

# NEAFC management measures, and interactions with OSPAR High Seas Marine Protected Areas

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**Document intended for OSPAR - Madeira II workshop**

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## Foreword

Following the designation of six High Seas Marine Protected Areas (HSMPAs) in 2010, the OSPAR Commission aims at drawing management plan for these areas.

For that purpose is going to take place in January 2012 in Paris the second informal meeting of competent authorities on the management of selected areas in ABNJ in the North-East Atlantic, also known as the Madeira II workshop.

Contrary to the Marine Protected Areas (MPAs) we are used to deal with in national jurisdiction, these HSMPAs do not have a managing authority, and therefore the idea of management relies more on a cooperation of sector-based authorities.

Bearing in mind this idea, the present document is intended to feed the workshop by pointing out the interactions between the existing management of the North East Atlantic Fisheries Commission (NEAFC) and the protection of the selected areas.

## Institutional background

*NEAFC is an organisation comprised of Contracting Parties which have signed up to the Convention on Multilateral Cooperation in North East Atlantic Fisheries, which entered into force in November 1982.*

Those contracting parties are Denmark (in respect of the Faroe Islands and Greenland), the European Union, Iceland, Norway and Russia.

The management of the Commission is undertaken by an independent Secretariat based in London.

NEAFC admits the OSPAR Commission with the observer status (defined by the observers rules), which enables to assist to meetings but not to intervene in fishing management.

NEAFC has agreed with the OSPAR Commission a Memorandum of Understanding.

## Geography

The NEAFC Convention Area covers the Atlantic and Arctic Oceans east of a line south of Cape Farewell - the southern tip of Greenland (42° W), north of a line to the west of Cape Hatteras - the southern tip of Spain (36° N) and west of a line touching the western tip of Novya Semlya (51°E). The Baltic and Mediterranean Seas are excluded. The Convention Area exactly matches with the OSPAR area.

Most of this area is under the fisheries jurisdiction of NEAFC's Contracting Parties, as it is defined as their national waters, but three large areas are international waters and constitute the NEAFC Regulatory Area. These three large areas are generally called the Southern Area (NEAFC Regulatory area south), the Banana Loop (NEAFC Regulatory area in Norwegian Sea) the Loophole (NEAFC Regulatory area in the Barents Sea).

