



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 78/69

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 78/69 of 5 December 2023, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General for Legal Affairs, dated 19 March 2024.

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 78/69, in particular since the last report by NEAFC in 2023.

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 fifteen years or so. 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 direct scientific processes within NEAFC but rather rely on the International Council for the Exploration of the Sea (ICES) for scientific advice. While maintaining this 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 and is currently being updated for the 2023 UN resolution.

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 seventeenth Informal Consultations of State Parties to the UN Fish Stocks Agreement on sustainable fisheries management in the face of climate change. It is also participating and contributing to the discussions on the ocean as a source of sustainable food at the twenty-fourth meeting of the United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea.

Transshipment: NEAFC has been reviewing its regulation of transshipments since 2020. The 2023 Annual Meeting adopted a binding recommendation to build on the new 2022 controls applicable to transshipments at sea to improve monitoring and control of these operations. This amends the NEAFC Scheme so that not only does it control transshipment involving regulated resources caught in the Regulatory Area (irrespective of where that transshipment takes place) but also covers transshipments within the regulatory area of NEAFC fisheries resources caught the outside regulatory area. One Party is not bound by these new regulations.

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 strongly 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.

The NEAFC Secretary is the Co-chair of the Regional Fishery Bodies Secretariats' Network (RSN). In this role NEAFC is able to support the work of the RSN in encouraging the sharing of experience and knowledge between the more than fifty fisheries bodies in the RSN. A particular focus this year has been on climate change impacts on fisheries.

NEAFC works with the Bahamas and Panama, which have Active Cooperating non-Contracting Party (CNCP) status for 2024. Over the next year or so such status will entail the Secretariat

advising CNCPs on the requirements of a move to the new NEAFC Electronic Reporting System based on the UN FLUX fisheries data communications language.

Part X Marine biodiversity

Ecosystem Based Management of Fisheries (EBFM)

The NEAFC Permanent Committee on Management and Science has been continuing a discussion that had started in 2020 on further developing EBFM, but was delayed by the pandemic. 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 challenged NEAFC to further set out its objectives related to ecosystem state and function. NEAFC, in response, is intending to develop detailed high level biodiversity and ecosystem objectives for the Commission in order to further develop its EBFM. To initiate this, NEAFC has asked ICES to provide advice on the available approaches to define such objectives and how to monitor and assess progress towards meeting these.

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 would result 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.

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 in 2023. 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. The next renewal is due at the end of 2027. NEAFC has now initiated its regular 5 yearly review of Recommendation 19:2014 on protection of VME as a whole. This review, which is a requirement of the recommendation itself, will assess whether the regulations are effective in the protection of VME from bottom fishing. The review will take into account scientific advice from ICES and information on control and enforcement assessed by NEAFC's monitoring and compliance committee. The findings of the review, when completed, will be presented at the Annual Meeting in 2024 for consideration of any actions, as required.

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. As reported in the 2023 compliance report, no apparent infringements were detected for 2022.

Other Effective Area-based Conservation Measures

Since 2021, NEAFC has been considering how relevant NEAFC measures correlate to the concepts "Marine Protected Area", MPA, and "Other Effective Area-Based Conservation Measure", OECM (as described by the Convention on Biological Diversity, CBD). Following its initial considerations, NEAFC explored the identification of OECM designations based on the measures related to closure and/or restriction of bottom fisheries to protect Vulnerable Marine Ecosystems under Recommendation 19:2014. Two draft OECM nomination templates; one for areas closed to bottom fishing to protect VMEs (considered the most-ready candidate) and one for restricted bottom fishing areas to protect VMEs (also as a likely candidate) were developed. Draft NEAFC OECM templates were progressed in 2023 towards versions for consideration at the 2023 Annual Meeting.

At the 2023 Annual Meeting, ICES provided advice that the VME closed areas achieved long-term sustained in situ biodiversity/ecosystem benefits as long as the closures remained in place. It also advised that the closures also contained biodiversity attributes set out in the CBD criteria for OECM. For restricted bottom fishing areas, the advice on benefits was the same as long as no bottom fishing activities occurred, although further evidence was needed on biodiversity attributes to achieve long-term biodiversity/ecosystem benefits.

