

The North East Atlantic Fisheries Commission (NEAFC) is the Regional Fisheries Management Organisation (RFMO) for the North East Atlantic, one of the most abundant fishing areas in the world. The area covered by the NEAFC Convention stretches from the North Pole south to Portugal and from the southern tip of Greenland east to the Barents Sea.

Recommendations adopted by NEAFC are legally binding.

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. Historically, NEAFC focused on the target species of the fisheries being managed, and bycatches of other economically important species. From the 1990s, there has been a development of an increasing focus on the effects of fisheries on the other parts of the marine ecosystem and on the protection of biodiversity. Therefore, while NEAFC adopts management and control measures for various fish stocks it also adopts measures to protect other parts of the marine ecosystem (including biodiversity) from potential negative impacts of fisheries.

NEAFC fisheries include both pelagic fisheries and deep sea fisheries. Three pelagic species, herring, mackerel and blue whiting make up a very large part of the overall catch, adding up to a catch of over 3 million tonnes per year. In more recent years some 20% of this catch has been in the high seas, while for deep sea fisheries, the catch is largely taken within national jurisdiction. Noting the importance in ecosystems of such wide-ranging pelagic forage species and the uniqueness of environments available for fishing deep sea species, NEAFC recognises its important role in actively managing impacts to stocks and biodiversity to deliver sustainability.

In carrying out its objectives, NEAFC does not undertake any scientific work but rather relies on the International Council for the Exploration of the Sea (ICES) for scientific advice.

Following its most recent Performance Review, the NEAFC Commission agreed in 2015 "that the clear separation between the scientific role of ICES and the policy and management role of NEAFC should be maintained. NEAFC should not take any action that would blur this separation, such as carrying out its own scientific work or doing its own assessment of the scientific advice from ICES." It was also agreed at that time that steps should be taken to

improve cooperation between NEAFC and ICES. This included setting up regular meetings with ICES to discuss long-term development, such as multispecies advice, climate effects and other ecosystem considerations. ICES is thus enabled to develop appropriate research programs to meet longer-term issues raised by NEAFC, and take these issues into account in presenting its advice to NEAFC. Complementary changes were also made to the Terms of Reference of NEAFC's Permanent Committee on Management and Science. The 2019 update to the Memorandum of Understanding between ICES and NEAFC builds in these wider ecosystem considerations.

ICES has integrated ecosystem aspects in its fisheries advice for many years, for instance by developing its (sub-regional) ecosystem overviews from 2013 and its fisheries overviews a few years later. 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. Stock-specific advice therefore remains the primary tool for management of fisheries under NEAFC. ICES has implicitly recognised this, as highlighted in its 2019 Science Plan, including science priorities focused on delivering marine ecosystem and sustainability science for the 2020s and beyond. Included in the seven interrelated priorities are science: to understand the structure, function, and dynamics of marine ecosystems; to measure and project the effects of human activities on ecosystems and ecosystem services; to describe present and future states of natural and social systems and; to track changes in the environment and ecosystems. This science aims to underpin the ICES Advisory Plan which commits ICES to providing advice that supports ecosystem-based decision-making and contributes towards the effective application of an ecosystem approach. This plan includes a priority to develop an ecosystem advice framework which includes: management of human activities; consideration of collective pressures; achievement of a good environmental status; sustainable use; optimization of benefits among diverse societal goals; regionalisation; trade-offs and; stewardship for future generations.

In summary, ICES scientific advice which is firmly ecosystem based, is fundamental to management decisions that NEAFC takes in all aspects of fisheries and conservation.

While much of this submission is focused on the biodiversity and ecosystem aspects of NEAFC's work, it must not be forgotten that the ability to licence and monitor fishing activities and deal with control and compliance issues is essential to the ability of an RFMO in delivering an ecosystem based approach to fisheries. This is fundamental to the binding nature of regulations under an RFMO such as NEAFC. Without detailing too much in this document, NEAFC's Scheme of Control and Enforcement (the Scheme) sets out the rules and means by which NEAFC Contracting Party and Cooperating Non-Contracting Party vessels are

managed. This includes publicly accessible fisheries statistics and annual compliance reports as well as the NEAFC vessel register. In addition to at sea monitoring and potential inspections, NEAFC has a system of controls at ports of its Contracting Parties aligned with the FAO Port States Measures Agreement. This system is innovative in that it also includes electronic exchange of information to support inspections.

These control measures have been a successful instrument to combat illegal, unreported or unregulated (IUU) in the NEAFC regulatory area. NEAFC nevertheless continues to cooperate with its sister RFMOs through the sharing and publication of IUU lists.

The most current development in NEAFC with regard to monitoring of fisheries activity is the ongoing implementation of a new Electronic Reporting System. This system, which enables reporting of electronic logbook data, will be able to enhance aspects of fisheries information, such as bycatch, which could significantly enhance the ability of science to support an ecosystem based approach.

Additional technical measures should be noted as a contribution to reducing impacts on marine ecosystems. NEAFC has in place limits on net mesh size, a ban on the use of gill nets in water deeper than 200m, the use of sorting grids to allow fish to escape shrimp nets, and bans on shark finning and bans on discarding as some of its older regulations. In addition, regulations on lost abandoned and discarded fishing nets aim not only to reduce marine pollution but address the problem of ghost fishing.

In setting out information on the application of the ecosystem approach to fisheries management in NEAFC it should be noted that NEAFC was one of the early adopters of the approach; conservation elements were included in the amendment of the Convention in 2006¹.

A new comprehensive and consolidated Recommendation on the protection of VMEs entered into force in 2014. This included all the general rules regarding the protection of VMEs, coordinates of existing bottom fishing areas and areas closed to bottom fishing. The network of closed areas now included very large areas on the Mid Atlantic Ridge. The Recommendation also included annexes on VME Data Collection Protocol, rules for the Assessment of Exploratory Bottom Fishing Activities as well as on VME Indicator Species.

