



SIOFA | APSOI

Southern Indian Ocean Fisheries Agreement
Accord relatif aux Pêches dans le Sud de l'Océan Indien

Interim Bottom Fishing Measures

A Compilation by Contracting Party, Participating
Fishing Entities and Cooperating Non Contracting
Parties (CCPs)

updated 12/01/2021.

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Introduction

(1) SIOFA CMM 2019/01¹ for Interim Management of Bottom Fishing, required each SIOFA Contracting Party, CNCPs and PFEs undertaking bottom fishing activity in the Agreement Area to disclose at the Fourth Meeting of the Parties held in 2017, measures established in accordance with the provisions set out in para 10(1) relating to interim bottom fishing measures.

(2) The measures shall be made publicly available on the SIOFA website, by the Secretariat, once the website has been developed.

(3) CCPs may revise the measures they establish pursuant to this paragraph provided that any amendments made are consistent with the requirements of paragraph 10(1). Revised measures shall be notified to the Secretariat within 30 days of the amendment, and shall be disclosed at the next ordinary Meeting of the Parties.

This report provides a compilation of measures submitted by SIOFA Contracting Parties.

Note that references to the interim bottom fishing measures CMM varies depending on the CMM version that was in force when the measures have been submitted by the CCP to the Secretariat.

¹ Superseded by SIOFA CMM 2017/01 for Interim Management of Bottom Fishing

AUSTRALIA

As Australia has fished more than 40 days in a single year, in the Agreement Area, at the time this CMM was initially adopted, paragraph 10(1)(a) applies to Australia.

Pursuant to paragraph 10(1)(a) of CMM 2019/01, Australia established and applies a range of measures to its flagged vessels fishing in the Agreement Area. Together, these measures satisfy the requirements listed in paragraph 10(1)(a)(i) – (iv) as well as associated paragraphs 12-13, 21-22, 26 and 45-46 of CMM 2019/01. Australia is disclosing these measures in accordance with paragraph 10(3) of CMM 2019/01.

In 2020, Australia also implemented in domestic management arrangements the requirements of CMM 2019/15 *Management of Demersal Stocks*, including to import the CCAMLR Catch Documentation Scheme for *Dissostichus* spp. in respect of catch taken on Williams Ridge; and the management arrangements specified in the updated (2020) bottom fishing impact assessment.

10(1)(a)(i) - Limit bottom fishing effort and/or catch

Australia limits catch against average annual levels over the period 1 January 1999 – 31 December 2009. This equates to an average annual catch limit of 1,100 tonnes for Australian flagged vessels in the Agreement Area. Australia will include its catch of *Dissostichus* spp. in Williams Ridge within this limit, as well as the catch resulting from the effort limit of 2000 trap lifts.

Australia also prohibits vessels flying its flag that are authorised to fish in the Agreement Area from taking the following species: Blue Marlin (*Makaira indica*); Black Marlin (*Makaira mazara*), Black Cod (*Epinephelus daemeli*) and tuna and tuna-like species including fish of the families Istiophoridae (commonly known as marlins, spearfish and sailfish) and Xiphiidae (commonly known as swordfish). Consistent with the information provided in the updated bottom fishing impact assessment, Australia also prohibits the retention of berried or small lobsters.

10(1)(a)(ii) - Constrain spatial distribution

Australia, through its High Seas Permits for vessels authorised to fish in the Agreement Area, restricts its flagged vessels to a fishing footprint which represents the spatial distribution of its effort (all gears combined) over the period 1 January 1999 – 31 December 2009 in 20 minute blocks, limited to the area assessed by Australia's Bottom Fishery Impact Assessment (BFIA).

Australia updated its BFIA in 2020 (Welsford et al. 2020). The updated assessment amends Australia's fishing footprint to include a small amount of fishing effort which was not included in the original footprint presented to SIOFA (Williams et al. 2011; Delegation of Australia 2018). A map of Australia's fishing footprint is provided in section 2.1 of Welsford et al. (2020), which is available on the SIOFA website². The Benthic Protected Areas referred to in section 3.1.4 of the Williams et al. (2011) are not included in Australia's footprint and are consequently closed to fishing by Australian flagged vessels.

