

1.5.6.6

Special request, Advice June 2013

ECOREGION **General advice**
SUBJECT **OSPAR/NEAFC special request on existing and potential new management measures for ecologically and biologically significant areas (EBSAs)**

Advice summary

ICES provides a summary of management measures already implemented within ecologically and biologically significant areas (EBSAs). ICES notes that there are numerous measures already in place by both NEAFC and by OSPAR (as requests to Contracting Parties) and by other competent management authorities, and that both generic and targeted management measures may offer protection to the features that would qualify as meeting EBSA criteria. The performance of these measures has not been evaluated and it was not possible to assess whether these measures are sufficient to protect all of the features that would qualify under EBSA criteria from all potential threats, or whether further measures are required. ICES notes that some specific areas may need further protective measures.

Request

c) For the use of OSPAR and NEAFC Contracting Parties, as appropriate, provide a separate document with additional relevant information and up-to-date accounts of the relevant management measures already implemented within the individual EBSAs.

d) In a separate document, describe potential new management measures within individual EBSAs if appropriate.

ICES advice

ICES summarized the existing management measures or recommendations of bodies with regulatory or coordinating authority for the major sectoral activities in the OSPAR and NEAFC areas, and, where they exist, those of the authorities for conservation and protection of special components of biodiversity. Some of the measures apply directly, while others require implementing legislation by national authorities (or in some cases by the EU). The power to require vessels to operate in specified ways lies with the Flag State of each vessel.

ICES does not have information on the performance of many of the existing measures, and consequently has not been able to evaluate whether these management measures would be sufficient to protect all of the features that would qualify under EBSA criteria from all potential threats. Nonetheless a range of generic and spatially targeted protective management measures already exist within the EBSA areas. There are, however, some exceptions that may need improved protective measures:

- Josephine Seamount
- The Hatton–Rockall basin
- The existing fishing areas that lie north of the Azores on the Mid-Atlantic Ridge. One of these is a potential threat to hydrothermal vents in the area.

ICES advises that a systematic review of the performance of the existing measures and how they interact to reduce threats to EBSAs is needed before any new management measures could be sensibly considered through a gap analysis. ICES makes the following general suggestions that are likely to improve the protection of EBSAs in the Northeast Atlantic:

- Protective measures for vulnerable marine ecosystems (VMEs) should be made permanent. In many cases these measures are only temporary. This is not appropriate for the long-lived, sessile organisms within VMEs.
- Accessibility of existing ecological and fisheries data should be improved through a concerted effort between relevant authorities.
- Coordination of competent authorities should be improved in the selection and adoption of measures in order to help ensure efficient implementation.
- Observer coverage of fishing vessels operating within EBSAs should be increased.

Management measures

North-East Atlantic Fisheries Commission (NEAFC)

Table 1.5.6.6.1 summarizes NEAFC regulations for fishing activities within nine of the ten proposed EBSAs. The Arctic ice habitat lies outside the regulatory area of NEAFC. The ten proposed EBSA areas are shown in Figure 1.5.6.6.1, together with existing bottom fisheries closures enforced by NEAFC and high seas MPAs established by OSPAR. Since 2005, NEAFC has closed 14 areas to bottom fishing to protect VMEs. In addition (for fisheries management rather than VME protection), NEAFC has closed an area for haddock on Rockall Bank since 2001 and enforced a seasonal closed area on the Reykjanes Ridge to protect a blue ling spawning ground. In total the area closed to protect VMEs is in excess of 600 000 square kilometres and covers all areas where the presence of VMEs have been validated up to the end of 2012. ICES has recently provided further advice on the boundaries of some of these VMEs (ICES, 2013a).

NEAFC has different bottom-fishing regulations for existing fisheries areas and new fishing areas. Five of the proposed EBSAs are covered by the 'New Fishing Area' regulations only. Exploratory fishing in new areas is only authorized under strict conditions that include full observer coverage. There have been no applications for exploratory fishing since the regulations were adopted. Several points are notable:

- All the NEAFC closures lie within the proposed EBSAs.
- The majority of the overall area covered by the ten proposed EBSAs is classed by NEAFC as 'new fishing areas' and thus subject to strict regulation. Exceptions that are not 'new fishing areas' include an existing fishing area within the proposed EBSA 1 (Reykjanes Ridge), four within the proposed EBSA 3 (Mid-Atlantic Ridge north of Azores), and a further four within the proposed EBSA 4 (Hatton–Rockall area).