See: https://www.neafc.org/system/files/Rec_19-2014_as_amended_by_09_2015_fulltext_0.pdf

The above developments mean that effectively all the Regulatory Area has been closed to bottom fishing by NEAFC in areas where the best available scientific advice indicates that vulnerable marine ecosystems occur, or are likely to occur. The development of measures to protect VMEs based on scientific advice from ICES continuing, as set out below.

Apart from an annual ICES advice process, the VME Recommendation includes a requirement to renew the closed areas every 5 years. The last time this occurred was in the update to the Recommendation in 2018, the closures being due to end by 31 December 2017. ICES in 2017 had advised NEAFC to renew all the closures as the need for protection of the VMEs in the areas remained valid. The 2017 Annual Meeting therefore renewed to 31 December 2022 all closures under the Recommendation. At the same time one of the areas, "Area (I) Hatton-Rockall Basin" was significantly enlarged following advice from ICES to extend it to encompass new records of deep-sea sponge aggregations found at 1200 metres.

In 2019 NEAFC reviewed the binding Recommendation on the protection of Vulnerable Marine Ecosystems. The 5-yearly requirement and the objectives for such a review is set out in Article 10 of the Recommendation itself. The Scope of the review is clearly stated as on the effectiveness of the Recommendation in protecting VMEs [from bottom fisheries activities]. In assessing how effective the Recommendation is in preventing [new] damage to the VMEs by fishing activity since 2014, the 2019 review examined if any bottom fisheries had occurred in the closed areas since 2014, and what information NEAFC had on likely/actual damage if any activities had occurred. Information on the effectiveness of the elements of the Recommendation relating to VMEs in the existing fisheries areas or in exploratory fisheries areas outside the closed areas was also in scope. NEAFC's monitoring and compliance committee, the Secretariat and ICES provided evidence on these questions. Analysis indicated that the vast majority of incidences of apparent illegal activity in the 5-year period were in fact false positives, although two apparent infringements had occurred and been followed up by

An ICES review of its advice indicated no reductions in protections to the closed areas. Over the last 5 years ICES had recommended one increase in coverage to the current closed areas, which had been accordingly been extended (see above). ICES advice also highlighted the ongoing issue false positive signals which would be alleviated by more up-to-date information on the gear used at the time of the activity (as offered by the future NEAFC Electronic Reporting System).

From a combination of information from Contracting Parties on national enforcement activities, from the NEAFC Secretariat on alerts on potential bottom fisheries activities, and from ICES analysis of fishing activity, PECMAS advised the Commission that compliance with the closures had been effective. The vast majority of bottom fishing activity had been carried out inside existing bottom fishing areas.

While PECMAS believed the review of the information presented to it indicated the Recommendation was effective in its aim to protect VMEs as well as areas outside defined existing fishing areas in the Regulatory Area from bottom fisheries. Nevertheless, the performance of the Recommendation could be improved and therefore several actions (below) were suggested to improve performance of the Recommendation.

The 2019 NEAFC Commission agreed the following actions:

- NEAFC's Management and Science Committee (PECMAS) would consider the outcomes of the UNGA 2020 review of implementation of Resolution 61/105 and subsequent resolutions (bottom fisheries/VME protection). It would furthermore, consider UNGA resolution 71/123 on further actions on management of bottom fisheries impacts on VMEs. In addition PECMAS would revisit the earlier ICES advice on closures which had not been acted on by NEAFC. PECMAS would report back on the progress to the 2020 NEAFC Annual Meeting.
- NEAFC's Monitoring and Compliance Committee (PECMAC) would consider further options for Contracting Parties to improve transparency of investigations into the (mostly false positive) alerts on bottom fishing outside existing bottom fishing areas and also to address more effective gear identification. In addition, it would assess if reporting on encounters with VMEs is functioning effectively. PECMAC would report back on the progress to the 2020 NEAFC Annual Meeting. Following the implementation in due course of the new NEAFC Electronic Reporting Systems across all of the Contracting Parties, PECMAC would investigate all opportunities to enhance monitoring of compliance with Recommendation 19:2014.
- The NEAFC Secretariat is continuing to work on reducing the number of false positives alerts. It is also continuing to monitor and analyse bottom fishing activity in the

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2018 for NEAFC) jointly requested CBD to establish a new process in 2019 in line with other regional EBSA workshops, but inviting it also to include consideration of the 2013 proposals in its deliberations. The outcome of the technical process was a series of descriptions of 17 areas meeting the EBSA criteria, which integrated earlier data with more recent evidence submitted at the 2019 CBD workshop. The workshop output was approved by the CBD Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) in the autumn of 2019 and recommended for adoption by CBD COP15 in 2020.

Another example of cooperation between NEAFC and OSPAR is the “collective arrangement” on area-based management in areas beyond national jurisdiction. The collective arrangement was finalised between NEAFC and OSPAR in 2014, with the aim of widening the cooperation to other competent international organisations operating in areas beyond national jurisdiction, such as the International Maritime Organisation and the International Seabed Authority. This cooperation is not aimed at joint decision or management. Its aim is to ensure that all the organisations are aware of what the others are doing in areas beyond national jurisdiction, and to support actions which are complementary. Thus, actions to promote biodiversity such as the protection of VMEs by NEAFC should not be undermined by other human activity. Such regional cooperation has already had the effect of also improving coordination between ministries at the national level as well as improving the understanding of NEAFC and OSPAR’s respective activities. The meetings have been attended by regional and global intergovernmental organisations as observers. After five annual meetings under the collective arrangement, more specific cooperation has been