10(1)(a)(iii) - Ensure no significant adverse impacts on VMEs

Australia's High Seas Permits currently permit the use of midwater trawl, demersal trawl, demersal longline, demersal automatic longline, traps (also referred to as pots) and dropline.

² <http://apsoi.org/sites/default/files/documents/meetings/SC-05-17%20BFIA-update-Australia.pdf>

Pursuant to paragraphs 12 and 13 of CMM 2019/01, Australia has established the following thresholds for encounters with VMEs in the Agreement Area:

- a) if in any tow a trawl vessel catches more than 60 kg of live coral and/or more than 300 kg of sponges the holder must cease fishing within an area two nautical miles either side of the trawl track extended by two nautical miles at each end of the trawl track; or
- b) if a line vessel catches 10 or more VME indicator units of the specified VME-indicator species (Annex 1 of CMM 2019/01) in a single line segment, being the shorter of 1000 hooks or 1200 m of line: for longline and trap vessels the holder must cease fishing within a radius of one nautical mile from the midpoint of the line segment; or, for dropline vessels the holder must cease fishing with a radius of one nautical mile from the location of the shot.

The holder must not fish in that area using the same method as used for the shot that triggered the limit until the Australian Fisheries Management Authority (AFMA) notifies otherwise. As noted in Australia's National Report to the Scientific Committee (Georgeson 2020), the VME threshold was not triggered by any Australian-flagged vessels in 2019.

In accordance with paragraph 14 of CMM 2016/01 Australia submitted its original BFIA to the SIOFA Secretariat on 10 February 2017 for publication on the SIOFA website. This BFIA accounts for potential impact together with trends in exposure and existing management measures. The BFIA found the potential impact of demersal trawling and automatic longlining to be low, and the impact of midwater trawl and droplining to be negligible, when it considered:

- the low fishing effort of Australian flagged vessels;
- few areas of high fishing density;
- spatial restriction of fishing to a footprint area;
- predominantly low spatial overlap with bathomes most likely to support VMEs;
- the management arrangements in place to monitor and mitigate the impacts on benthic habitats including limits on the amount of fishable seabed available for fishing, evidence of VME process with validation and move-on provisions and infrastructure that transparently support monitoring and compliance.

Australia prepared this BFIA in 2011 (prior to the adoption of CMM 2017/01). Australia reviewed the alignment between this BFIA and the requirements of paragraph 18 and the BFIA Standard prepared by the Scientific Committee during 2017. This was provided to the third meeting of the Scientific Committee (Delegation of Australia 2018).

In accordance with paragraph 26(e) of 2019/01, updates to Australia's BFIA were made in 2020 and submitted to the fifth meeting of the Scientific Committee (Welsford et al. 2020). The updated assessment amends Australia's fishing footprint to include a small amount of fishing effort which was not included in the original footprint presented to SIOFA (Williams et al. 2011; Delegation of Australia 2018). The updated assessment also considers the impact of Australia's historical and potential future bottom fishing effort around William's Ridge, adjacent to Australia's Heard Island and McDonald Islands toothfish fishery, and the potential impact of traps within Australia's fishing footprint. Consequent to this, Australia has authorised Australian flagged vessels to fish for toothfish on Williams Ridge consistent with requirements under CMM 2019/15, and fish with traps within Australia's fishing footprint.

10(1)(a)(iv) - Ensure no fishing in closed areas

In accordance with paragraphs 45-46 of CMM 2019/01, Australia does not permit fishing in the Interim Protected Areas described in Annex 3 for all vessels flying its flag, for all gear types, through its High Seas Permit conditions.

Other obligations

All relevant data on the spatial extent of Australia's historical bottom fishing effort, and other related data required by paragraph 20, was provided to the Secretariat through the submission of Australia's current and historical data.

Australia has met BFIA requirements under paragraphs 21-22 of CMM 2019/01 – refer to details provided above.

