



Submission by the North East Atlantic Fisheries Commission

regarding

UN General Assembly Resolution 66/68 on Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

The following is the submission of the North East Atlantic Fisheries Commission, NEAFC, regarding UNGA Resolution 66/68, as requested in a letter from the FAO dated 13 January 2012.

NEAFC is the Regional Fisheries Management Organisation (RFMO) for the North East Atlantic. The Contracting Parties of NEAFC are Denmark (in respect of the Faroe Islands and Greenland), the European Community, Iceland, Norway and the Russian Federation.

The submission includes comments under several of the headings in the resolution, which are largely in an order that corresponds to the order of the relevant paragraphs in the resolution, and an executive summary which focuses on the most recent developments. Where a similar issue is relevant under more than one heading, the points already expressed are usually not repeated.

Executive summary of NEAFC's submission

All Contracting Parties of NEAFC are parties to the Convention and the Agreement; and have national legislation requiring authorisation for fishing in the high seas.

The NEAFC Convention was amended in 2004 and 2006, *inter alia*, clarifying the mandate regarding environmental concerns and biodiversity. NEAFC sees the ecosystem approach as an add-on to present management measures and plans agreed, incrementally including ecosystem elements as scientific knowledge increases.

NEAFC has adopted management plans for several fish stocks, which include reference points and pre-agreed harvest control rules. The NEAFC Contracting Parties will in 2012 review two existing management plans.

NEAFC implements extensive measures regarding the protection of VMEs from significant adverse impacts (SAI) from bottom fisheries, based on the FAO International Guidelines.

NEAFC has closed extensive areas to bottom fishing, both on the grounds of specific identification of VMEs and for more precautionary reasons. NEAFC has outlined “existing fishing areas” where bottom fishing is authorised and “new fishing areas” which are closed to normal commercial bottom fisheries. Exploratory fishing can be authorised under strict conditions.

NEAFC will carry out a comprehensive review of its bottom fishing regulation during 2012.

The NEAFC Scheme of Control and Enforcement is a full and cost efficient control and enforcement tool in the NEAFC Regulatory Area, according to the 2006 independent performance review.

NEAFC implements several measures to protect sharks. Most recently, NEAFC decided in 2011 to ban directed fisheries for 17 different species of deep-sea sharks.

NEAFC has procedures for granting non-Contracting Parties to NEAFC cooperating status.

NEAFC has had success in stopping IUU fishing, using blacklists and an efficient Port State Control System.

The Port State Control system was introduced on 1 May 2007 and is considered to have reduced levels of IUU fish entering markets significantly. On 1 January 2012 the effectiveness of the system was improved further, with the introduction of digital forms.

NEAFC adopted a total ban on discards in 2009. It has closed an area on the Rockall Bank to protect juvenile haddock. It has rules that demand retrieval of lost gear and removal of unmarked gear.

NEAFC was the first RFMO to undertake an independent performance review in 2006. Preparations are currently underway for the second performance review of NEAFC, which will take place in 2013. NEAFC is likely to be the first RFMO to undertake a second performance review.

I Achieving sustainable fisheries

Recent scientific evaluations for the NEAFC Convention Area seem to indicate that an increase in sea temperature in the medium and long term may lead to changes in the

migration of major fish stocks. The provider of scientific advice to NEAFC, the International Council for the Exploration of the Sea, ICES, in 2009 reported on this in a major study¹.

Changes in migration or spawning behaviour affect the catchability of individuals with fishing gear. Populations may move away from (or towards) an area where fishing fleets operate and/or an area where spatial restrictions on fishing are in place. Also, species distributions may shift across the boundaries between areas where quotas belong to different nations. For example, this situation could arise if distribution of species such as mackerel (*Scomber scombrus*) (which already has been observed in some years), leading to potentially difficult political negotiations between nations regarding future access to key fish stocks and national allocation keys.

ICES however concludes that “Disentangling the effects of different drivers of variability in fish populations has been difficult for several reasons. How climate change will affect the major stocks in the Northeast Atlantic these requires further study.”

