

Report by New Zealand on actions taken pursuant to paragraphs 113, 117 and 119 to 124
of resolution 64/72, pa-46)11(5(1)12)1(1)11(5(1)112)16)11(5(5(1)112)10)11(5(5(1)18)110)1(5a)11(d)4(5(1)118)

15 March 2022

Introduction

Resolution 64/72' (New Zealand's 2011 report);

- < 2016 'Report by New Zealand on actions taken pursuant to Operative Paragraphs 113, 117 and 119-124 of Resolution 64/72 and Operative Paragraphs 121, 126, 129, 130 and 132-134 of Resolution 66/68' (New Zealand's 2016 report);
- < 2020 'Report by New Zealand on actions taken pursuant to paragraphs 113, 117 and 119 to 124 of resolution 64/72, paragraphs 121, 126, 129, 130 and 132 to 134 of resolution 66/68, and paragraphs 156, 171, 175, 177 to 188 and 219 of resolution 71/123' (New Zealand's 2020 report).

These reports are referenced throughout this document.

Implementing the International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

This section addresses paragraphs 113 and 117 (res 64/72), paragraph 122 (res 66/68), and paragraph 171 (res 71/123).

New Zealand was actively involved in developing the Food and Agriculture Organization (FAO) International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and uses the guidelines when formulating proposals for new, or improvements to existing, bottom fishing measures.

- ◁ Through its Scientific Committee Working Groups, updated the system for VME notification and distribution, with the intention to integrated VME data into broader spatial planning data analyses moving forward;
- ◁ Continued the management of the RSrMPA and undertaken research with the objective of better understanding the effects of fishing and other environmental impacts on the Ross Sea region ecosystem.

New Zealand continues to implement CCAMLR's bottom fishing requirements (CM 22-04 and 22-07) through permits issued under its Antarctic Marine Living Resources Act 1981. These permits are required by any New Zealand citizen or vessel participating in Southern Ocean fisheries. The conditions of the permits reflect all applicable CCAMLR Conservation Measure requirements for operating in CCAMLR fisheries.

B SPRFMO Conservation and Management Measures for bottom fisheries

The SPRFMO Convention specifies the use of the precautionary approach and an ecosystem approach to the sustainable management of non highly migratory species in the high seas of the South Pacific Ocean.

In recent years, SPRFMO has adopted a number of Conservation and Management Measures (CMMs), both at its own initiative and in response to resolutions 64/72 and 66/68, to prevent potential significant adverse impacts on VMEs and sustainably manage deep-sea fisheries:

- ◁ CMM 08-2019 prohibits the use of large-scale pelagic driftnets and all deepwater gillnets in the Convention Area;
- ◁ CMM 03-2022 and CMM 03a-2021 implement a comprehensive suite of measures to ensure the long-term conservation and sustainable use of deep-sea fishery resources, including target fish stocks as well as non-target or associated and dependent species;
- ◁ In doing so, the measures safeguard the marine ecosystems in which these resources occur, including the prevention of significant adverse impacts on VMEs, by *inter alia*:
 - Limiting bottom fishing catch in the Convention Area to precautionary levels estimated from stock assessment models where available, or where no stock

- In establishing these areas, data and analyses using research and predicative modelling of likely VME areas are provided to the SPRFMO Secretariat (for circulation) and the Scientific Committee (for scientific review);
- Ensuring 100 percent observer coverage for vessels using trawl gear and at least 10 percent observer coverage for vessels using bottom line fishing gear;
- Establishing a protocol for encounters with potential VMEs, including identified indicator taxa and two sets of thresholds that trigger the protocol. Thresholds and details of the protocol are reviewed regularly using the best available information;
- Requiring that bottom fishing within an encounter area be suspended by all SPRFMO Members (unless the Commission agrees otherwise based on best available scientific advice) and reporting encounters with potential VMEs to the SPRFMO Secretariat;
- Requiring a full assessment of the impact of a Member's bottom fishing activities be accepted by SPRFMO Scientific Committee and Commission before authorizing vessels to engage in any bottom fishing;
- Requiring submission of Vessel Monitoring System (VMS) reports to the SPRFMO Secretariat for vessels that participate in bottom fishing. Vessels are required to poll once every thirty minutes for the duration of the trip. Vessels are also required to report at the start of towing or setting and the end position to the 1/100th degree resolution.

New Zealand has implemented CMM 08-2019, CMM 03-2022 and CMM 03a-2022 through conditions on high seas fishing permits issued to New Zealand flagged vessels that are intending to fish in the Convention Area pursuant to Part 6A of the Fisheries Act 1996. The conditions of the permits reflect all applicable SPRFMO Conservation and Management Measure requirements for operating in SPRFMO fisheries.

New Zealand treats breaches of these permits very seriously. New Zealand's Ministry for Primary Industry recently successfully prosecuted a company and the master of its fishing vessel in relation to bottom trawling in a protected area in breach of the conditions of its high seas fishing permit. In March 2022, Amaltal Fishing Co Limited and the master of the *Amaltal Apollo* were found guilty of 14 charges of breaching the conditions of a high seas fishing permit.