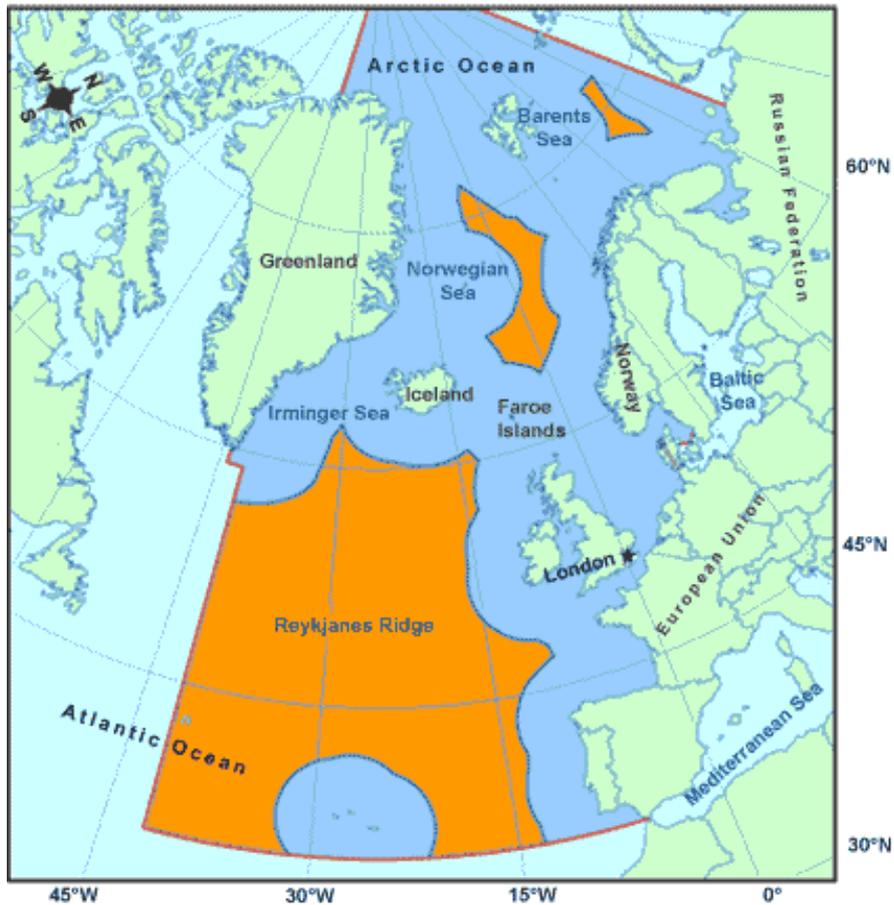


Figure 1 : NEAFC Convention Area (light blue) and Regulatory Area (orange)

## Main facts on fisheries

*In 2008, total catches in the North East Atlantic are approximately 10.5 million tonnes. The four main fisheries regulated in the NEAFC Regulatory Area give catches in the NEAFC Convention Area of approximately 3.3 million tonnes, that is 31 % of total catches.*

The Regulated Resources are divided in the 6 following stocks :

- Norwegian spring spawning herring (herring),
- Blue whiting,
- Mackerel,
- Haddock,
- Redfish, which with the four previous ones composes the NEAFC Annex I A) list.
- Deep-sea species, which contain roughly 50 different species and composes the NEAFC Annex 1B list.

## Procedure for science-based management

To address a particular scientific issue, NEAFC, through its Permanent Committee on Management and Science (PECMAS), contracts the International Council for the Exploration of the Sea (ICES) for

scientific advice, which is examined in PECMAS and can lead to a proposed decision finally adopted at the Annual Meeting (e.g. : areas closed to fisheries).

In case of need, ICES is also entitled to give warning on particular situations, without prior consultation by PECMAS.

## Management measures

### Regulation of bottom fishing activities

#### Overall policy on bottom fishing

Before the geographic analyses of the bottom fishing activities, we can, as an introduction, mention the 2010 recommendation number VI, which asks the Contracting Parties to *limit the effort for 2010-2012 put into the directed fishing for deep-sea species* and more precisely states *that the effort shall not exceed 65 per cent of the highest level put into deep-sea fishing in previous years for the relevant species*.

#### Classification of bottom fishing areas

All bottom fishing activities in the Regulatory area is regulated spatially, so that any position in the Regulatory Area falls into one of the three following categories :

- Existing bottom fishing area,
- New bottom fishing area,
- Closed area for bottom fishing.

The term "existing bottom fishing area" initially means area where VMS data and/or other available geo-reference data indicating bottom fishing activities have been conducted at least in two years within a reference period of 1987 to 2007. This shall be revised regularly in accordance with Article 3.4.

It is important to note that some existing bottom fishing area has been defined recently according to the procedure detailed above and at the time of their definition, such areas has been called *new existing bottom fishing areas* (for example in 2009 the Josephine seamount, or the Hatton and Rockall zone 5), which must not be confused with the following definition.

The term "new bottom fishing area" means all other area within the Regulatory Area which is not defined as existing bottom fishing areas. Bottom fishing is not allowed in such area.

The term "closed area for bottom fishing" means area where the use of fishing gear which is likely to contact the seafloor is prohibited.

The following map show the areas designated as *existing bottom fishing area* (in green) or *closed area closed for bottom fishing* (red). All the remaining part of the Regulatory Area is considered as *new bottom fishing area*.

Two particular cases occur : the Haddock box closure, and the Blue ling closure which are more designated to address issues related to those particular species, but as bottom fishing is also prohibited in these areas, we have classified them as *area closed for bottom fishing*.

