



Submission by the North-East Atlantic Fisheries Commission

Regarding the report of the Secretary-General of the United Nations on Oceans and the Law of the Sea, pursuant to General Assembly resolution 77/248

The following is the contribution by the North-East Atlantic Fisheries Commission (NEAFC) to the preparation of the report of the Secretary-General of the United Nations on Oceans and the Law of the Sea, pursuant to General Assembly resolution 77/248 of 30 December 2022, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General for Legal Affairs, dated 21 March 2023.

In making this submission, account has been taken of the need to ensure that the document is as brief as possible. The submission therefore focuses on a few developments, activities and measures adopted in the key areas addressed in resolution 77/248, in particular since the last report by NEAFC in 2022.

The substantive part of the NEAFC submission is as follows:

Introduction/General

The North-East Atlantic Fisheries Commission (NEAFC) is the Regional Fisheries Management Organisation (RFMO) for the North-East Atlantic. The NEAFC Contracting Parties are Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Norway, the Russian Federation and the United Kingdom. NEAFC's objective 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 area covered by the NEAFC Convention stretches from the southern tip of Greenland, east to the Barents Sea, and from the North Pole south to Portugal. Recommendations adopted by NEAFC are legally binding. NEAFC Port State Control procedures apply to the use of ports of NEAFC Contracting Parties by fishing vessels with catch on board of fisheries resources that have been caught in the Convention Area by foreign fishing vessels and that have not been previously landed or transhipped at a port. These NEAFC Port State Control procedures have been aligned with those of the FAO Port State Measures Agreement, which is the minimum standard in NEAFC.

The North-East Atlantic is one of the most abundant fishing areas in the world. NEAFC has adopted conservation and management measures for fisheries for a number of different fish stocks, although three major stocks constitute the bulk of the overall catches, these being blue whiting, herring, and mackerel. NEAFC operates an efficient and effective monitoring and control system for its fisheries. This system, combined with NEAFC Port State Control

measures, has ensured there have been no Illegal, Unreported and Unregulated fisheries in the North-East Atlantic for the last ten years or more. To support transparency, NEAFC publishes an annual report on compliance with its regulatory measures, by both Contracting Parties and cooperating non-Contracting (<https://www.neafc.org/compliance>), as well as publicly listing its notified and authorised fishing vessels.

While NEAFC adopts management and control measures for certain commercial fish stocks, it also adopts measures to protect other components of the marine ecosystem (including biodiversity) from potential negative impacts of fisheries. NEAFC thereby contributes to the ecosystem approach to fisheries and the protection of marine biodiversity. This includes preventing significant adverse impacts on vulnerable marine ecosystems through area-based conservation and management measures. In that context, NEAFC has closed large areas to bottom fisheries, and implements rigorous restrictions for other areas.

NEAFC's conservation and management measures, including those related to other parts of the marine ecosystem, do not depend on NEAFC direct scientific processes but rather rely on the International Council for the Exploration of the Sea (ICES) for scientific advice. While maintaining a clear separation between the management and policy role of NEAFC and the scientific role of ICES, NEAFC has improved its cooperation with ICES, including via regular bilateral meetings to discuss long-term developments, such as multispecies advice, possible climate effects and other ecosystem considerations. ICES develops appropriate research programmes to meet longer-term issues raised by NEAFC and takes these issues into account in presenting its advice to NEAFC. NEAFC also continues to focus efforts on sustainability of deep-sea fisheries, requesting ICES to ensure it reflects NEAFC stock categorisations in its advice on deep sea species. This is in particular with an aim to pay attention to (category 3) rapidly changing or increasing fisheries. NEAFC updated its Memorandum of Understanding with ICES at the end of 2019, ensuring the incorporation of the latest ecosystem considerations into the MOU (further updates were made in 2022 and 2023).

NEAFC continues to integrate the broader aspects of the ecosystem into its thinking. NEAFC has relied on ICES to do this in its fisheries advice for many years, for instance by taking into account ICES fisheries overviews and (sub-regional) ecosystem overviews. Nevertheless, there remain major challenges in translating an understanding of wider ecosystem changes and other pressures (including their cumulative aspects) into practical and specific advice on the total allowable catch of a particular stock or mix of stocks. Further developments in advice requests related to sustainability, initiated following the 2020 Annual Meeting of NEAFC, are set out in the rest of this submission.

Broader Oceans Governance.

Since 2021, NEAFC has annually produced a document on [NEAFC Measures and the UNGA Fisheries Resolutions](#). This sets out how NEAFC's measures and actions meet the applicable fisheries management objectives set out in the paragraphs of the United Nations General Assembly resolutions on sustainable fisheries. It lists each relevant UNGA resolution, with the corresponding actions, measures, and recommendations, follow up arrangements and

responsible bodies within NEAFC. The most recent document is based on the UNGA resolution adopted in the previous year (the 2022 UN resolution in this case).

