vulnerable marine ecosystems based on information from the fishing fleet, on-site camera observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling have resulted in identification of areas where vulnerable marine ecosystems are known or are likely to occur and in the adoption of conservation and management measures to prevent significant adverse impacts on such ecosystems, including the closure of areas to bottom fishing in accordance with paragraph 119 (b) of resolution 64/72;

182. Encourages, in this regard, States, regional fisheries management organizations and arrangements with the competence to manage bottom fisheries, and States participating in negotiations to establish such organizations or arrangements, to consider the results available from different types of marine scientific research, including, as appropriate, those listed in paragraph 181 above, concerning the identification of areas containing vulnerable marine ecosystems, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems,

consistent with the Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, for the above-mentioned purposes, in accordance with international law, as reflected in Part XIII of the Convention;

183. Also encourages, in this regard, States, regional fisheries management organizations and arrangements with the competence to manage deep-sea fisheries, and States participating in negotiations to establish such organizations or arrangements to carry out further marine scientific research to address the remaining knowledge gaps, in particular with regard to fish stock assessments, and to base and update conservation and management measures on the best available scientific information, in accordance with international law, as reflected in Part XIII of the Convention;

184. Notes with concern that vulnerable marine ecosystems may also be impacted by human activities other than bottom fishing, and encourages in this regard States and competent international organizations to consider taking action to address such impacts;

185. Calls upon States, individually and through regional fisheries management organizations and arrangements, to take into account the potential impacts of climate change and ocean acidification in taking measures to manage deep-sea fisheries and protect vulnerable marine ecosystems;

186. Also calls upon States, individually and through regional fisheries management organizations and arrangements with the competence to regulate deep-sea fisheries, to adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of the best available scientific information, including stock assessments, to ensure the long-term sustainability of deep-sea fish stocks and non-target species and the rebuilding of depleted stocks, consistent with the Guidelines and, where scientific information is uncertain, unreliable or inadequate, to ensure that conservation and management measures are established consistent with the precautionary approach, in particular with regard to vulnerable, threatened or endangered species;