All Contracting Parties of NEAFC have national legislation requiring authorisation for fishing in the high seas

All Contracting Parties of NEAFC are parties to the Convention and the Agreement.

The NEAFC Convention was amended in 2004 and 2006 and both the 1982 Convention and the 2006 “NEW” Convention texts 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 with the “London Declaration” in 2006 to apply the amendments on a voluntary basis until ratification has been finalised. 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. The amendments also include the precautionary and ecosystem approach as an obligation on Contracting Parties.” (New Convention Article 4).

NEAFC regularly reports to the FAO regarding the monitoring of the implementation of the 1995 FAO Code of Conduct for Responsible Fisheries.

NEAFC has a Memorandum of Understanding (MoU) with the International Council for the Exploration of the Sea, ICES, and the Council provides full scientific advice according to the MoU and specific requests. All management measures are underpinned by the scientific advice from ICES and its extensive databases. NEAFC is a partner to FIRMS and provides fact sheets on all its fisheries and management measures, which are in the public domain on the FIRMS website.

¹ ICES COOPERATIVE RESEARCH REPORT No. 301 May 2010 Resolving climate impacts on fish stocks
<http://www.ices.dk/pubs/crr/crr301/CRR%20301-Web-100531.pdf>

Where scientific advice is available, NEAFC has adopted management plans developed by coastal states. These plans include reference points and pre-agreed harvest control rules. These are reviewed regularly. In 2012 the NEAFC Contracting Parties will review existing management plans for blue whiting and Norwegian Spring Spawning (Atlanto Scandian herring).

NEAFC does not deal with pollution. The competent organisation in this respect in the North East Atlantic is OSPAR, with which NEAFC has an MoU.

The four major fisheries in the NEAFC Regulatory Area (herring, mackerel, blue whiting and redfish) are pelagic, almost clean fisheries without by-catch. NEAFC is still in the process of establishing management measures for deep sea fisheries. Effort in these fisheries has been reduced by 35 %. Large areas on the Mid-Atlantic Ridge and 4 areas in the Rockall Hatton Bank area have been closed to fisheries and gillnets are banned in waters deeper than 200 m. Juvenile haddock in the Rockall Area is protected by the Rockall box.

NEAFC implements extensive measures regarding the protection of vulnerable marine ecosystems from significant adverse impacts from bottom fisheries, based on the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas.

NEAFC has closed extensive areas to bottom fishing, both on the grounds of specific identification of VMEs and for more precautionary reasons. Furthermore, in its bottom fishing regulation, NEAFC has outlined “existing fishing areas” where bottom fishing has taken place and “new fishing areas” where bottom fishing has not taken place. In most instances there is not enough research or data to identify VMEs in “new fishing area”. To reduce risks to VMEs to a minimum, these areas are closed to normal commercial bottom fisheries under normal authorisations to fish from the Contracting Parties of NEAFC. To gather further data, exploratory fishing can be authorised under strict conditions in an Exploratory Bottom Fisheries Protocol. Vessels authorised under this protocol have to have an observer on board. Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol.

NEAFC will carry out a comprehensive review of its bottom fishing regulation during 2012.

Scientific data are the responsibility of ICES and the Contracting Parties. Where data have been missing NEAFC has taken initiatives to make data available to ICES from Contracting Parties. In “new” fishing areas scientific observers are obligatory.

NEAFC deems that the NEAFC Scheme of Control and Enforcement is a full and cost efficient control and enforcement tool in the NEAFC Regulatory Area. This was also the conclusion of the 2006 independent performance review.

NEAFC Contracting Parties report official catch figures to FAO through the FAO STATLANT system. Sampling data are compiled by ICES and form the basis for their

assessments of stock status. Where gaps in data have been identified NEAFC has taken initiatives to make data available for ICES. NEAFC has its own database which records the positions of fishing vessels hourly or two-hourly supplemented by daily or weekly catch data reported by the individual vessels. NEAFC also runs a monthly reporting system of quota uptake of regulated species and stocks. This reporting is reviewed in the appropriate subsidiary bodies and then at the NEAFC Annual Meeting.