Note also that the definitions of these areas are **temporarily limited** (see the notes on the map)



# NORTH-EAST ATLANTIC REGION

## NEAFC bottom fishing management areas

PUBLICATION DATE: 14/11/2011

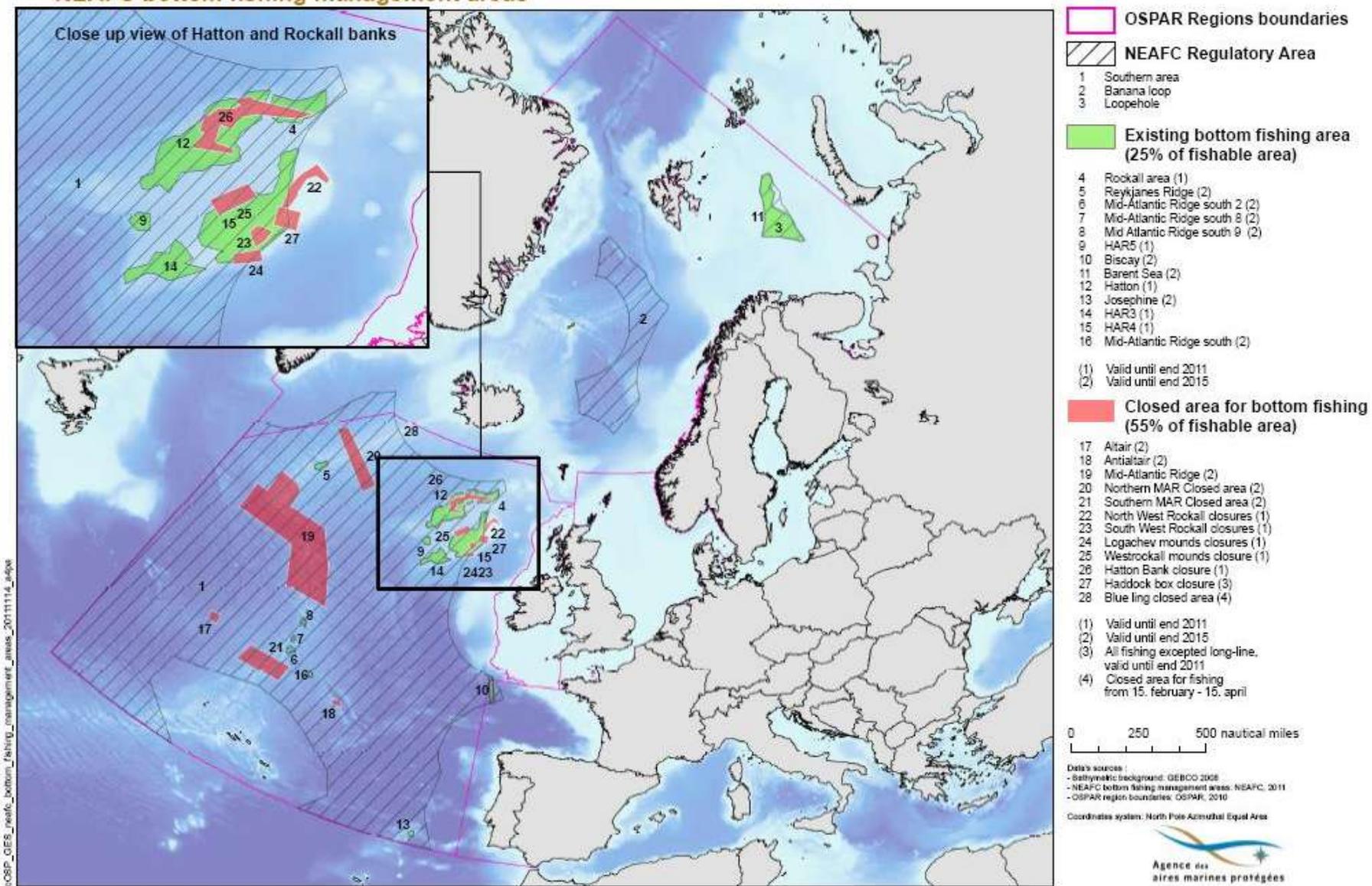


Figure 2 : Map of NEAFC bottom fishing management

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At the scale of the Regulatory Area, we can see that the existing and closed bottom fishing areas represent a very minor proportion and that in fact most of the area is new bottom fishing area (90% as the figure 3 shows). But considering that, for practical reasons only depths between 0 and 2000 are “fishable”, the proportion of closed bottom fishing areas is by far more significant and reach half of the fishable area (see the figure 4 for more details).

