



The Secretariat

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the United Nations related to the management of deep sea fisheries in th



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Article 3. Regulation of bottom fishing activities



Article 7. Assessment of proposed exploratory bottom fishing activities

1. Each Contracting Party proposing to undertake exploratory bottom fishing shall submit to the Executive Secretary, in addition to the Notice of Intent, a preliminary assessment of the known and anticipated impacts of the proposed bottom fishing activity as described in Annex 3.

2. The Executive Secretary shall promptly forward the assessment to all Contracting Parties and the Scientific Committee. The elaboration of the assessment shall be carried out in accordance with guidance developed by the Scientific Committee, or, in the absence of such guidance, to the best of the Contracting Party's ability. The Scientific Committee shall, either at its next session or through correspondence, undertake an evaluation, in accordance with the precautionary approach, of the submitted documentation, taking account of the risks of significant adverse impact on VMEs. Such evaluation shall take place no later than 30 days following the date of submission of the Notice of Intent.

3. The Scientific Committee shall undertake an evaluation of the impact assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would have significant adverse impacts on VMEs and, if so, whether mitigation measures would prevent such impacts. The Scientific Committee may use in its evaluation additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere. The Commission shall, within 30 days of receiving the advice, either give or withhold its approval for the proposed bottom fishing activities.

(b) Conduct further marine scientific research and use the best scientific and technical



features than in all other areas explores. These features would in all likelihood be classified as VMEs. Based on the information the Commission has closed the area to all fishing gears except for pots and longlines.

This emphasises the continued need for ground-truthing and probably also a need for science-based advice underpinning fine-scale spatial management, preferably based on observations. With continuous support from the EAF Nansen program another survey was done in 2019 and another survey is proposed for 2020

(c) Establish and implement appropriate protocols for the implementation of paragraph 83 (d) of resolution 61/105, including definitions of what constitutes evidence of an encounter with a vulnerable marine ecosystem, in particular threshold levels and indicator species, based on the best available scientific information and consistent with the Guidelines, and taking into account any other conservation and management measures to prevent significant adverse impacts on vulnerable marine ecosystems, including those based on the results of assessments carried out pursuant to paragraph 83 (a) of resolution 61/105 and paragraph 119 (a) of the present resolution;

RESPONSE:

Conservation Measure 30/15 on Bottom Fishing Activities and Vulnerable Marine Ecosystems in the SEAFO Convention Area contains a definition of an encounter.

(b) “encounter” means an incidental catch of a VME indicator species above threshold levels as set out in Annex 6. (Any encounter with a VME indicator species or merely detecting its presence is not sufficient to identify a VME. That identification should be



(b) if the quantity of VME indicators caught in a fishing operation (such as trawl tow or set of a longline) is beyond the thresholds defined in Annex 6, the following shall apply:

(i) if an encounter is discovered the vessel master shall cease fishing and move away at least 2 nautical miles from the end point of the trawl tow in the direction least likely to result in further encounters, defining a buffer area with a 2 nautical mile radius;

(ii) if an encounter is discovered in connection with other bottom fishing gears the fishing vessel shall cease fishing and move away at least 1 nautical miles from the position that the evidence suggests is closest to the exact encounter location, defining a buffer area with a 1 nautical mile radius. The master shall use his or her best judgment based on all available sources of information; and

(iii) the master shall report the incident, including the track of the trawl or position determined under sub-paragraphs (i) and (ii), without delay to its flag State, which shall forward the information to the Executive Secretary immediately. Contracting Parties may if they so wish also require their vessels to report the incident directly to the Executive Secretary.

2. The Executive Secretary shall immediately inform all Contracting Parties, and



Group / Species code	Phylum / Order / Family	Common name
PFR	Porifera (Phylum)	Sponges
GGW	Gorgonacea (Order)	Gorgonian corals
AZN	Anthoathecatae (Family)	Hydrocorals
CSS	Scleractinia (Order)	Stony corals
AQZ	Anthipatharia (Order)	Black corals
ZOT	Zoantharia (Order)	Zoanthids
AJZ	Alcyonacea (Order)	Soft corals
NTW	Pennatulacea (Order)	Sea pens
BZN	Bryozoa (Phylum)	Erect bryozoans
CWD	Crinoidea (Class)	Sea lilies
OWP	Ophiuroidea (Class)	Basket stars
SZS	Serpulidae (Family)	Annelida
SSX	Asciacea (Class)	Sea squirts
ATX#	Ceriantharia (Order)	Tube-dwelling anemones Sea