Bottom Fishing Impact Assessments

This section addresses paragraph 119(a) (res 64/72), paragraphs 122 (b), 129(a) and 130 (res 66/68), and paragraphs 179 and 180(b) (res 71/123).

New Zealand has conducted impact assessments of all bottom fishing activities by New Zealand vessels in the CCAMLR and SPRFMO Convention Areas, in accordance with 119(a) of resolution 64/72 and 129(a) of resolution 66/68. Both SPRFMO and CCAMLR impact assessments are available on their respective websites.

A *CCAMLR impact assessments*

Consistent with CCAMLR CM 22-06, New Zealand has continued to submit to CCAMLR an annual preliminary assessment with the best available information of the known and anticipated impacts of its bottom fishing activities on VMEs in the CCAMLR Convention Area.

B *SPRFMO bottom fishing impact assessments*

As required under CMM 03-2022, New Zealand and Australia conducted a joint cumulative quantitative bottom fishing impact assessment based on an updated Bottom Fishing Impact Assessment Standard adopted by the Commission in 2021. Updated impact assessments are to

New Zealand has also conducted a significant amount

New Zealand implements CCAMLR CMs through conditions on permits issued to New Zealand citizens and vessels fishing in the CCAMLR Convention Area under the Antarctic Marine Living Resources Act 1981.

New Zealand is a flag state and a port state for CCAMLR toothfish fisheries and undertakes pre-trip and post-trip port inspections of vessels that are going to fish, or have fished, in the Convention Area to ensure operators adhere to CCAMLR's CMs.

New Zealand also implements the CCAMLR Catch Documentation Scheme for toothfish through domestic regulations under the Fisheries Act 1996. This ensures the origin of toothfish is able to be verified and that all toothfish trade in and out of New Zealand is tracked.

New Zealand also undertakes aerial and surface patrolling in the Convention Area, reporting all sightings of illegal, unreported and unregulated (IUU) fishing to the relevant States and the CCAMLR Secretariat.

B Long-term sustainability of South Pacific deep-sea stocks

The SPRFMO deepwater species measure (CMM 03a-2021) limits bottom fishing catch levels. From 2019, conditions on high seas fishing permits issued to New Zealand flagged vessels intending to fish in the SPRFMO Convention Area have limited catch levels to the limits set out in CMM03a-2021. These include orange roughy specific catch limits for five orange roughy stock areas, and a catch limit for non orange roughy species based on the average non orange roughy catch taken between 2002 and 2006.

New Zealand has completed stock assessments for seven orange roughy stocks in the SPRFMO Convention Area, including one straddling stock that is also caught within New Zealand's EEZ. The assessments vary in complexity based on available data and fishing pressure, and have formed the basis of catch limits advised by the Scientific Committee and implemented through CMM03a-2020. Five stocks are scheduled for assessment updates in 2022.

Initially, New Zealand managed its precautionary catch limit allocation whereby only 85% of New Zealand's allocation was able to be harvested to ensure that catch did not exceed the allocation. To improve the implementation of Member allocations of orange roughy, the SPRFMO Commission in 2020 adopted amendments proposed by New Zealand and Australia to allow limited carry forward of under catch and the deduction of over catch for the subsequent fishing year. No further fishing is permitted once the catch limit has been reached.

Special Circumstances of Developing States

This section addresses paragraph 121 (res 64/72), paragraph 134 (res 66/68), paragraphs 187 and 188 (res 71/123).

New Zealand recognises the special circumstances and challenges developing States face in fully implementing the relevant paragraphs of these resolutions and is open to exploring ways to accommodate these special circumstances and challenges. In particular, New Zealand has supported an exploratory potting proposal from the Cook Islands.

Developing and Implementing Regional Standards

This section addresses paragraph 122 (a) (res 64/72).

management areas, and data-informed approaches to setting threshold weights for VME encounter protocols on the high seas.

Areas Beyond National Jurisdiction Without RFMOs or Arrangements

New Zealand flagged vessels are not permitted to conduct bottom fishing on the high seas outside the CCAMLR and SPRFMO Convention Areas (paragraph 124, res 64/72). All New Zealand flagged vessels fishing on the high seas require a high seas fishing permit, which sets out the regulations and conditions associated with high seas fishing in accordance with RFMO CMMs and international obligations.

Non-Bottom Fishing Human Activities

This section addresses paragraph 184 (res 71/123).

New Zealand participates in the work of the International Seabed Authority (ISA) as a member of the Assembly and as an observer on the Council. It is not a sponsoring State of seabed mining in the Area.

In New Zealand's view, important steps need to be taken before mining can occur in order for VMEs to be protected from significant adverse impacts. To this end New Zealand is actively engaged in negotiations to develop exploitation regulations, standards and guidelines (known as the 'Mining Code') at the ISA. Our focus in these negotiations is advocating for a Mining Code that provides for high environmental protection, as required by Article 145 of the United Nations Convention on the Law of the Sea (UNCLOS).