With reference to paragraph 29, Australia has not submitted a proposal to fish at variance with the measures established under paragraph 10(1).

Through its domestic regulatory regime, including a strong compliance framework which Australia considers is integral to fulfilling its obligations as responsible flag State, Australia implements the relevant obligations under paragraphs 33-36.

In accordance with paragraph 39, Australia requires 100% (human) observer coverage on all trawl vessels and a minimum of 20% observer coverage for all other bottom fishing methods, including mandatory coverage on the first trip.

Further information on Australia's management arrangements for High Seas operators can be found in the High Seas Management Arrangements Booklet on the AFMA website: www.afma.gov.au/fisheries/high-seas-permits/

References

Delegation of Australia (2018). Australia's SIOFA Bottom Fishing Impact Assessment. SIOFA Document SC-03-06.2(08).

Georgeson L. (2020). Australia's annual report on fishing activities in the Southern Indian Ocean Fisheries Agreement Area. Australian Bureau of Agricultural and Resource Economics and Sciences, Department of Agriculture, Water and the Environment. SIOFA Document SC-05-09.

Welsford D., Ziegler P., Maschette D. and Sumner M. (2020). Bottom Fishing Impact Assessment (BFIA) for planned fishing activities by Australia in the Southern Indian Ocean Fisheries Agreement (SIOFA) Area – 2020 Update. Australian Antarctic Division, Department of Agriculture, Water and the Environment. SIOFA Document SC-05-17.

Williams A., Althaus F., Fuller M., Klaer N. and Barker B. (2011). Bottom Fishing Impact Assessment. Australian report for the Southern Indian Ocean Fisheries Agreement (SIOFA). CSIRO Marine and Atmospheric Research. <https://doi.org/10.4225/08/585188bbd8b46> and SIOFA Document SC-03-06.2(07).

CHINA

Since 2014, China did not undertake bottom fishing activities in the SIOFA area. Therefore, at this date, interim bottom fishing measures does not apply to China.

COOK ISLANDS

Cook Islands vessels fished more than 40 days in a single year in the Agreement Area, hence paragraph 9 (1)(a) of CMM 2016/01 applies to the Cook Islands.

Pursuant to paragraph 9(1)(a) of CMM 2016/01, Cook Islands has established and applied a wide range of measures to its vessels fishing in the Agreement Area, and these measures satisfy the requirements listed in paragraph 9(1)(a)(i) – (iv) and paragraph 11 of CMM 2016/01. Cook Islands is disclosing these measures in accordance with paragraph 9(2) of CMM 2016/01.

9(1)(a)(i): limit bottom fishing effort and or catch

The Cook Islands has limited all vessel effort to below maximum annual levels over the period 1 January 2001 – 31 December 2012, which is 664 Days at Sea. Two vessels were licenced to fish, and fished for 590 days, less than the peak of 621 days in 2010 when there were 3 vessels licenced to fish. For the past 5 years the Cook Islands have constrained fishing operations in the SIOFA area to ensure continued sustainable utilisation

9(1)(a)(ii): constrain spatial distribution

The Cook Islands is preparing a BFIA for presentation to the Scientific Committee in 2018. Cook Islands vessels have only fished within the historical footprint as defined by 20 minute blocks fished between 1997 and the introduction of this CMM.

9(1)(a)(iii): ensure no significant adverse impacts on VME

The Benthic Protected Areas recommended for closure by the First Meeting of the Scientific Committee remain closed to fishing by Cook Islands vessels, and we note they were also closed to Australian and Japanese flagged vessels in 2017. Some of these Benthic Protected Areas contain recognised VMEs, and are also recognised as EBSAs under the Convention on Biological Diversity.

These closures were introduced to protect known VMEs and also to maintain and protect biodiversity in the SIOFA region.

The Cook Islands VME encounter protocol requires that for a trawl tow, the presence of more than 60 kg of live coral and/or 400 kg of live sponge indicates a VME encounter that must be reported to Ministry of Marine Resources within 24 hours. If any subsequent trawl within 1nm of the encounter trawl contains more than 30 kg of live coral/and or 200 kg of live sponge the vessel must not fish within 5nm of that area until the Ministry of Marine Resources has completed an investigation. However, if the vessel deploys an underwater camera system on the trawl net, and the Cook Islands Observer verifies that no substantial VME structures (such as a Cold water reef community) are present, fishing can continue.