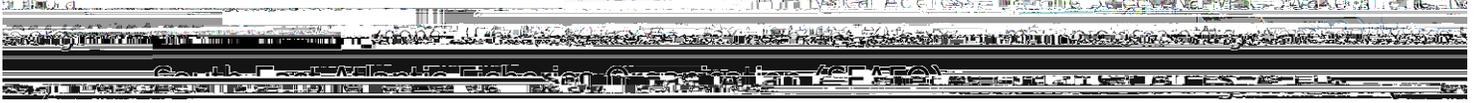
Conservation Measure 30/15: "encounter" means an incidental catch of a VME

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Directorate of Administrative Services, Ministry of National Education, Ankara





Conservation Measure 14/09: To Reduce Sea Turtle Mortality in SEAFO Fishing Operations.

Conservation Measure 25/12: On Reducing Incidental By-catch of Seabirds in the SEAFO Convention Area.

Conservation Measure CM-TAC-01 (2018): on Total Allowable Catches and related conditions for Patagonian Toothfish, Deep-Sea Red Crab, Alfonsino, Orange Roughy and Pelagic Armourhead for 2017 and 2018 in the SEAFO Convention Area.

SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT

The SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT addresses issues like gear retrieval, catch and fishing effort as well as VMS information namely:

Article 8 – Retrieval of lost or abandoned fishing gear

Article 10 - Information on fishing activities – logbook

Article 11 – Communication of catches by vessels – 5 day catch report

Article 12 – Periodic reporting of catch and fishing effort by Contracting Parties – quarterly report on aggregated retained and discarded catch of fishery resources listed in Annex I, and by-catch species,

Article 13 – Vessel Monitoring System (VMS)

Article 18 – Scientific observer programme

Article 30 – Vessels conducting fishing research

The Commission, taking account of the scientific advice provided by the Scientific Committee and pursuant to Article 6 of the Convention, has adopted the following measures:

1. Total allowable catches (2019 and 2020)

- a) Patagonian toothfish: 275 tonnes for Sub-area D and zero tonnes for the remainder of the SEAFO CA;
- b) Deep-sea red crab: 171 tonnes in Division



Bottom Fishing Protocol that required an initial, though undefined, assessment of the known and anticipated impacts of its bottom fishing activities on VMEs.

The move-on rule and the closure of some VME areas (although most closures are not in areas where bottom fishing occurs) are the main measures that have been established to prevent SAIs.

In 2014, SEAFO adopted a new measure, CM 29-14, that defined SAIs according to the criteria established in the FAO Guidelines. It also required that impact assessments for exploratory fisheries be conducted in a manner consistent with the criteria established in the International Guidelines with respect to potential impacts on VMEs. However, the criteria incorporated into Annex 3 of CM 29-



The Commission adopted the recommendation for Japan to proceed with the exploratory fishing proposal under the set guidelines for exploratory fishing in the SEAFO Convention Area. The Commission later adopted new rules regarding the opening of new fishing areas.

Japan also submitted proposals for exploratory fishing for the 2013 fishing year. However, a concern was raised by the Scientific Council that part of proposed areas enveloped Closed Area 12 and that fishing in one of their proposed areas might therefore encroach on this Area. Furthermore, a named seamount, Schwabenland Seamount, is located in one of the proposed areas. Despite these concerns, the Scientific Council concluded that both proposals met the conditions required for exploratory fishing and they were subsequently approved by the Commission.

Japan presented the results of the exploratory longline fishery to the Scientific Committee in 2013. Japan reported that the longline vessel conducting the fishery only caught 1.5 kg of gorgonians in three sets during 28 days of bottom longline fishing targeting Patagonian toothfish. Japan argued that VMEs “will not be significantly affected in the exploratory fishing area” because the amount of bycatch of the VME indicator species was less than the threshold levels established by SEAFO that would define an encounter with a VME and trigger the move on rule. In 2013, the Commission adopted the recommendation of the Scientific Committee to expand the SEAFO fisheries footprint



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These closures were revised in 2010, based on a review of SEAFO's area closures at the time



the recommendation to prohibit gillnet fishing was adopted in 2009.