NEAFC noted that a positive and clear case for the closed areas to be reported as an OECM existed. The Annual Meeting 2023 therefore agreed to report the OECM based on VME closed areas (not overlapping with OSPAR MPAs) to the Convention on Biological Diversity. Further advice was requested on the potential identification of OECM based on areas restricted to bottom fishing. The process of reporting the NEAFC OECMs to the CBD is still progressing at the time of the writing of this report. See also the section the collective arrangement under regional cooperation below.

Bycatch: Birds

While in 2022 NEAFC agreed a wider scope for its discard ban, applying to all Contracting Parties and covering more species, the risks from bycatch still need further exploration. While NEAFC fisheries are generally considered low bird bycatch fisheries, NEAFC has sought advice from ICES to confirm if this is so or not. Following a data call in 2022, ICES has produced advice which set out the elements that need to be in place to provide the information that NEAFC requires. Given that data on bird bycatch is poor, new work will focus on identifying areas with higher risk of interactions between fishing and birds, as well as identifying those species of birds that may be at higher risk. ICES now plans a three-step approach to improve the data, including high resolution fisheries data, a pilot study to improve knowledge, and establishment of a long-term monitoring programme. NEAFC's Permanent Committee on Monitoring and Compliance will continue to look at this issue.

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, 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. However, cooperation with OSPAR under the collective arrangement (see below) could further this work.

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. These measures are subject to regular renewals. Decisions at the 2023 Annual Meeting have renewed all the bans on targeted fishing for the species/groups above to the end of 2027 (with the exception of porbeagle). 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 in 2022 by NEAFC to restart the fishery. The ban on targeted fishing of porbeagle, has now been extended to end 2024. Prior to the expiry of the measure, and on the basis of new scientific advice from ICES, the Commission will review the ban with the intention of extending it.

Climate change

While climate change impacts have naturally been discussed in NEAFC for many years, NEAFC's Working Group on the Future Development of NEAFC increased the attention on the subject since 2021, and in light of international developments. As usual NEAFC relies on ICES for advice in this respect. ICES has highlighted the gradual changes already happening in the North-East Atlantic. Nevertheless, ICES also notes that predictions are less useful in the higher latitudes, so coping with gradual change is perhaps more important for NEAFC. While tools to address the challenges have been listed by ICES, climate change predictions and their confidence levels do not integrate well with stock catch advice with its shorter time spans

which informs the usual 1 -5 year timescales in which NEAFC measures operate. For more information see NEAFC's [contribution](#) to the seventeenth Informal Consultations of State Parties to the UN Fish Stocks Agreement on sustainable fisheries management in the face of climate change.

The NEAFC Annual Meeting (2023) adopted a non-binding resolution (see [NEAFC-resolution-on-climate-change-considerations](#)) to give more direction to the consideration of climate change in NEAFC's work. As a result of the resolution, NEAFC's Permanent Committee on Management and Science is to include opportunities in its agenda for Contracting Parties to share examples of climate change mitigation and adaptation in fisheries, identify available scientific advice and gaps for collaboration, global best practice, more efficient gears, etc.

The Resolution also adds consideration of how to reduce the environmental impacts of NEAFC meetings themselves, including the continuation and expansion of the use of virtual and hybrid meetings in NEAFCs processes.

Part XIII 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. The recent meetings under the collective arrangement have considered cooperation on the ongoing work from OSPAR to gather and collate scientific and expert information and data on deep sea elasmobranchs, look into distribution modelling, as well as potential areas of importance for these species. This was aimed at addressing the bycatch risks of fisheries to deep sea sharks, rays and chimaeras. The most recent meeting also considered OSPAR's development of a recommendation on bird bycatch under its Regional Action Plan on Marine Birds.

A very positive development related to NEAFC's intention to report an OECM and OSPAR's development of OECM guidelines for its Parties, is cooperation on understanding how OECMs and MPAs can interact to strengthen biodiversity benefits. As part of this, OSPAR and NEAFC are developing a joint policy level narrative on overlaps in 3 dimensions between their various area based management tools, aiming to communicate how the organisations' actions contribute to their shared objectives on protection of the marine environment. between the two 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 implementation of an enhanced Electronic Reporting System (ERS). This new ERS has now become operational as part of a two-year transition phase from the first party implementing the system. Recordings in electronic fishing logbooks are being transmitted to the NEAFC Secretariat using the UN/CEFACT FLUX standard. The ERS enables 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, going beyond its requirements. The NEAFC and FAO Secretariats have continued to cooperate and exchange information with, at this stage, the aim of sending 'dummy data' into the FAO GIES testing environment.

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