The VME indicator list from the FAO VME database accessed by the vessels includes 52 potential indicators, with 115 items observed caught in 2016. One single trawl caught 60 kg of stony coral when a strong current pushed the trawl into an area known as "Suicide Drive". Subsequent trawls on this seamount did not hit the 30 kg trigger. This area is now under consideration by the Cook Islands as a potential "no bottom contact area", in line with the spatial management program recommended by the UNGA.

EUROPEAN UNION

(Last updated 24/02/2021)

1. General EU legal framework

Pursuant to Article 216(2) of the Treaty on the Functioning of the European Union (TFEU), the European Union (EU) as a Contracting Party to SIOFA is bound to ensure that the measures adopted by the Meeting of the Parties are effectively implemented by EU vessels operating in the SIOFA Agreement Area.

These international obligations are also binding on the EU Member States. They are bound to take the necessary measures to ensure compliance with the provisions of the SIOFA Resolutions by their vessels and, as appropriate, their nationals, even in the absence of transposition of the said measures into EU law.

Moreover, in accordance with EU law, all EU vessels operating in the SIOFA Agreement Area are subject to monitoring and control measures to ensure that SIOFA obligations and the rules of the EU Common Fisheries Policy³ are fully respected:

- [Council Regulation \(EC\) No 1224/2009](#) of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006;
- [Commission Implementing Regulation \(EU\) No 404/2011](#) of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy the EU Control Implementing Regulation;
- [Council Regulation \(EC\) No 1005/2008](#) of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999;
- [Commission Implementing Regulation \(EU\) 2017/218](#) of 6 February 2017 on the Union fishing fleet register;
- [Council Regulation N° 2017/2403](#) on the sustainable management of external fishing fleets (SMEFF Regulation).

³ [Regulation \(EU\) No 1380/2013](#) of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC

2. CMM 2019/01 for the Interim Management of Bottom Fishing in the SIOFA Agreement Area

As EU vessels operated for more than 40 days in a single year in the SIOFA Agreement Area at the time CMM 2019/01 was adopted, Article 10(1)(a) of CMM 2019/01 applies to the EU.

Paragraph 10(1)(a)(i), (ii) and (iv)

Council Regulation (EU) 2021/92 of 28 January 2021⁴ implements the obligations contained in paragraph 10(1)(a)(i), (ii) and (iv) of SIOFA CMM 2019/01 into EU law. In particular, Section 11, Article 53 of the Regulation imposes limits on bottom fishing by requiring EU Member States to ensure that vessels flying their flag that are fishing in the SIOFA Agreement Area:

- (a) limit their annual bottom fishing effort and catch to their average annual level for those years where their vessels were active in the SIOFA Agreement Area, over a representative period for which data declared to the Commission exists (CMM 2019/01, paragraph 10(1)(a)(i) obligation to limit bottom fishing effort and/or catch);
- (b) do not expand the spatial distribution of bottom fishing effort, excluding long-line and trap methods, beyond areas fished in recent years (CMM 2019/01, paragraph 10(1)(a)(ii) Obligation to constrain spatial distribution);
- (c) are not authorised to fish in the interim protected areas of Atlantis Bank, Coral, Fools Flat, Middle of What, Walter's Shoal, except with long-line and traps methods and on condition of having a scientific observer on board at all times while fishing in those areas (CMM 2019/01, paragraph 10(1)(a)(iv) obligation to ensure no fishing in closed areas).

In addition, Annex IK of Council Regulation (EU) 2021/92 sets out the fishing opportunities applicable to Union vessels fishing in the SIOFA Agreement Area, and the conditions applicable to these fisheries in accordance with SIOFA CMM 2019/15 for the Management of Demersal Stocks in the Agreement Area. These conditions include the definition of the fishing season and closed areas, observer requirements, effort/catch and operational limits as well as bycatch limits.