The four major fisheries in the NEAFC Regulatory Area (herring, mackerel, blue whiting, and redfish) are pelagic trawl fisheries and therefore unlikely to pose threats to seabirds, taxa on the OSPAR list of threatened and declining species, or VMEs. In addition NEAFC regulations include:

- A ban on the use of gillnet at depths greater than 200 m.
- A ban on directed fisheries for 17 different species of deep-sea sharks.

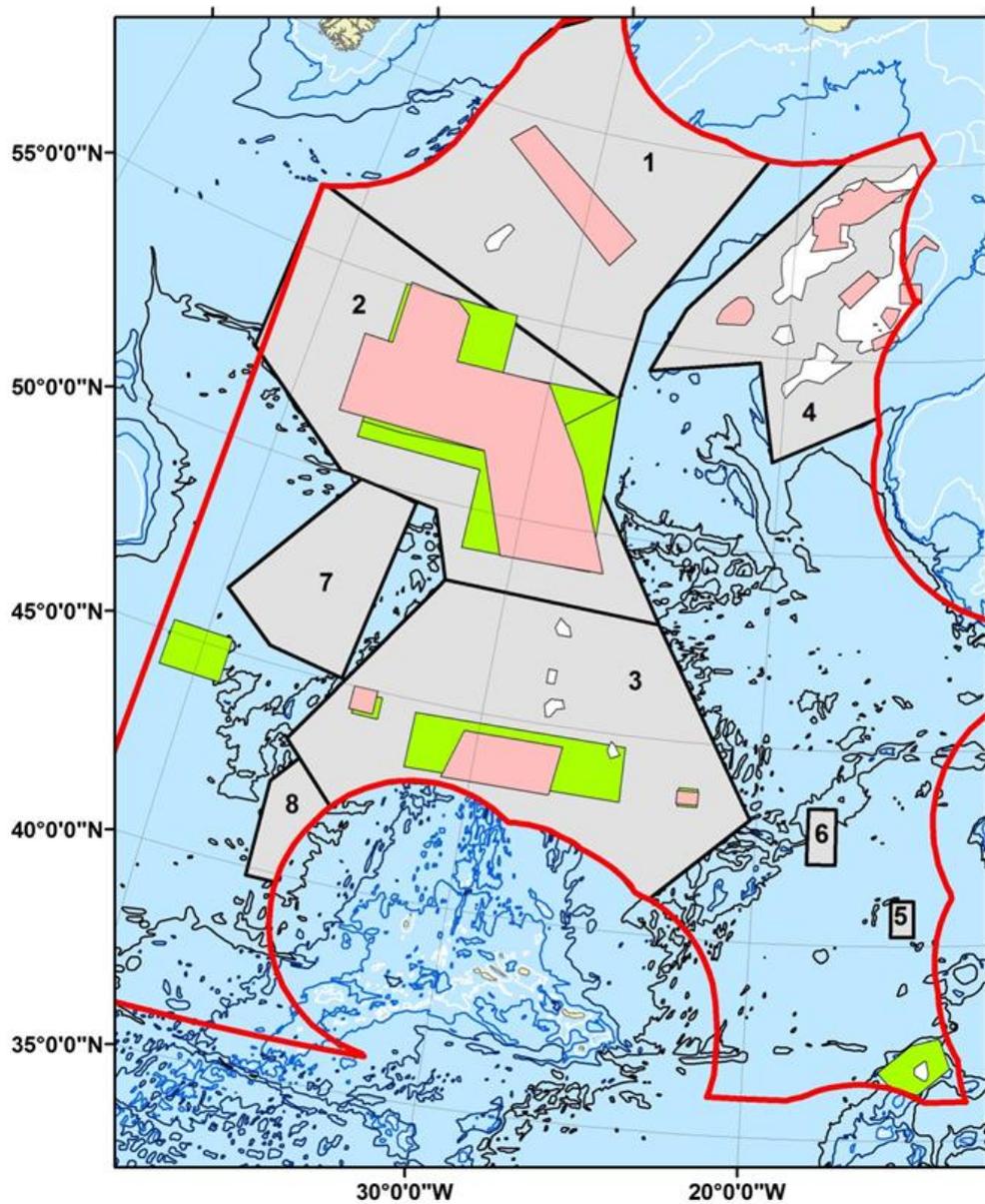


Figure 1.5.6.6.1 Map of the southern NEAFC Regulatory Area showing proposed EBSAs (Grey polygons; 1 = Reykjanes Ridge, 2 = Charlie-Gibbs Fracture Zone and Subpolar Frontal Zone, 3 = Mid-Atlantic Ridge north of the Azores, 4 = Hatton-Rockall Plateau, 5 = Pedro Nunes and Hugo de Lacerda Seamounts, 6 = Northeast Azores-Biscay Rise, 7 = Evlanov Seamount, 8 = West of Azores). Existing NEAFC fishing areas are shown in white, NEAFC bottom fishery closures in pink, and OSPAR High Seas MPAs in green.

Table 1.5.6.6.1 Management measures adopted by NEAFC in each proposed EBSA.

| NEAFC closed areas or fishing regulations in the proposed area | Rationale for NEAFC management measure | NEAFC management regulations |
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| Area 1. Reykjanes Ridge south of Iceland EEZ | | |
| 1) Northern Mid-Atlantic Ridge (MAR) ¹ 2) Seasonal blue ling closure ² 3) Existing fishing areas ¹ 4) New fishing areas ¹ | 1,3,5) Protection of VME (cold-water corals). 2) Protection for spawning/aggregation areas of blue ling. | 1) Area closed to bottom trawling and fishing with static gear, including bottom-set gillnets and longlines 2009–2015. 2) This area is closed for fishing blue ling from 15 February to 15 April until 2016. 3) Deep-sea demersal fisheries regulations: Certain gears are banned (gillnets) and actions against ghost fishing and lost gear are in place. 4) Authorization to go to new fishing areas follows a strict exploratory fishing protocol. |