122. Calls upon States and regional fisheries management organizations or arrangements to enhance efforts to cooperate to collect and exchange scientific and technical data and information related to the implementation of the measures called for in the relevant paragraphs of resolution 61/105 and the present resolution to manage deep sea fisheries in areas beyond national jurisdiction and to protect vulnerable marine ecosystems from significant adverse impacts of bottom fishing by, inter alia:

(a) Exchanging best practices and developing, where appropriate, regional standards for use by States engaged in bottom fisheries in areas beyond national jurisdiction and regional fisheries management organizations or arrangements with a view to examining current scientific and technical protocols and promoting consistent implementation of best practices across fisheries and regions, including assistance to developing States in accomplishing these objectives;

SEAFO is playing an active role in promoting and setting standards, as well as enhancing the exchange of best practices, by participating in various forums like:

Co-organized with CBD a South-eastern Atlantic regional Workshop to Facilitate the Description of Ecologically or Biologically Significant Marine Areas in Swakopmund, Namibia, April 2013,

Co-organized with FAO a VME workshop on the South East Atlantic in Swakopmund, Namibia, April 2013,

Active participant of the GEF/FAO ABNJ Deep Seas project as well as a Steering Committee member

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The Commission recognizes the special economic and geographic requirements of developing States, and their coastal communities, for equitable benefit from living marine



(b) stock assessment and scientific research; and

(c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

The Commission has approved the establishment of a Special Requirements Fund (SRF) during the 2009 annual meeting. The principals, guidelines and operational procedures for the SRF are available on the SEAFO webpage www.seafo.org. Both Norway and the EU have contributed to the SRF. Colleagues from one developing State had already benefited from capacity building using funds from the SRF.

(b) Making publicly available, consistent with domestic law, assessments of whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems and the measures adopted in accordance with paragraphs 83, 85 and 86, as appropriate, of resolution 61/105, and promoting the inclusion of this information on the websites of regional fisheries management organizations or arrangements;

RESPONSE:

The assessments conducted by SEAFO scientists are compiled in Scientific Reports and made available on the SEAFO webpage. Catch data are also submitted to FIRMS and FAO annually.

(c) Submission by flag States to the Food and Agriculture Organization of the United Nations of a list of those vessels flying their flag authorized to conduct bottom fisheries in areas beyond national jurisdiction, and the measures they have adopted to give effect to the relevant paragraphs of resolution 61/105 and the present resolution;

RESPONSE:

The SYSTEM OF OBSERVATION, INSPECTION, COMPLIANCE AND ENFORCEMENT (“SEAFO System”) addresses measures pertaining to the authorisation and notification (Art. 4) to fish and vessel requirements.

(d) Sharing information on vessels that are engaged in bottom fishing operations in areas beyond national jurisdiction where the flag State responsible for such vessels cannot be determined;

RESPONSE:

The “SEAFO System” addresses measures promoting compliance under Article 27 (Sightings and identifications of non-contracting party vessels) and Article 28 (Listing of IUU vessels). SEAFO also has an agreement with CCAMLR, NAFO, SIOFA and NEAFC



to jointly list IUU vessels.

123. Encourages States and regional fisheries management organizations or arrangements to develop or strengthen data collection standards, procedures and protocols and research programmes for identification of vulnerable marine ecosystems, assessment of impacts on such ecosystems,

Data required	Patagonian toothfish	Deep-sea red crab	Armourhead & Alfonsino & Orange roughy & Blackbelly rosefish
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and assessment of fishing activities on target and non-target species, consistent with the Guidelines and in accordance with the Convention, including Part XIII thereof;

RESPONSE:

The Commission has adopted data collection protocols, developed by the Scientific Committee, which ensures that a representative part of all catches are sampled.



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Discipline: Fisheries, Aquaculture and Fisheries-related Activities

#Length-weight samples can be a sub-sample of the Length (i.e. length-frequency) sample.

SEAFO also have a mandatory requirement to have a scientific observer on all vessels fishing in the Convention Area (SEAFO System Art.18), and further require logbooks to be submitted to the Scientific Committee to improve data collection (SEAFO System Art. 10).



available, recognizing that doing so can support transparency and capacity-building globally;

(b) To establish and improve procedures to ensure that assessments are updated when new conditions or information so require;

(c) To establish and improve procedures for evaluating, reviewing and revising, on a regular basis, assessments based on best available science and management measures;

(d) To establish mechanisms to promote and enhance compliance with applicable measures related to the protection of vulnerable marine ecosystems, adopted in accordance with international law;

RESPONSE:

Potential impacts should be assessed by mapping VMEs in areas of interest for exploratory fishing prior to and/or as part of the exploratory fisheries permit and by assessing the impact of the longline gear while deployed, for example by using cameras attached to the gear. Cumulative impact assessments should be also conducted and used to determine the extent to which VMEs in the area have already been degraded by previous fishing and the extent to which further damage or degradation could occur even under limited impact scenarios.