NEAFC is a partner in the Fishery Resources Monitoring System (**FIRMS**), a partnership of intergovernmental fisheries organizations that share a wide range of high-quality information on the global and participant in the **Coordinating Working Party on Fishery Statistics (CWP)**.

The Contracting Parties of NEAFC have chosen to pursue some aspects of the FAO Code of Conduct and IPOAs in regional cooperation, while others are handled individually by the individual fisheries jurisdictions of the North East Atlantic (Greenland, Iceland, the Faroe Islands, Norway, the Russian Federation and the European Union). The IPOA on shark is dealt with nationally. NEAFC has banned shark finning, the use of gill- and entangling nets in depths below 200 m, both measures giving protection to deep sea sharks, and has banned directed fisheries for several shark species. Most recently, the Annual Meeting of NEAFC in 2011 decided to set such measures for 17 different species of deep-sea sharks.

NEAFC deals with straddling stocks, not highly migratory species

II

Implementation of the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks

The NEAFC Scheme of Control and Enforcement has appropriate arrangements to enable boarding and inspection functions in accordance with articles 21 and 22 of the Agreement, including high seas boarding and inspection.

The NEAFC Scheme of Control and Enforcement has appropriate arrangements regarding receiving notifications pursuant to article 21 and to giving due publicity to such designation.

NEAFC has included discrete stocks to its list of regulated resources.

NEAFC has procedures for granting States that are not Contracting Parties to NEAFC cooperating non-Contracting Party status. Canada, New Zealand and St Kitts and Nevis currently have this status. Non-Contracting Parties are made aware that currently and for the foreseeable future, stocks regulated by NEAFC are fully allocated, and fishing

opportunities for new members are likely to be limited to new fisheries (stocks not currently allocated).

IV Illegal, unreported and unregulated fishing

NEAFC has reported widely about its success in stopping IUU fishing with an approach using blacklists, shared with neighbouring RFMOs, and an efficient Port State Control System which goes in some ways somewhat beyond what has been agreed in FAO. Due to the continued success of NEAFC's measures against IUU fisheries, these are not considered to be a very significant problem regarding fisheries managed by NEAFC.

The NEAFC Scheme of Control and Enforcement requires that a Contracting Party which sights a non-Contracting Party vessel shall attempt to inform such a vessel without delay that it has been sighted or by other means identified as engaging in fishing activities in the Convention Area and unless its flag state has been accorded the status of co-operating non-Contracting Party is consequently presumed to be undermining the Recommendations established under the Convention.

The NEAFC Secretary transmit all information on the sighting of presumed IUU vessels to all Contracting Parties and to other relevant Regional Fisheries Management Organisations within one business day of receiving this information, and as soon as possible to the flag state of the vessel identified as being engaged in fishing activities in the Convention Area.

If no satisfactory answer is received by from the flag state of a presumed IUU vessel, it is transferred from the observation list to the list of confirmed IUU vessels. This effectively closes all NEAFC ports to these vessels and no services can be rendered in the NEAFC Area. NEAFC, NAFO and SEAFO share IUU lists, so ports will also effectively be closed in the NAFO Contracting Parties including the US, Japan, Korea and parts of West Africa.

There are currently nine vessels on the list of confirmed IUU vessels, which is publicly available on the NEAFC website.

It should be noted that blacklisting has hit transport vessels as well as vessels fishing. Indeed the targeting of the transport vessels was the major breakthrough, which in all practical terms eradicated the IUU fishery for redfish in the Irminger Sea.

The Port State Control system was introduced on 1 May 2007 without major problems. The measure has been deemed to have had a dramatic effect on the amounts of illegal frozen fish in Europe, reducing levels of IUU fish in European markets significantly. On 1 January 2012 the effectiveness of the Port State Control system was improved further, with the introduction of digital forms which are intended to replace the fax-based system.