| Area 2. Charlie-Gibbs Fracture Zone and Subpolar Frontal Zone of the Mid-Atlantic Ridge | | |
| Middle MAR ¹ | Protection of VME (cold-water corals). | Area closed to bottom trawling and fishing with static gear, including bottom set gillnets and long-lines 2009-2015, including Charlie-Gibbs Fracture Zone and the Subpolar frontal zone. |
| Area 3. Mid-Atlantic Ridge north of the Azores | | |
| 1) Southern MAR; Altair Seamount, Antialtair Seamount ¹ 2) Existing fishing areas ¹ 3) New fishing areas ¹ | Protection of VME (cold-water corals). | 1) Area closed to bottom trawling and fishing with static gear, including bottom-set gillnets and longlines 2009–2015. 2) Deep-sea demersal fisheries regulations: Certain gears are banned (gillnets) and actions against ghost fishing and lost gear are in place. 3) Authorization to go to new fishing areas follows a strict exploratory fishing protocol. |
| Area 4. The Hatton and Rockall banks and Hatton–Rockall Basin | | |
| 1) Rockall Haddock Box ³ 2) Hatton ⁴ 3) West Rockall Mounds closure ⁴ 4) NW Rockall closure ⁴ 5) SW Rockall closure ⁴ 6) Logachev Mounds closure ⁴ 7) Edora Bank closure ⁵ 8) Existing fishing areas ¹ 9) New fishing areas ¹ | 1) Haddock Box closed to protect juvenile haddock. 2–7) Protection of VME (corals, coral reefs, and sponge grounds). 7) Geomorphology. | 1) NEAFC has banned bottom trawling in this area. 2–7) Area closed to bottom trawling and fishing with static gear, including bottom-set gillnets and longlines until 2015. 8) Deep-sea demersal fisheries regulations: Certain gears are banned (gillnets) and actions against ghost fishing and lost gear are in place. 9) Authorization to go to new fishing areas follows a strict exploratory fishing protocol. |