130. Notes that not all impact assessments have been made publicly available, and calls upon States, consistent with domestic law, and regional fisheries management organizations and arrangements to publish all assessments without delay;

RESPONSE:

The impact assessments provided by Contracting Parties are evaluated by the Scientific Committee and published in the annual SEAFO Scientific Reports which is available on the SEAFO webpage.

132. Encourages, in this regard, regional fisheries management organizations and arrangements with the competence to manage bottom fisheries, States participating in negotiations to establish such organizations or arrangements and flag States to consider the results available from marine scientific research, including those obtained from seabed mapping programmes concerning the identification of areas containing vulnerable marine ecosystems, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, for the above-mentioned purposes, in accordance with international law as reflected in Part XIII of the Convention;



assessment having been completed in the 10 years since the adoption of resolution 61/105, in which the General Assembly called for such assessments to be undertaken by 31 December 2008;

180. Calls upon, in this regard, States, regional fisheries management organizations and arrangements with the competence to regulate deep-sea fisheries, and States participating in negotiations to establish such organizations or arrangements to take, in particular, the following urgent actions regarding bottom fishing in areas beyond national jurisdiction:

(a) To use, as applicable, the full set of criteria in the Guidelines to identify where vulnerable marine ecosystems occur or are likely to occur as well as for assessing significant adverse impacts;

RESPONSE:

See response under paragraph 119(b)

(b) To ensure that impact assessments, including for cumulative impacts of activities covered by the assessment, are conducted consistent with the Guidelines, particularly paragraph 47 thereof, are reviewed periodically and are revised thereafter whenever a substantial change in the fishery has occurred or there is relevant new information, and that, where such impact assessments have not been undertaken, they are carried out as a priority before authorizing bottom fishing activities;

RESPONSE:

See response under paragraph 129(a)

(c) To ensure that conservation and management measures adopted by States and regional fisheries organizations and arrangements are based on and updated on the basis of the best available scientific information, noting in particular the need to improve effective implementation of thresholds and move-on rules;

RESPONSE:

See response under paragraph 119(c)

181. Recognizes that different types of marine scientific research, such as, inter alia, seabed mapping, mapping of vulnerable marine ecosystems based on information from the fishing fleet, on-site camera observations from remote vehicles, benthic ecosystem modelling, comparative benthic studies and predictive modelling have



resulted in identification of areas where vulnerable marine ecosystems are known or are likely to occur and in the adoption of conservation and management measures to prevent significant adverse impacts on such ecosystems, including the closure of areas to bottom fishing in accordance with paragraph 119 (b) of resolution 64/72;

RESPONSE:

See response under paragraph 119(b)

182. Encourages, in this regard, States, regional fisheries management organizations and arrangements with the competence to manage bottom fisheries, and States participating in negotiations to establish such organizations or arrangements, to consider the results available from different types of marine scientific research, including, as appropriate, those listed in paragraph 181 above, concerning the identification of areas containing vulnerable marine ecosystems, and to adopt conservation and management measures to prevent significant adverse impacts from bottom fishing on such ecosystems, consistent with the Guidelines, or to close such areas to bottom fishing until such conservation and management measures are adopted, as well as to continue to undertake further marine scientific research, for the above-mentioned purposes, in accordance with international law, as reflected in Part XIII of the Convention;

RESPONSE:

See response under paragraph 119(b)

183. Encourages, in this regard, States, regional fisheries management organizations and arrangements with the competence to manage deep-sea fisheries, and States participating in negotiations to establish such organizations or arrangements to carry out further marine scientific research to address the remaining knowledge gaps, in particular with regard to fish stock assessments, and to base and update conservation and management measures on the best available scientific information, in accordance with international law, as reflected in Part XIII of the Convention;

RESPONSE:

See response under paragraph 119(b)

184. Notes with concern that vulnerable marine ecosystems may also be impacted by human activities other than bottom fishing, and encourages in this regard States and competent international organizations to consider taking action to address such impacts;

RESPONSE:

Not assessed yet, mainly due to data poor situation.



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Discussions and Decisions of the Commission on Sustainable Development

survey results and publishing papers.

219. Encourages States, regional fisheries management organizations and arrangements and other relevant bodies to assist developing States in the implementation of the actions called for in paragraphs 80 and 83 to 87 of resolution 61/105, paragraphs 113, 117 and 119 to 124 of resolution