



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 75/239

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 75/239 of 31 December 2020, as requested in a letter from Miguel de Serpa Soares, Under Secretary-General for Legal Affairs, dated 13 January 2021.

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 75/239, in particular since the last report by NEAFC in 2020.

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 a new Contracting Party, 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 foreign fishing vessels (including fish processing vessels and vessels engaged in transshipment) with catch on board of fisheries resources that have either been caught in the NEAFC Convention Area by foreign fishing vessels or 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 since the ratification of the Russian Federation of the PSMA, from 9 April 2021 has become 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 tens 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 target 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 undertaking any scientific work 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.

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 its fisheries overviews and its (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. In order to take its work on sustainability further, at the 2020 Annual Meeting NEAFC agreed some further scientific advice requests to ICES. These included scientific advice on the level of discards and the level of bird bycatch in NEAFC fisheries. Also, on the effectiveness of bottom gear bans in protecting juvenile haddock and a review on areas previously considered by NEAFC for potential Vulnerable Marine Ecosystems (VME) protections. These specific requests were in addition to the regular advice on fish stocks and ecosystem considerations.

Broader Oceans Governance.

A major initiative taken by the 2019 NEAFC Annual Meeting was to revitalise the Working Group on the Future of NEAFC, which had not met since 2013. The aim of the group is to

further strengthen NEAFC, including strategic thinking, to ensure that it remains a modern and effective Regional Fisheries Management Organisation.

The 2020 meeting of the Working Group initiated work in other NEAFC Committees and the Annual meeting that resulted in several outcomes. One was an amendment to the NEAFC rules of procedure to improve and transparency and NGO observership in meetings. Other outcomes included initiating considerations by other NEAFC committees on marine litter, transshipment, research vessels, discards and bycatch. Also, an update was initiated to NEAFC's Vulnerable Marine Ecosystem (VME) regulations (see below) to make it clearer that in practice bottom contact gears are allowed in only a very small percentage of the regulatory area. On marine litter the Annual Meeting adopted a new element in the NEAFC Scheme of Control and enforcement to prohibit all Contracting Party fishing vessels from discharging garbage into the sea, in accordance with MARPOL Annex V on Regulations for the Prevention of Pollution by Garbage from Ships

While the working group discussed the NEAFC role in the many ongoing global oceans processes, these have of course been on hold during 2020-2021. NEAFC nevertheless contributed documents to the Informal Consultations of State Parties to UNFSA on the ecosystem approach to fisheries management and to the preparations for the UN Workshop on bottom fishing.

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.

NEAFC remains engaged with the UN Food and Agriculture Organization in developing the 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 will be funded by the Global Environment Facility.

Part X 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 '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.

These VME measures, including a clarification in the definition of areas restricted to bottom fishing (a 2021 update to Recommendation 19:2014) mean that the majority (98%) 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 the best available scientific information indicates that there are unlikely to be significant adverse impacts by bottom fishing on VMEs.

In 2019, NEAFC reviewed the binding Recommendation on the protection of Vulnerable Marine Ecosystems, as required every 5 years by the recommendation itself. The 2020 NEAFC report to UNGA set out the actions agreed by the Commission as a follow-up to this review. Some of these actions are still ongoing in the light of delayed UN meetings such as the UNGA review of the implementation of Resolution 61/105 and subsequent resolutions (bottom fisheries/VME protection), but other actions are in progress. NEAFC's Management and Science Committee is in the process of revisiting earlier ICES advice on any closures which had not been acted on by NEAFC. ICES will also be giving advice on the likely effect if changes were ever made to existing closures created for other reasons (such as protection of juvenile fish) which had also been useful protecting VMEs. ICES is continuing its work on improving the use of VME indicators to develop management advice as well as the considering the completeness of VME habitats and indicators in the ICES database.

One of the follow up actions to the review of the VME Recommendation was to improve the Secretariat's system of monitoring fishing activity in the Regulatory Area to reduce false positive alerts of non-compliant bottom fishing. This improvement has already resulted in far fewer false alerts, leading to much better targeting of national authorities on the few instances that merit investigation. In due course, the implementation of the new NEAFC Electronic Reporting Systems by all the Contracting Parties, should offer opportunities to enhance monitoring of compliance.

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 (The Convention for the Protection of the Marine Environment of the North-East Atlantic) 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 this will be discussed once NEAFC and OSPAR can meet again under the collective arrangement.

NEAFC continues nevertheless to apply its existing protections. The 2020 NEAFC Annual Meeting extended the current NEAFC ban on targeted fisheries for spurdog until the end of 2022. 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 to the end of 2023.

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 fact that the vulnerable marine ecosystems that NEAFC is making efforts to protect can be affected by human activities other than fishing 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 2020 collective arrangement meeting is now delayed until face to face meetings are possible. This meeting will then be able to include reflection on the ICES scientific advice on deep sea sharks, rays and chimaeras.

NEAFC also cooperates with other regional organisations, thereby contributing to increased cooperation and coordination. Since 2020, the NEAFC Scheme of Control and Enforcement is automatically including 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 recent adoption of a Recommendations (including for 2021) to implement an Electronic Reporting System (ERS). When the new ERS becomes operational, recordings in electronic fishing logbooks will be transmitted to the NEAFC Secretariat. 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 particular on sharing knowledge on monitoring, control and surveillance issues. NEAFC is also cooperating with the UN FAO as it develops its Global Information Exchange System for the Port State Measures Agreement (PSMA). As of April 2021, the PSMA forms a minimum standard for NEAFC, noting the electronic Port State Control system NEAFC implements is in many ways a model regional system for the PSMA.

Impacts of the COVID-19 Pandemic on NEAFC activities.

NEAFC has been able to continue most of its operations relatively normally during the Pandemic. NEAFC fisheries being mostly operated by distant fleet vessels have carried on levels of fishing activity and catch as normal throughout 2020. The markets for the mostly pelagic fisheries such as mackerel, herring and blue whiting appeared not to rely so strongly on fresh fish/food service trade as others, so they have continued processing or freezing product without apparent loss of value.

In terms of Monitoring Control and Surveillance and enforcement, remote monitoring via VMS and various electronic checks carried on as usual throughout. NEAFC does not require observers on normal fishing operations, so this was unaffected. In these respects, the pandemic should not have affected compliance. However, direct physical checks on catch at sea or in port have been restricted, although national COVID-safe protocols on inspections and surveillance voyages did improve this situation after the first few months of the pandemic.

In terms of NEAFC meetings, all have progressed virtually including the November Annual Meeting of the Commission. Using innovative platforms, NEAFC was able to cover full meeting agendas albeit without the normal richness of discussions and side meetings. The main loss in terms of meetings has been some intersectoral events and involvement in global processes. For instance the meeting between OSPAR and NEAFC under the collective arrangement has been postponed until a face-to-face event can be arranged. NEAFC has thus been able to agree all its normal regulations and control measures for its stocks, nevertheless Contracting Parties note that while virtual technical meetings have progressed smoothly, higher level negotiations would benefit from a return to physical meetings.

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