The EU further notes that its fishing effort (number of vessels) has not increased in the last 12 months.

Paragraph 10(1)(a)(iii)

The EU has also taken measures to ensure no significant adverse impacts on Vulnerable Marine Ecosystems (VMEs) and has prepared and submitted a Bottom Fishing Impact Assessment (BFIA) in accordance with CMM 2019/01, paragraphs 10(1)(a)(iii) and 21).

As regards VMEs, from 2019, the EU bottom longline fleet has been applying the protocols adopted by SIOFA in CMM 2019/01⁵. Moreover, Spain has issued the following instructions in the fishing licence P0188-2/2020 issued to any bottom long-line vessels operating in the SIOFA Agreement Area:

⁴ [Council Regulation \(EU\) 2021/92](#) of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

⁵ Before 2019, EU fishing vessels followed the rules adopted by their national fisheries administrations. In the case of Spain, these rules were similar to those applied in SEAFO and CCAMLR for the definition of VME encounter and thresholds.

A VME encounter shall occur when catch of VME indicators exceeds the established limits, with VME indicators being:

- *live corals (coral species identified as antipatharia, gorgonians, cerianthids, lophelias, and sea pens).*
- *live sponges.*

When using the bottom longline, the following will be taken into account:

- *A VME encounter shall occur when 10 or more indicator units of a VME are recovered in a single line section.*
- *A VME indicator unit refers to a liter of VME indicator organisms that can be placed in a 10-liter container, or one kilogram of VME indicator organisms that do not fit into a 10-liter container.*
- *A "line section" is a section of the line with 1,000 hooks or a section of 1,200 m in length, whichever is shorter.*

In the event of an encounter with VME indicators, the captain of the vessel shall:

- *Quantify the species of the VME indicator, namely sea pens, coral and sponge.*
- *If the number of VME indicators exceeds the limits indicated above per set of fishing:*
 - *report the incident to the General Secretariat of Fisheries, in accordance with Annex 1 of CMM 2019-01;*
 - *stop fishing and move-on at least 1 nm from the midpoint of the operation, in the direction least likely to lead to an additional encounter, in accordance with paragraph 13(b) of CMM 2019-01, using their best judgment based on all available sources of information.*

As regards the BFIA, the EU updated its BFIA in 2020 and has submitted a further update on 20 February 2021⁶ for consideration by SC6. The updated assessment elaborates on the impact on target and bycatch species as suggested by SC5. Two new sections addressing the “Monitoring, Management and Mitigation of impact of proposed activities in the bycatch” and the “Residual risk of Significant Adverse Impacts on deep-water stocks and Vulnerable Marine Ecosystems” are providing the requested specific information.

⁶ SC-06-INFO-05 European Union BFIA update

FRANCE on behalf of its OVERSEAS TERRITORIES

France (Territoires), as a Contracting Party to SIOFA, committed itself to ensure that the measures adopted by the Commission are effectively implemented by French vessels operating in the SIOFA Agreement Area, under the flag of Terres australes et antarctiques françaises (French austral and Antarctic territories).

All those vessels are subject to monitoring and control; observers are present on board for 100% of their activity.

France (OT) vessels operated less than 40 days in a single year in SIOFA. Paragraphs 9(1)b then applies to France (OT).

In accordance with article 9(1)b, France (OT) has established limits on its bottom fishing effort through a national regulation, « arrêté du 9 février 2017 transposant la recommandation CMM 2016/01 de l'Accord relatif aux pêches dans le Sud de l'océan Indien »⁷. This regulation defines :

- a maximum number of fishing days and vessel authorisations;
- fishing areas according to historical catches;
- the authorized gears, which excludes trawlers and large-scale driftnets;
- a scientific observers program (100% of the activity is observed);
- a protocol in case of VMEs encounters;
- technical measures regarding the conservation of sharks, rays, seabirds, cetaceans;
- technical fishing measures.

French vessels have been respecting a protocol to ensure that fishing don't have significant adverse impacts on VMEs since 2012. This protocol is included in the French regulation and is then binding.

