



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

Updated 27/11/2017

## **Table of Contents**

Introduction.....	1
AUSTRALIA .....	2
COOK ISLANDS.....	4
EUROPEAN UNION .....	5
FRANCE on behalf of its OVERSEAS TERRITORIES.....	7
JAPAN.....	8
REPUBLIC OF KOREA.....	9

## **Introduction**

SIOFA CMM 2016/01<sup>1</sup> 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 9(1) relating to interim bottom fishing measures.

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

---

<sup>1</sup> Superseded by SIOFA CMM 2017/01 for Interim Management of Bottom Fishing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, paragraph 9 (1)(a) of CMM 2016/01 applies to Australia.

Pursuant to paragraph 9(1)(a) of CMM 2016/01, 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 9(1)(a)(i) – (iv) and paragraph 11 of CMM 2016/01. Australia 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

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 1100 tonnes for Australian flagged vessels in the Agreement Area.

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) and Xiphiidae (commonly known as billfish).

9(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 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). A map of Australia's bottom fishing footprint is included in this BFIA which is available on the SIOFA website<sup>1</sup>. The Benthic Protected Areas referred to in section 3.1.4 of this BFIA are not included in Australia's footprint and are consequently closed to fishing by Australian-flagged vessels.

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

Australia's High Seas Permits permit the use of midwater trawl, demersal trawl, demersal longline, auto-longline and dropline.

Pursuant to paragraph 11 and 12, Australia established the following thresholds for encounters with VMEs in the Agreement Area:

- a) if the combined catch of coral or sponge in any one trawl shot exceeds 50kgs 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 the combined catch of coral or sponge in any one shot for line method exceeds 10kgs for any 1000 hook section of line or a 1200 metre section of line, whichever is the shorter; the holder must cease fishing within a radius of one nautical mile from the midpoint of the line segment.

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 2017 National Report to the Scientific Committee (SC -02-04 (03) – Australia's National Report \_rev 1 refers), the VME threshold was not triggered in the relevant period.

9(1)(a)(iv): ensure no fishing in closed areas

Although SIOFA has not closed any specific areas, Australia is able to implement spatial closures through its High Seas permit conditions.

In accordance with paragraph 14, Australia submitted its BFIA to the SIOFA Secretariat on 10 February 2017 for publication on the SIOFA website<sup>2</sup>. 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 auto-longlining to be low, and the impact of mid-water trawl and drop lining 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 2016/01) but will review the BFIA against the requirements of paragraph 18 and the Bottom Fishing Impact Assessment Standard prepared by the Scientific Committee during 2017. Australia notes that, in accordance with paragraph 15, this BFIA will be considered by the Scientific Committee at its ordinary meeting in 2018.

With reference to paragraph 20, Australia did not submit a proposal to fish at variance with the measures established under paragraph 9(1) in the relevant period,

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 24-27.

In accordance with paragraph 30, Australia requires 100% (human) observer coverage<sup>3</sup> on all trawl vessels and a minimum of 20% observer coverage for all other bottom fishing methods<sup>4</sup>, 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/](http://www.afma.gov.au/fisheries/high-seas-permits/).

## 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

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

Such international obligations are also binding for 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.

Moreover, in accordance with EU legislation, all EU vessels operating in the SIOFA Agreement Area are subject to monitoring and control measures to ensure that SIOFA and EU Common Fisheries Policy rules are fully respected.

### EU Spanish Vessels

Regarding the Spanish vessel that operates more than 40 days in a single year in SIOFA, its fishing effort didn't increase effort in last 12 months (use long line gear, so far there are no closed areas in SIOFA).

This Spanish deepwater longline will have a 20 percent scientific observer coverage in any fishing year, this mission should report scientific data including the nature of the gear used.

Moreover, Spain has implemented measures to prevent adverse impacts on VMEs, as follows:

#### **RULES TO BE FOLLOWED IN THE EVENT OF ENCOUNTER WITH VULNERABLE MARINE ECOSYSTEMS**

It is considered a meeting with Vulnerable Marine Ecosystems (VME) when the occurrence of VME indicators exceeds the established limits.

Vulnerable Marine Ecosystems (VME) indicators are considered:

- Living coral (coral species identified as antipatharios, gorgonias, cerianthidos, lophelias, and sea feathers).
- Living sponges

All the VME indicators will be communicated monthly to the General Secretariat of Fisheries, indicating species, quantity and position.

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

- A meeting with Vulnerable Marine Ecosystems (VME) is considered when 10 or more indicator units of a VME have been recovered in a single line section.
- A VME indicator unit refers to one litre of VME indicator organisms that can be placed inside a 10 litre bucket, or to one kilogram of VME indicator organisms that do not fit into a 10 litre bucket.
- A "line section" is a section of the line with 1,000 hooks or a section of 1,200 m in length, the shortest line.

In case of encounter with VME indicators, the captains of the ships:

Quantify the VME indicator species, ie sea, coral and sponge feathers.

- If the number of VME indicators exceeds the limits indicated above per fishing set:
  - According to Annex 1 of CMM 2016-01, it will indicate the incident to the General Secretariat of Fisheries.

- According to point 12 of CMM 2016-01, it will stop fishing and separate at least 1 nautical mile from the mid-point of the operation, in the direction less likely to lead to an additional encounter. The captain will use his best judgment based on all available sources of information.

#### OTHER MEASURES AIMING MITIGATION OF MARINE LIVING RESOURCES

Although potential interactions with sensitive fauna such as mammals, seabirds or reptiles are not foreseeable, the following measures will be taken into account:

- Seabirds: the mitigation of any possible interaction with seabirds will be enhanced and for this the fishing operations will be carried out in such a way that the mother line sinks out of reach of seabirds as soon as possible after touching the water, Scarecrow lines will be deployed to reduce this issue to zero. When fishing for longlines at night, only the lights necessary for the safety of the boat shall be used.
- The disposal of fish remains and debris is prohibited while fishing gear is being cured and proper precautions are taken during turning.
- Reptiles: The distance from the coasts of the fishing areas and the planned depths of draft, together with the oceanographic characteristics of the same make this type of interaction are discarded from the base. In any case, the fishing unit will have equipment and devices for the release of turtles that would be applied in case of any such interaction.
- Any incident will be noted in the logbook.

Spanish vessel, operating with deepwater longline, will have a 20 percent scientific observer coverage in any fishing year, this mission should report scientific data including the nature of the gear used.

#### EU French Vessels

With regard to French vessels, the fishing effort (in days) did not increase in 2016 in comparison with the reference period.

Moreover, an “arrêté”<sup>2</sup> has been approved and this will regulate fisheries for French vessels according to the CMM 2016/01:

- Maximum number of fishing days decided upon an appropriate reference period of one year;
- Authorisation to be delivered only to ships having historical fishing record/effort in the area; the authorisation is time limited and mentions the gear (only longlines and handlines are authorised) and targeted species.

---

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

## **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 »<sup>3</sup>. 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.

---

<sup>3</sup> <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.