Sub-areas of the RA	Surface (in km <sup>2</sup> )	Existing Fishing Area		New Fishing Area		Closures	
		Surface (in km <sup>2</sup> )	Percentage of RA	Surface (in km <sup>2</sup> )	Percentage of RA	Surface (in km <sup>2</sup> )	Percentage of RA
<b>South. Area</b>	4 920 000	111 000	2.3	4 444 000	90.3	365 000	7.4
<b>Banana Loop</b>	326 000	0	0	326 000	100	0	0
<b>Loophole</b>	67 000	56 500	84.3	10 500	15.7	0	0
<b>Total</b>	5 313 000	167 500	<b>3.2</b>	4 780 500	<b>90</b>	365 000	<b>6.8</b>

Figure 3 : Proportion of fishing areas types

Sub-areas of the RA	Fishable surface (in km <sup>2</sup> )	Existing Fishing Area		New Fishing Area		Closures	
		Surface (in km <sup>2</sup> )	% of fishable area	Surface (in km <sup>2</sup> )	% of fishable area	Surface (in km <sup>2</sup> )	% of fishable area
<b>South. Area</b>	655 000	111 000	17	179 000	27.4	365 000	55.6
<b>Banana Loop</b>	17 000	0	0	17 000	100	0	0
<b>Loophole</b>	67 000	56 500	84.3	10 500	15.7	0	0
<b>Total</b>	739 000	167 500	<b>22.7</b>	206 500	<b>27.9</b>	365 000	<b>49.4</b>

Figure 4 : Proportion of fishing areas and closures in fishable areas (i.e. depth less than 2000m)

### Procedure for designating new fishing zones

Extract of the Consolidated text on regulating bottom fishing, Article 5 :

*If proposed bottom fishing is outside of the existing bottom fishing areas identified by the Commission in accordance with Article 3, or if there are significant changes to the conduct, or technology of existing bottom fisheries, or new scientific information indicating a VME in a given area, the Contracting Party proposing to participate in bottom fishing shall submit to the Secretary an initial assessment of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, in advance of the next meeting of PECMAS. Assessments should address the elements as set forth in Annex 3. The Secretary shall promptly forward these submissions to PECMAS and to the Commission.*

It is therefore important to note that this regulation apply as well for new bottom fishing zone as for changes in the conduct of fishing in existing fishing zone.

To date no new bottom fishing zones has ever been defined.

### The “move-on rules” or regulations in case of encounter with VMEs

*For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than 60 kg of live coral and/or 800 kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.*

In case of encounter with a VME, the vessel should without delay cease fishing activities in the site and move away at least 2 Nautical Miles off the site before resume fishing activity. The vessel should

also report promptly the encounter, including the location and the type and quantity of ecosystem in question.

To date, no encounter has ever been reported.

### Regulations on targeted species

For information, the chart below summarises the management measures on the main stocks, i.e. Annex I A).

Specie	Measure	Area	Period
Blue whiting	Limitation to allowable catch allocated to contracting parties	Convention area	2011
Haddock	All fishing prohibited except with long-lines	“Haddock box”	2011-1-1 to 2012-12-31
Herring	Total Allowable Catch : 988,000 tonnes	NEAFC Regulatory Area	2011
Pelagic redfish	Total Allowable Catch : 38,000 tonnes (32,000;26,000;20,000)	NEAFC Regulatory Area	2011 (2012;2013;2014)
Mackerel	Management measures by contracting party (catch limits)	NEAFC Regulatory Area	2011

Figure 5 : Management measures on the main stocks of Regulated Resources.

We can note that the recommendation XVI : 2010 prohibits any discard or release of these species in the Regulatory Area, i.e. Annex I A).

Some regulations also concern some particular species which are not Regulated Resources of NEAFC, but which are endangered species according to ICES and represent no or low commercial fisheries.

Specie	Measure	Area	Period
Basking shark	No directed fisheries Make all available data available to ICES	ICES entire area	2011
Spurdog	No directed fisheries Prompt release of accidental catch Submit all available data to ICES Encourage CP to take conservation measure within their EEZ	NEAFC Regulatory Area	2011
Porbeagle	No directed fisheries Make all available data available to ICES	NEAFC Regulatory Area	2011

Figure 6: Management measures on unregulated resources.

## Regulation on by-catch

To date, there is no regulation on by-catch.