NEAFC at the moment cooperates with FAO and IMO to establish a global record of fishing vessels, by supplying vessel data for pilot run of a Global Record database design. It is expected that the global record will be a powerful tool in combating IUU globally.

NEAFC requires Contracting Parties to report on quota uptake on a monthly basis. The reports are published on the NEAFC website. Work is ongoing to further improve NEAFC's work on catch statistics.

Transshipments in the NEAFC Area can only be undertaken by vessels authorised by NEAFC Contracting Parties or cooperating non-Contracting Parties. These vessels have strict reporting obligations and have to send VMS position data to the NEAFC database.

General trade measures are handled by the NEAFC Contracting Parties individually.

V

Monitoring, control and surveillance and compliance and enforcement

The NEAFC Scheme of Control and Enforcement has all the tools for monitoring, control and surveillance. The VMS data are used by inspection platforms to make inspections focussed and efficient. If a Contracting Party has 10 or more vessels in a specific fishery an inspection vessel from that Contracting Party has to be present. Contracting Parties inform about their plans for deployment of inspection platforms.

The NEAFC Scheme has clear rules for flag state control of vessels.

VMS reporting is mandatory in the NEAFC Regulatory Area.

The NEAFC database has a live list of fishing vessels notified and authorised to fish in the NEAFC Regulatory area for regulated resources.

The NEAFC Secretariat has participated in expert meetings of the International MCS Network and intends to continue to do so.

VI

Fishing overcapacity

Managing Fishing Capacity is handled by NEAFC Contracting Parties individually.

Subsidies are handled by the NEAFC Contracting Parties individually.

VIII

Fisheries by-catch and discards

NEAFC adopted in 2009 a total ban on discards. It has closed an area on the Rockall Bank to protect juvenile haddock. It has rules that demand retrieval of lost gear and removal of unmarked gear.

The implementation of the 2004 Guidelines to Reduce Sea Turtle Mortality in Fishing Operations and the International Plan of Action for Reducing Incidental Catch of Seabirds in Longline Fisheries of the Food and Agriculture Organization of the United Nations is handled by NEAFC Contracting Parties individually.

IX

Subregional and regional cooperation

NEAFC amended its Convention in 2004 (fast track dispute settlement) and 2006 (New preamble in line with developments since 1982, new objective and a mandate balancing conservation and exploitation, including the precautionary approach and concern for ecosystems and biodiversity of the oceans).

NEAFC has an MoU with OSPAR in the North East Atlantic and, at the Secretariat level, regular meetings with North Atlantic Regional Fisheries Management Organisations, (ICCAT, NASCO, NAMMCO and NAFO). SEAFO has been invited to participate in these meeting as an observer. NEAFC also takes part in the global Regional Fishery Body Secretariats Network.

NEAFC was the first RFMO to undertake an independent performance review in 2006. The independent panel members were appointed by FAO (the Chair), UNDOALOS and DFO, Canada.

The performance review was immediately brought into the public domain on the NEAFC website and distributed widely. The review and action taken by NEAFC on the recommendations of the review was reported to the FAO COFI meeting in 2007.

Preparations are currently underway for the second performance review of NEAFC, which will take place in 2013. NEAFC is likely to be the first RFMO to undertake a second performance review.

X

Responsible fisheries in the marine ecosystem

Environmental concerns are part of the NEAFC mandate. NEAFC sees the ecosystem approach as an add-on to present management measures and plans agreed, incrementally including ecosystem elements as scientific knowledge increases.

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 that it has taken major initiatives in order to address its responsibilities for implementing the relevant UNGA Resolution 61/105. It should be pointed out that this is a dynamic process and, in that context, NEAFC commits itself to keep under continuous review the measures currently in place.

During 2012, NEAFC is undertaking a comprehensive review of its bottom fishing regulation, which includes considering the implementation in the context of the relevant provisions of the UNGA Resolutions.

The NEAFC system of area management is described in detail earlier and in communications to UNDOALOS, including in April and November 2009. The NEAFC Secretary made a presentation on NEAFC's area management at a UN workshop on VMEs in September 2011.

April 2012