NEAFC takes seriously its role in supporting UN learning and review processes related to global fisheries. NEAFC participated with presentations and contributed documents to the 2022 Informal Consultations of State Parties to UNFSA on the ecosystem approach to fisheries management. It also was an active participant and presenter to the 2022 UN Workshop on implementation of the UNGA resolutions on impacts of bottom fishing on vulnerable marine ecosystems and the long-term sustainability of deep-sea fish stocks.

Transshipment: NEAFC has been reviewing its regulation of transshipments since 2020. The 2022 Annual Meeting adopted a binding recommendation on controls applicable to transshipments at sea to improve monitoring and control of these operations. This amends the NEAFC Scheme to control transshipment at sea involving regulated resources caught in the Regulatory Area, whether or not the transshipment occurred outside the Regulatory or Convention Area. One Party is not bound by these new regulations.

Discards: NEAFC has had a discard ban in place since 2010, however this was of limited scope in terms of the NEAFC stocks it covered and also was not binding on one of the Contracting Parties due to an objection. NEAFC started a process in 2020 to review its regulations in terms the level of ambition and scope. At the same time ICES was requested to provide advice on discards. While ICES reported a strong separation in discarding patterns between its pelagic fisheries and demersal fisheries, further analysis is still required due to limited data resolution. A new regulation on discarding was subsequently agreed for 2023 which now applies to all Contracting Parties and covers more species. At the same time, ICES is aiming to provide advice on data gaps, spatial patterns and temporal trends. This is hopes to identify the regions, gears or stocks at higher risk of bycatch, as well as the effects of the existing bans on fishing for particular stocks. A review of new technological advances which can enhance monitoring or reduce unwanted bycatch relevant to stocks fished in the NEAFC regulatory area was also requested from ICES, and NEAFC's Permanent Committee on Monitoring and Compliance is also looking at these issues.

Part II Capacity Building

None of NEAFC's Contracting Parties are developing countries, and NEAFC's core activities do not include capacity building in developing countries or other types of development cooperation. Nevertheless, NEAFC does take part in various projects aimed at capacity building in developing countries. This is primarily done by sharing NEAFC's knowledge and experience regarding fisheries management; fisheries monitoring, control and surveillance (MCS), Electronic Port State Control, Electronic Reporting Systems, and related fields. The NEAFC Secretariat also continues to share experience in other regions in support of capacity building and cross-sectoral engagement at the level of regional intergovernmental organisations and bodies (see example below, working with the General Fisheries Commission for the Mediterranean).

NEAFC remains engaged with the UN Food and Agriculture Organization, being a partner in the Deep-Sea Fisheries project as part of the recently approved second phase of the Global sustainable fisheries management and biodiversity conservation in the Areas Beyond National Jurisdiction Program (the Common Oceans ABNJ Program). This programme is being funded by the Global Environment Facility.

NEAFC works with the Bahamas and Panama, which have Active Cooperating non-Contracting Party status for 2023.

Part XI Marine biodiversity

Vulnerable Marine Ecosystems (VME)

A comprehensive binding Recommendation on the protection of VMEs from bottom fisheries is in place in NEAFC. This entered into force in 2014, consolidating earlier recommendations on closed areas from 2004 onwards. This Recommendation has been updated several times since then, including following the annual recurrent advice requests to ICES for all available information on distribution of vulnerable habitats and fisheries activities relevant to the Regulatory Area. The measures ensure that the only areas where bottom fisheries can legally take place in the Regulatory Area, apart from the potential (as yet unused) for restricted exploratory fisheries, are in areas that are established bottom fishing areas where the best available scientific advice has suggested that VMEs do not, or are unlikely to, occur. These identified 'existing' bottom fishing areas that are not closed are subject to various measures, including reporting duties and encounter protocols. A reported encounter with a VME results in a temporary closure of the relevant area.

The VME measures, mean that the majority (97%) of the NEAFC Regulatory Area is in practice closed to bottom fishing through either VME closures, or areas that require strictly regulated exploratory fisheries to be undertaken before bottom fishing is allowed. The areas open to commercial bottom fishing (and which add up to only around 2% of the total Regulatory Area) are therefore those areas where bottom fishing has historically occurred, and the best available scientific information indicates that there are unlikely to be significant adverse impacts by bottom fishing on VMEs. In 2023 one such existing fishing areas was expanded (a change from a restricted area designation). This expansion was to cover a high seas area in the Barents Sea which had formerly been an area within national jurisdiction and therefore bottom fished during that time.