| NEAFC closed areas or fishing regulations in the proposed area | Rationale for NEAFC management measure | NEAFC management regulations |
|---|--|---|
| Area 5. Around Pedro Nunes and Hugo de Lacerda Seamounts – IBA MAO3 | | |
| Area 6. Northeast Azores–Biscay Rise – IBA MAO3 | | |
| Area 7. Evlanov Seamount Region | | |
| Area 8. Northwest of Azores EEZ | | |
| Area 9. The Arctic Front – Greenland/Norwegian Seas | | |
| New fishing areas ¹ | In most instances there is not enough research or data to identify VMEs in “new fishing areas”. To reduce risks to VMEs to a minimum these areas are closed to normal commercial bottom fisheries under normal authorizations to fish from the Contracting Parties of NEAFC. Exploratory Bottom Fisheries Protocol. Vessels authorized under this protocol must have an observer on board. Exploratory fishing provides an opportunity to gather additional data on benthos and fish communities using industry vessels, and under strict controls on fishing. | Observers shall collect data in accordance with a Vulnerable Marine Ecosystem Data Collection Protocol. |
| Area 10. The Arctic Ice habitat – multiyear ice, seasonal ice, and marginal ice zone | | |
| This proposed area is outside of the NEAFC Regulatory Area. | | |

The following measures can be found at <http://nea.fc.org/measures>:

- 1 Rec. na 2011 on regulating bottom fishing as amended by Rec. 12 2013.
- 2 Rec. 05 2013 Blue Ling seasonal closure.
- 3 Rec. 03 2013 Rockall Haddock.
- 4 Rec. 09 2013 Rockall Hatton VME closures.
- 5 Rec. 08 2013 Edora Bank VME closure.

International Commission for the Conservation of Atlantic Tuna (ICCAT)

ICCAT has recommendations to mitigate the bycatch of seabirds, turtles, and pelagic shark species, but there are no specific spatial management measures relevant to the proposed EBSAs.

OSPAR

A range of measures have been adopted by the OSPAR Commission within the proposed EBSAs. These include legally binding decisions, which have been used for the establishment of seven marine protected areas (MPAs) in areas beyond national jurisdiction. Five of these lie within the proposed EBSAs. Two others lie outside the proposed EBSAs: the Milne Seamount complex MPA in the southwest of the OSPAR Area and the Josephine Seamount High Seas MPA in the southeast (Figure 1.5.6.6.1). For each MPA, OSPAR has also agreed recommendations for their management calling on Contracting Parties to undertake certain management actions within the competence of OSPAR (Table 1.5.6.6.2).

In addition to these are three types of measures that are not spatially explicit and that apply across the OSPAR maritime area in the Northeast Atlantic (Table 1.5.6.6.3). These include a series of recommendations for the protection and conservation of threatened and/or declining species; a recommendation calling on Contracting Parties to specifically take into account OSPAR’s Listed of species and habitats in the conduct of Environmental Impact Assessments; as well as a code of conduct for undertaking marine research.

Table 1.5.6.6.2 Measures adopted by the OSPAR Commission specific to proposed EBSAs.

| Proposed area meeting the EBSA criteria | Spatial management measures in place for specific sub-areas within the proposed EBSA |
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| Charlie-Gibbs Fracture Zone and Subpolar Frontal Zone of the Mid-Atlantic Ridge | (1.a) OSPAR Decision 2010/2 on the establishment of the Charlie-Gibbs South MPA (1.b) OSPAR Recommendation 2010/13 on the management of the Charlie-Gibbs South MPA (2.a) OSPAR Decision 2012/1 on the establishment of the Charlie-Gibbs North High Seas MPA (2.b) OSPAR Recommendation 2012/1 on the management of the Charlie-Gibbs North High Seas MPA |
| Mid-Atlantic Ridge north of the Azores | (1.a) OSPAR Decision 2010/6 on the establishment of the Mid-Atlantic Ridge north of the Azores High Seas MPA (1.b) OSPAR Recommendation 2010/17 on the management of the Mid-Atlantic Ridge north of the Azores High Seas MPA (2.a) OSPAR Decision 2010/3 on the establishment of the Altair Seamount High Seas MPA (2.b) OSPAR Recommendation 2010/14 on the management of the Altair Seamount High Seas MPA (3.a) OSPAR Decision 2010/4 on the establishment of the Antialtair Seamount High Seas MPA (3.b) OSPAR Recommendation 2010/15 on the management of the Antialtair Seamount High Seas MPA |

Table 1.5.6.6.3 General management measures taken by the OSPAR Commission that are common to all proposed EBSAs.