The Secretary considers that the fisheries under NEAFC regulations do not involve serious by-catches. Nevertheless the Secretary points out that, in case of warning by ICES, the tools are ready to implement new recommendations on this topic.

## Other regulations

### Gillnets

Gillnets, entangling nets or trammel nets are prohibited at any position where the charted depth is greater than 200 metres.

### Ban on discards

Each Contracting Party shall ensure that its fishing vessels operating in the Regulatory Area are prohibited from discarding or releasing catches of any of the species listed in Annex I A) of the Scheme of Control and Enforcement.

## Catch information in 2009

The catch information concerning the 4 OSPAR threatened and/or declining species fished in the area has been extracted and are listed below. All of these species belongs do the NEAFC deep-sea species regulated resources list, i.e. the Annex I B).

Code	Name	EU	FRO	GRL	ISL	NOR	RUS	Total (t)
CYO	Portuguese Dogfish	55.0						55.0
GUP	Gulper Shark	18.0						18.0
GUQ	Leafscale gulper Shark	74.0						74.0
ORY	Orange Roughy	9.0	61.0		1.0			71.0

Figure 7 : 2009 catches of OSPAR endangered and/or declining species (more information [here](#))

To understand better these figures, we must mention that the total catch for the year 2009 for deep-sea species reached 146 132 tonnes, so that the catches of Portuguese Dogfish, Gulper Shark, Leafscalegulper Shark and Orange Roughy represent respectively 0.04%, 0.01%, 0.05%, 0.05% of this total. And none of these species are ranked in the highest 15th species caught, the p which catches vary from 43883 tonnes to 151 tonnes.

However, none of the OSPAR threatened and/or declining species are under specific regulation, although some discussions had taken place for Orange Roughy but without reaching a collective agreement.

### **Note (10<sup>th</sup> January 2012) :**

This document has been written before the release of the 2012 NEAFC recommendations, made publicly available on the 3<sup>rd</sup> January 2012. Among these new recommendations the [2012-7](#) (on deep-sea sharks) prohibits directed fisheries on Portuguese Dogfish, Gulper Shark and Leafscalegulper shark (as well as others deep-sea sharks).

## Interactions with OSPAR MPAs objectives

	Charlie-Gibbs	Milne seamount	Altair seamount	Mid-Atlantic Ridge north of the Azores	Antialtair seamount	Josephine seamount
<b>Benthopelagic layer [become outdated by the Note (10<sup>th</sup> January 2012)]</b>						
Protection of historically harvested species (Orange Roughy, Portuguese dogfish, Leafscale gulper shark and gulper shark)	Information on catches but no specific protection	Information on catches but no specific protection	Information on catches but no specific protection	Information on catches but no specific protection	Information on catches but no specific protection	Information on catches but no specific protection
<b>Benthos</b>						
Preservation of seabed	Bottom fishing prohibited on 60% of the area.	No bottom fishing allowed	Bottom fishing prohibited on 65 % of the area.	Bottom fishing prohibited on 50% of the area.	Bottom fishing prohibited on more than 90% of the area.	Bottom fishing allowed
	No bottom fishing allowed on the rest of the area.		No bottom fishing allowed on the rest of the area.	No bottom fishing allowed on 50 % of the area.	No bottom fishing allowed on the rest of the area.	
				Bottom fishing allowed on 1 % of the area.		
<b>Other habitats and species of specific concern</b>						
-Blue Whale - Leatherback turtle	No specific protection information	No specific protection information	No specific protection information	No specific protection information	No specific protection information	No specific protection information

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## Lessons learned and issues at stake

In general, though their work has been highly independent in the past years, OSPAR and NEAFC tend to converge to the same concerns. We can assume that it relies mainly on the following reasons :

- The geography : the two areas are exactly concordant,
- The bathymetry : for both practical (fishable and/or attainable areas) and ecological reasons, the areas of interest tend to concentrate on shallow depths (under 2000 or 3000 metres).
- Scientific background : to a wide extent, the two organisation based their decisions on the same scientific reference : ICES, which is exclusive for NEAFC, and extensively used in OSPAR.

By the way, we can assert that the OSPAR HSMPAs carry a good relevance, and therefore for potential future designation the same procedure should be recommended.