NEAFC receives annual advice from ICES on its areas closed to bottom fishing for protection of Vulnerable Marine Ecosystems. No changes were advised to the boundaries of the existing VME closure areas. NEAFC also receives advice every 5 years on whether to renew all the closed areas, as these are required to be extended by the recommendation itself. With an expiry date of December 2022 approaching, ICES advised that all the closed areas should be renewed. NEAFC accordingly extended the expiry/renewal dates for all the closed areas to the end of 2027.

In 2022 ICES also carried out a benchmarking exercise on its advice process for VMEs. This was with the aim of improving the use of VME indicators in the development of management advice as well as the considering the completeness of VME habitats and indicators in the ICES database. While the benchmarking has concluded, ICES is still considering how best to implement the findings into applicable advice.

The NEAFC Secretariat continues to implement an improved system of monitoring fishing activity in the Regulatory Area to identify non-compliant bottom fishing activity while avoiding false positive alerts. The improved system is now evident through the annual compliance reporting published by NEAFC. In the 2022 compliance report, a total of 7 apparent infringements were detected for 2021.

Other Effective Area-based Conservation Measures

In 2021 NEAFC agreed to set up a new sub-group on Other Effective Area-Based Conservation Measures (OECM). The remit of the working group (WG OECM) was to look into how relevant NEAFC measures correlated to the concepts “Marine Protected Area” and “Other Effective Area-Based Conservation Measure”. The working group was requested to examine if the existing NEAFC measures could be considered as establishing MPAs or OECMs. The OECM working group meetings concluded in 2022 that, of the NEAFC measures it considered, only the measures on protection of Vulnerable Marine Ecosystems (VME) could be considered as potentially ready OECMs. Two draft OECM nomination templates; one for areas closed to bottom fishing to protect VME (considered the most-ready candidate) and one for VME restricted bottom fishing areas (also as a likely candidate) were developed.

The Annual Meeting 2022 agreed for the work to continue in 2023 with possibilities for proposals at the next Annual Meeting. NEAFC’s Future Development Working Group, WG OECM and the Permanent Committee on Management and Science (PECMAS) are now developing the proposals. NEAFC’s independent advisor, ICES, will provide advice to NEAFC on: the long-term impact of the VME closed areas and restricted bottom fishing areas; monitoring effectiveness, potential other evidence sources; and on mapping the OECM areas in light of realistic current/potential bottom fishing depths. NEAFC is also considering developing a supplementary narrative to any potential designation to explain complementarity and interactions between the OECMs and MPAs in a 3D environment. The issue of OECMs is being discussed in the cooperation with OSPAR (The Convention for the Protection of the Marine Environment of the North-East Atlantic) under the collective arrangement.

Deep Sea Species and Sharks.

NEAFC continues to take into account the effect of its fishing activities on other biodiversity. The NEAFC joint request with OSPAR to ICES for scientific advice on deep sea sharks, rays and chimaeras was delivered in 2020. This request for scientific advice was an outcome of the collaboration between OSPAR and NEAFC under the collective arrangement (see below), with the ultimate aim of improving conservation measures for these species, each under the respective competence of each organisation. As yet, it is not clear how the new advice can be

translated into practical measures to improve the status of such sharks, rays and chimaeras, but the next meeting of NEAFC and OSPAR under the collective arrangement will discuss this alongside new work by ICES.

NEAFC continues nevertheless to apply its existing protections. As previously reported, fishing bans under binding Recommendations for conservation and management measures for porbeagle, basking shark, deep sea sharks, rays and chimaeras, remain in place until the end of 2023. In 2023 NEAFC added six species of chimaera to the Scheme of Control and Enforcement. This will enable reporting of the species as bycatch, and could open a path to them being added to the existing ban on targeted fishing of three chimaera species.

In 2022 ICES advised a non-zero catch advice for 2023-2024 (around 220 tonnes) for porbeagle, reflecting a slight increase in the stock biomass. Nevertheless, no proposal was made by NEAFC to restart the fishery. In the case of spurdog, for which a fishery closure had been in place for since 2009, ICES advised in 2022 that the stock was recovering from a low biomass in the mid-2000s. The catch advised for the stock was therefore increased from zero catch to catches of no more than 17 353 tonnes and 17 855 tonnes in 2023 and 2024 respectively. NEAFC agreed a recommendation to allow a fishery to restart, with a catch matched to the ICES advice. In doing this, the NEAFC Contracting Parties noted that only a gradual expansion of the fishery should be allowed, and that extreme caution would be needed to avoid a return to poor stock status in a few years.

