

MoP6-Prop08

The Southern Indian Ocean Fisheries Agreement (SIOFA) 6th Meeting of the Parties
01-05 July 2019

Pearle Beach Resort & Spa conference centre, Flic en Flac, Mauritius

MoP6-Prop08

Proposal to establish a Framework for New and Exploratory Fisheries in
the SIOFA Area

Relates to agenda item: CC3 4.2, MoP6 12

Proposal Working Paper Information Paper Other Document

Delegation of the European Union

Abstract

At MoP5 it was agreed to progress intersessionally the work towards the definition of new/exploratory/research fisheries and the elaboration of a framework governing their development in the SIOFA area. The EU has submitted this proposal as a contribution to the work of the electronic WG led by FR-OT. The proposal might be subject to revision ahead of the MoP6 based to ongoing discussions in the WG.

Recommendations (*proposals only*)

. [The CC3 and MoP6 are invited to review, discuss and adopt the proposal.]

Proposal to establish a Framework for New and Exploratory Fisheries in the SIOFA Area

[EU proposal]

The Meeting of the Parties to the Southern Indian Ocean Fisheries Agreement:

RECALLING the relevant provisions of the Southern Indian Ocean Fisheries Agreement, in particular Article 4;

NOTING United Nations General Assembly (UNGA) Resolution 61/105 which calls upon Regional Fisheries Management Organisations (RFMOs) to assess, on the basis of the best available scientific information, whether individual bottom fishing activities would have significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is assessed that these activities would have significant adverse impacts, they are managed to prevent such impacts, or not authorised to proceed;

FURTHER NOTING UNGA Resolution 64/72 which calls upon RFMOs to establish and implement appropriate protocols for the implementation of UNGA Resolution 61/105, including definitions of what constitutes evidence of an encounter with a VME, in particular threshold levels and indicator species; and to implement the FAO Guidelines for the Management of Deep-sea Fisheries in the High Seas (FAO, 2009; International Guidelines for the Management of Deep-sea Fisheries in the High Seas) in order to sustainably manage fish stocks and protect vulnerable marine ecosystems (VMEs);

NOTING the requirements in CMM 2018/01 on the Management of Bottom Fishing in the Agreement Area which place a number of obligations on Contracting Parties, cooperating non-Contracting Parties and participating fishing entities who intend to authorise their flagged vessels to engage in any bottom fishing in the Agreement Area;

ADOPTS the following CMM in accordance with Article 4 and 6 of the Agreement:

Objective

1. The objective of this CMM is to govern the undertaking and management of new and exploratory fisheries in the SIOFA Area and to set out a clear legal framework for new and exploratory fisheries based on the precautionary approach.

Application

2. This CMM applies to all Contracting Parties, cooperating non-Contracting Parties (CNCPs) and participating fishing entities (PFEs) engaged in any fishing activity in the context of new or exploratory fisheries in the SIOFA Area.

Definitions

3. For the purposes of this CMM the term “new fishery” will encompass both “new” and “exploratory” fisheries.
4. A fishery shall be considered as a “new fishery” for a species using a particular fishing method when one or more of the following conditions is/are met:
 - i. information on fishing activity (catch, effort, distribution) using a given fishing method in the proposed activity area has not previously been submitted to SIOFA; or
 - ii. catch and effort data from the two most recent years in which fishing activities occurred have not been submitted to SIOFA; or
 - iii. the proposed combination of fishing area and gear falls outside the defined fishing footprints for the corresponding gear (“benthic/demersal trawl” and “gears other than benthic/demersal trawl”). The reference year will be [2018].

General provisions

5. Contracting Parties, CNCPs and PFEs shall not permit their flagged vessels to participate in a new fishery without approval from the Meeting of the Parties.
6. Contracting Parties, CNCPs and PFEs shall ensure that their flagged vessels participating in a new fishery comply with SIOFA CMMs in force.
7. Any Contracting Party, CNCP and PFE seeking to authorise any vessel flying its flag to fish in a new fishery shall, at least [30] days prior to the commencement of the ordinary meeting of the Scientific Committee, prepare and submit a Fishery Operations Plan (FOP) for the fishing season concerned for review by the Scientific Committee, including the information listed in Annex 1.
8. This plan shall further identify the data needed and describe any operational research actions necessary to obtain the relevant data from the new fishery to enable an assessment of the stock to be made in the future and to assess potential risks of significant adverse impacts on vulnerable marine ecosystems.
9. Contracting Parties, CNCPs and PFEs shall ensure that any vessel that flies their flag only participates in a new fishery in accordance with the corresponding FOP, prepared for and approved by the Scientific Committee in respect of that vessel’s proposed fishing activity.
10. Notwithstanding paragraph 9, Contracting Parties, CNCPs and PFEs shall be entitled to authorise the participation in a new fishery by a vessel other than that identified in the FOP, if the initially notified vessel is prevented from participation due to legitimate operational or *force majeure* reasons. In such circumstances, the Member concerned shall immediately inform the Secretariat thereof, providing:
 - i. full details of the intended replacement vessel(s) following the notification in accordance with CMM 2017/07 (Vessel Authorisation);
 - ii. a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence;