⁷ <https://www.legifrance.gouv.fr/eli/arrete/2017/2/6/DEV1625024A/jo/texte/fr>

JAPAN

**As confirmed in the adoption of SIOFA CMM 16/01, the Japanese trawl vessels operate in the mid-water and this Measure is not applied legally to their fishing activities.*

1. Fishing Effort (paragraph 9(1)(a)(i) of CMM 2016/01)

Fisheries Agency of Japan (FAJ) authorized three vessels, 2 trawl vessels and 1 bottom longline vessel, to operate in the SIOFA area for 2016 fishing season. The number of authorizations has not changed since 2012.

During the 2016 fishing season, 2 trawl vessels had actually operated in the SIOFA area. The annual number of active vessels in the Area ranges from one to three (two in average) between 2012 and 2015.

2. Spatial Distribution (paragraph 9(1)(a)(ii) of CMM 2016/01)

The above two Japanese trawl vessels had operated only within the past footprints in 2016, namely they limit their special distribution of fishing efforts to recently fished areas.

3. VME (paragraph 9(1)(a)(iii) of CMM 2016/01)

The above two Japanese trawl vessels had operated in mid-water and any adverse impacts on VMEs were not caused by their activities. The scientific observers on board confirmed that their operations did not come in contact with the seafloor or benthic organisms.

FAJ and the Japanese industry have set temporal threshold levels to 50 kg as move-on protocol in preparation for incidental encounters with VMEs.

4. Closed Area (paragraph 9(1)(a)(iv) of CMM 2016/01)

SIOFA has not established any specific closed areas. In case that SIOFA introduces such measures in future, FAJ could ensure that the relevant vessels do not operate in designated areas, through adding condition to their fisheries authorizations.

And the Japanese vessels respect the protected areas established by Southern Indian Ocean Deepsea Fisher's Association (SIODFA) known as benthic protected areas (BPAs) and suspend their fishing activities in such area on a voluntary basis.

REPUBLIC OF KOREA

Concerning CMM 2016/01, Korea has not carried out any fishing activities in the Agreement Area since 2014.

Therefore, implementation of CMM 2016/01 does not apply to Korea in the relevant period.

MAURITIUS

Mauritius did not provide any information yet in regard of the implementation of interim bottom fishing measures in the SIOFA area.

SEYCHELLES

At this date, Seychelles declared to not fish in the SIOFA area for SIOFA relevant species.

Therefore, implementation of CMM 2019/01 does not apply to Seychelles in the relevant period.

CHINESE TAIPEI

Chinese Taipei fishing activities target pelagic species such as oilfish using similar techniques for tuna species.

Therefore, bottom fishing measures does not apply to date to Chinese Taipei.

THAILAND

Thailand would like to notify the MOP that Thailand interim bottom fishing measures as “The Department of Fisheries Thailand Notification on Requirement and Regulations of Overseas Fishing Vessels which are Operating in the Area under the Southern Indian Ocean Fisheries Agreement (SIOFA) B.E. 2562 (2019)” was sent to the secretariat on 18 March 2019 and has disclosed on the SIOFA website since MOP6 meeting.

Thailand interim bottom fishing measures according to CMM 2019/01 para 10 unchanged from disclosed on SIOFA website at the MOP6 meeting. The measures described in para 10(1) a, as following:

(a.) i. limits on its bottom fishing effort and/or catch

- Clause 5: All authorised fishing vessels shall have been allocated the days for fishing which not more than eighteen thousand and six hundred (18,600) days/year.

(a) ii. constraints on the spatial distribution of its bottom fishing effort

- Clause 7: Trawls shall be authorised to fish only in the area as shown in the Appendix of this Notification.

(a) iii. Ensure no significant adverse impacts on VMEs

- Thailand submitted Bottom Fishery Impact Assessment (BFIA) to the secretariat since 2018 and it has been published on SIOFA website.

(a) iv. Ensure no fishing in closed areas

- Clause 10: Prohibited fishing areas appeared in the Appendix of this Notification.