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| <ul style="list-style-type: none"> • OSPAR Code of Conduct for Responsible Marine Research in the Deep Seas and High Seas of the OSPAR Maritime Area (Reference number: 2008-1) • OSPAR Recommendation 2010/5 on assessments of environmental impact in relation to threatened and/or declining species and habitats • OSPAR Recommendation 2010/6 on furthering the protection and restoration of the common skate species complex, the white skate, the angel shark, and the basking shark in the OSPAR Maritime Area • OSPAR Recommendation 2010/7 on furthering the protection and restoration of the Orange roughy (<i>Hoplostethus atlanticus</i>) in the OSPAR Maritime Area • OSPAR Recommendation 2010/8 on furthering the protection and restoration of <i>Lophelia pertusa</i> reefs in the OSPAR Maritime Area • OSPAR Recommendation 2010/9 on furthering the protection and restoration of coral gardens in the OSPAR Maritime Area • OSPAR Recommendation 2011/2 on furthering the protection and conservation of the Ivory gull (<i>Pagophila eburnea</i>) • OSPAR Recommendation 2011/3 on furthering the protection and conservation of the Little shearwater (<i>Puffinus assimilis baroli</i>) • OSPAR Recommendation 2011/4 on furthering the protection and conservation of the Balearic shearwater (<i>Puffinus mauretanicus</i>) • OSPAR Recommendation 2011/5 on furthering the protection and conservation of the Black-legged kittiwake (<i>Rissa tridactyla tridactyla</i>) • OSPAR Recommendation 2011/6 on furthering the protection and conservation of the Roseate tern (<i>Sterna dougallii</i>) • OSPAR Recommendation 2011/7 on furthering the protection and conservation of the Thick-billed murre (<i>Uria lomvia</i>) |
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International Maritime Organization (IMO) and the London Convention

No spatially based measures have been introduced by IMO or the London Convention for Areas Beyond National Jurisdiction in the Northeast Atlantic. Many general IMO measures (e.g. ballast water exchange protocols, disposal of waste) will apply to these areas.

International Seabed Authority (ISA)

According to UNCLOS ISA is the competent authority that regulates mining and mineral extraction in “The Area” (<http://www.isa.org.jm/en/scientific/exploration>). A memorandum of understanding was signed between the OSPAR Convention and the International Seabed Authority in June 2011 to facilitate consultation and sharing of data and information of relevance, with a view to promoting and enhancing a better understanding and coordination of their respective activities.

There are three types of deep-sea mineral resources that are of commercial interest: polymetallic nodules, polymetallic sulphides, and cobalt-rich ferromanganese crusts. So far, ISA has only adopted the regulatory framework for the exploration of deep-sea mineral resources, including very strict regulations to ensure full environmental impact assessments are undertaken prior to any activity in “The Area”. The framework for the exploitation of these resources has yet to be developed and adopted.

There are several areas in the Northeast Atlantic identified as having deposits of mineral resources of possible commercial interest, but exploratory mining cannot commence without adoption of a management framework.

Arctic Council

In follow-up to a recommendation to identify areas of heightened ecological and cultural significance, a report is being prepared for the Arctic Council’s Protection of the Arctic Marine Environment Working Group (PAME). If the areas are agreed, it is recommended that Arctic states, where appropriate, should encourage implementation of measures to protect these areas from the impacts of Arctic marine shipping, in coordination with all stakeholders and consistent with international law.

National and European Union

At the national and EU levels, many relevant measures for the protection of areas have not been systematically reviewed by ICES. Several of these measures implement more general international obligations, for instance under the Convention on Trade in Endangered Species.

Sources

- ICES. 2013a. Vulnerable deep-water habitats in the NEAFC Regulatory Area. *In* Report of the ICES Advisory Committee, 2013, Section 1.5.5.1. ICES Advice, 2013, Book 1.
- ICES. 2013b. Report of the Workshop to Review and Advise on EBSA Proposed Areas (WKEBSA), 27–31 May 2013, Copenhagen, Denmark. In draft.