- iii. a confirmation that the other elements of the FOP approved by the MoP will not be modified.

The Secretariat shall immediately circulate this information to all Contracting Parties, CNCPs and PFEs.

11. Contracting Parties, CNCP and PFE shall ensure that vessels flying their flag, participating in a new fishery, collect and provide the required data to the Secretariat in accordance with SIOFA data standards (CMM 2018/02).
12. Each Contracting Party, CNCP and PFE shall ensure that any vessel flying its flag participating in a new fishery shall carry at least one independent scientific observer throughout the duration of these activities.

Duration of new fisheries

13. A new fishery shall continue to be classified as such until sufficient information is available:
 - i. to evaluate the distribution, abundance and demography of the target species, leading to an estimate of the fishery's potential yield;
 - ii. to review the fishery's potential impacts on dependent and related species, as well as on vulnerable marine ecosystems;
 - iii. to allow the Scientific Committee to formulate and provide advice to the Commission on appropriate harvest levels, effort levels and fishing gear specification, as well as on footprint (benthic trawl gear), core fishing areas (gear other than benthic trawl) or where appropriate.

Scientific Committee

14. At its annual meeting, the Scientific Committee shall consider any new FOPs submitted and any other relevant information and provide recommendations and advice on FOPs to the Meeting of the Parties.
15. The Scientific Committee at each annual meeting shall review available data and reports from ongoing or ended FOPs, in view to enabling an assessment of the stocks covered by these plans, the feasibility and appropriateness of establishing a fishery and the impact of fishing activities on non-target, associated or dependent species and the marine ecosystem in which these plans apply.
16. The Scientific Committee may request updated reports on the outcomes of FOPs and amendments to the FOPs as necessary.

Meeting of the Parties

17. The Meeting of the Parties, taking into account the recommendations and advice of the Scientific Committee, shall decide:
 - i. whether to authorise a new fishery in accordance with the corresponding FOP,
 - ii. whether a new fishery can be considered as an established fishery.

Review

18. When the FOP expires, any Contracting Party CNCP and PFE may submit a new plan to the Scientific Committee in accordance with paragraph 7.
19. This CMM shall be reviewed no later than at the ordinary Meeting of the Parties in 2021. This review shall also take the latest advice of the Scientific Committee on previous or ongoing new fisheries in the SIOFA area into account.

Annex 1: Content and template for the development of FOPs

1. Fishery Operations

- i. nature of the new fishery:
 - (a) Fishing Member
 - (b) target species
 - (c) methods of fishing
 - trawl type; longline type; other gear
 - (d) Proposed fishing regions
 - (e) maximum proposed catch levels/effort limits by fishing season and justification
 - (f) information from other fisheries in the region or similar fisheries elsewhere that may assist in the evaluation of potential yield
 - (g) estimated entry and exit dates to the SIOFA Area
- ii. specification and full description of the types of fishing gear to be used, including gear schematic

2. Operational Impact

- iii. summary of known biological information on the target species:
 - (a) distribution
 - (b) abundance
 - (c) demographic data
 - (d) information on stock identity;
- iv. potential impact of the new fishery on the ecosystem:
 - (a) details of dependent and related species
 - (b) likelihood of their being affected by the proposed fishery
- v. For bottom fishing activities (CMM 01-2018): paragraph 14(a) of CMM 01-2018

3. Duration

- vi. Duration, including starting and end dates of the fishery
- vii. Timeframe, with a maximum of 3 years, detailing planned operations and outcomes (including reporting and contributions to SC and its WGs) for the duration of the new fishery

4. Data collection

- viii. Planned collection of catch, effort and related biological, ecological and environmental data required to undertake a future evaluation of the distribution, abundance and demography of the target species and estimate of the fishery's potential yield
- ix. an evaluation of the timescales involved in determining the responses of harvested, dependent and related populations to fishing activities

5. Vessel information

Full information of the vessel(s) participating: as per CMM 2017/07