

**31st ANNUAL MEETING – SEPTEMBER 2009****Encounter Provisions for Vulnerable Marine Ecosystems**

In 2006, the United National General Assembly (UNGA) in its Sustainable Fisheries Resolution 61/105 called for States and Regional Fisheries Management Organizations (RFMOs) to adopt conservation and management measures in order to prevent significant adverse impacts on vulnerable marine ecosystems.

Mindful of the work of the FAO in facilitating the development of International Guidelines for the Management of Deep-sea Fisheries operating in the high seas that serve *inter alia* to guide the identification of VMEs;

Noting the commitment of NAFO Contracting Parties to implement an ecosystem approach and implement measures following the precautionary approach to address the impacts of fishing on VMEs;

Recognizing the significant steps already taken by NAFO to protect Vulnerable Marine Ecosystems (VMEs) in the NAFO Regulatory Area (NRA) including inter alia:

- the closure of four seamount areas to commercial fishing (2006)
- the establishment of a 30 Coral Protection Zone (2007)
- the closure of the Fogo Seamounts (2008)
- the adoption of a comprehensive framework for the implementation of UNGA Resolution 61/105 including provisions for the identification of existing bottom fishing areas (footprint), assessment of bottom fishing, Exploratory Fishery Protocol for new fishing areas and the interim Encounter provisions for VMEs in both existing and new fishing area of the NRA (2008);

Further recognizing the numerous international scientific research efforts that are designed to enhance knowledge in the area of VMEs, in particular with respect to addressing knowledge gaps on benthic habitat, communities and species in the NAFO Regulatory Area, especially the Spanish lead international survey in 2009-2010; and

Further recognizing the proposal for closed areas for corals and sponges put forward by the September 2009 meeting of the Working Group of Fisheries Managers and Scientists to Fisheries Commission.

The Working Group of Fisheries Managers and Scientists strongly believed that the recommended coral and sponge closed areas and the interim encounter provision thresholds are integral and therefore urged that the Fisheries Commission consider these recommendations as a package.

Therefore, it is proposed that, as part of a continuing commitment to implement the UNGA Resolution, the Working Group of Fisheries Managers and Scientists recommends to the Fisheries Commission for adoption in September 2009:

1. The Fisheries Commission amend the text of Article 5bis 3) as follows:

For both existing and new fishing areas, an encounter with primary VME indicator species is defined as a catch per set (e.g. trawl tow, longline set, or gillnet set) of more than **60** kg of live coral and/or **800** kg of live sponge. These thresholds are set on a provisional basis and may be adjusted as experience is gained in the application of this measure.