Ecosystem Based Management of Fisheries (EBFM)

As reported above, NEAFC contributed to the Informal Consultations of State Parties (ICSP) to UNFSA held in 2022 on the ecosystem approach to fisheries management. The NEAFC Permanent Committee on Management and Science has continued a discussion on EBFM that had been started by NEAFC in 2020 but had been postponed due to key inputs being delayed by the pandemic. This included the ICSP and work under the Northwest Atlantic Fisheries Organisation's Ecosystem Roadmap. ICES is at the same time in a process of continuous development of its advice, considering the influence of dynamic ecosystems and ecosystem productivity, the needs of apex predators and trends in species and habitat biodiversity. This work includes the production of fisheries overviews and ecosystem overviews and provides options for trade-offs between management objectives. ICES is developing a framework on cumulative effects and multiple management objectives, at the same time it is challenging NEAFC to further set out its objectives related to ecosystem state and function.

As part of the ecosystem approach, impacts on other aspects of biodiversity are getting more attention by NEAFC. While the perception is that bird bycatch is fairly low in NEAFC fisheries, it is nevertheless assessing the issue through a request to ICES for advice on bird bycatch, adopted at 2020 Annual Meeting. Initial work by ICES found that there was

insufficient data, with inadequate resolution to answer the questions arising. New data calls and workshops by ICES are planned for 2023 to try to develop the advice.

In this context, NEAFC's Permanent Committee on Management and Science is also considering what advice it may need on climate change and ocean acidification. ICES is developing its work in this regard, including a consideration of a risk-based framework that considers magnitude and likelihood of impacts, effectiveness and feasibility of measures.

Part XV Regional Cooperation

Applying an ecosystem-based management approach to oceans implies that all organisations involved in regulation/management of human activities in the marine environment are cooperating and coordinating actions under their different legal mandates. While NEAFC has become involved in considering the effects of fisheries on the other parts of the marine ecosystem and on biodiversity, NEAFC's legal competence remains limited to managing fisheries. The vulnerable marine ecosystems that NEAFC is making efforts to protect can be affected by human activities other than fishing. This has led NEAFC to work with other organisations, with complementary legal competences, such as OSPAR, IMO and ISA. NEAFC and OSPAR have continued in their cooperation, under the 'collective arrangement between competent international organisations on cooperation and coordination regarding selected areas in areas beyond national jurisdiction in the North-East Atlantic'. The collective arrangement meeting continues to include observers from the Secretariats of other regional environment and fisheries bodies. A collective arrangement meeting is now planned in June 2023 to include reflection on the ICES scientific advice on deep sea sharks, rays and chimaeras and discussions on Other Effective Area-based Conservation Measures and on ecosystem-based management in the respective organisations.

NEAFC also cooperates with other regional organisations, thereby contributing to increased cooperation and coordination. Since 2020, the NEAFC Scheme of Control and Enforcement automatically adds to the NEAFC list of IUU vessels a large number of other RFMO vessel listings. Cooperation with other RFMOs also includes the continuing work of Joint Advisory Group on Data Management (JAGDM) held with the Northwest Atlantic Fisheries Organization (NAFO). The joint group is open to other regional fisheries management organisations and among its primary objectives is to increase harmonisation in the technical solutions applied in different areas to enhance cooperation, in particular on monitoring control and surveillance. This type of coordination is important also in the context of NEAFC's continuing progress towards implementing an enhanced Electronic Reporting System (ERS). When the new ERS becomes operational, recordings in electronic fishing logbooks will be transmitted to the NEAFC Secretariat the using UN/CEFACT FLUX standard. The ERS will enable detailed 'live' information of fishing activities to be made available to fisheries inspectors across the Contracting Parties and should also lead to an improvement of other data such as haul by haul catches and bycatch (for instance, offering benefits to scientific advice).

Following the adoption of an MOU with the General Fisheries Council for the Mediterranean (GFCM), the NEAFC Secretariat are more closely cooperating with the GFCM. In 2021, NEAFC

and GFCM initiated a pilot project on Vessel Monitoring Systems (VMS). The Terms of Reference for this ongoing project include NEAFC sharing information and experience with GFCM on legal and technical requirements related to a centralised/regional VMS, roles of parties and the Secretariat, communication formats, data management and governance.

NEAFC is also cooperating with the UN FAO as it continues to develop its Global Information Exchange System (GIES) for the Port State Measures Agreement (PSMA). The PSMA forms a minimum standard for NEAFC, noting the electronic Port State Control system(e-PSC) NEAFC implements is in many ways a model regional system for the PSMA. The recent meeting of the Parties to the PSMA, held in Indonesia, noted a statement by NEAFC Secretariat which explained NEAFC had set up a working group to see what potential changes to the NEAFC system would help achieve compatibility between the NEAFC e-PSC and the GIES.

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