However there is a recurrent lack of accuracy in the definition of the specific objectives of the OSPAR HSMPAs, which are often the same for the 6 HSMPAs. This often leads to link management measures to general objectives, which are hard to complete and could give the impression of a stagnating process, whereas the achievements of smaller but more targeted goals, should be more straightforward in terms of improvements realised.

Last but not least, some gaps or even contradictions are raised by the crossed-analysis of NEAFC management measures and OSPAR HSMPAs objectives. These following points, and the issues at stake are not necessarily of equal importance, but they all need to pay particular attention to them :

- Even if the overlay between NEAFC “MPAs” and OSPAR MPAs is very significant, some of the OSPAR MPAs are existing fishing areas, in particular the Josephine seamount MPA. This is somehow confusing, knowing that the Josephine designation strongly relies on ICES publications (see Josephine seamount background document). And these references argue for evidence of presence of VMEs, both corals and sponge aggregations. Regarding sponges, this seems to be corroborated by the recent study of WWF on deep-sea sponge aggregations (see ICG-MPA 2011 documents). So it seems legitimate to wonder if ICES could point out this issue in the framework of NEAFC. To a smaller extent, the same situation occurs in the OSPAR HSMPA Mid-Atlantic Ridge North of the Azores overlaid (1%) by a NEAFC existing fishing area (area 16 on the map).
- To the contrary NEAFC is protecting some areas not comprised within the HSMPAs of OSPAR, notably on the Hatton and Rockall banks, the Charlie-Gibbs Fracture Zone north and the Reykjanes Ridge. So, as these zones are under a specific protection and as OSPAR does for MPAs in national jurisdictions, i.e. making a census of all the MPAs whatever the nature of their protection is, to what extent could OSPAR consider those as OSPAR HSMPAs (barring in mind the temporal limits) ?
- Concerning **VMEs thresholds**, the fact that no encounter has ever been reported often raises some contestations, generally based on the fact that the thresholds are too high. On the other way, NEAFC proposes the argument that no encounter are reported because the existing fishing areas are well defined, in order to prevent from high concentrations of VMEs. Anyway without entering the debate, as we saw above, some existing fishing areas are likely to contain VMEs (e.g. Josephine seamount), and we can wonder whether a possible an exploratory work could be conceivable on a selected control zone. For example for fishing

activities on the Josephine seamount, the work could consist in reporting any encounter whatever the quantity or report encounter with lower test thresholds.

- A broader concern, in the frame of the Convention of Biological Diversity, is that almost all fishable areas (under 2000m depth) are within **potential EBSAs** (at the date of 1<sup>st</sup> December 2011), at least in the OSPAR region V.

## Other matters

### Performance review

In 2007, NEAFC hold a first performance review on its activities and the functioning of the organisation. It was planned even before the 27th session of the Committee on Fisheries of the UN Food and Agriculture Organization (FAO), took place between 5 - 9 March 2007 and where all RFMOs were called for to undertake performance reviews.

At its 2011 annual meeting, according to the minutes of the [press release](#) : “NEAFC has agreed that to initiate the process for a second Performance Review, assessing the functioning of the organisation. Parties have agreed to work together prior to the next Annual Meeting with a view to this review process being carried out in the course of 2013.”

### Control and enforcement

The present section does not aim to provide full description of control and enforcement in NEAFC, which is a one of the NEAFC major activities, notably through its Permanent Committee on Control and Enforcement (PECCOE). However we can stress some major features of the enforcement means developed by NEAFC :

- The Vessel Monitoring System, on-board of all fishing vessels licensed by NEAFC (exceeding 20 metres), and allowing to track continuously the fishing ships.
- Inspections : both at sea or port state control.
- Cooperation of the fishing vessels, which are encouraged to report suspect behaviours.

Nonetheless, we can mention that the Illegal, Unregulated and Unreported (IUU) fishing is also a major challenge for NEAFC. Two lists has been established and filled by the NEAFC inspectors : the A list, which is the observation list and today contain no vessel (see the list [here](#)), and the B list in which the vessels are transferred after being place in the A list and further investigations. These vessels face severe restrictions on their activities in the NEAFC RA and potentially beyond. To date, the B list is composed by 9 vessels (see the list [here](#)).