

CONSERVATION MEASURE 22-06 (2007)^{1,2}
Bottom fishing in the Convention Area

Species	all
Area	see paragraph 1
Season	all
Gear	bottom fishing

The Commission,

Recognising the commitment made by Members to implement the CCAMLR precautionary and ecosystem approaches to fisheries management by embracing principles of conservation as stated in Article II of the Convention,

Conscious of the urgent need to protect vulnerable marine ecosystems from bottom fishing activities that have significant adverse impacts on such ecosystems,

Noting that United Nations General Assembly Resolution 61/105, adopted on 8 December 2006, calls on regional fisheries management organisations or arrangements with the competence to regulate bottom fisheries to adopt and implement measures to prevent significant adverse impacts of bottom fisheries on vulnerable marine ecosystems and noting further that all CCAMLR Members joined in the consensus by which this resolution was adopted,

Noting also the importance of Article IX of the Convention, including the use of the best scientific evidence available,

Aware of the steps already taken by CCAMLR to address the impacts of deep-sea gillnetting and bottom trawling in the Convention Area, through the implementation of Conservation Measures 22-04 and 22-05 respectively,

Recognising that CCAMLR has responsibilities for the conservation of Antarctic marine living resources, part of which include the attributes of a regional fisheries management organisation,

Noting that all CCAMLR conservation measures are published on the CCAMLR website,

hereby adopts the following conservation measure in accordance with Article IX of the Convention:

Management of bottom fishing

1. This conservation measure applies to areas in the Convention Area south of 60°S; and to the rest of the Convention Area with the exception of subareas and divisions where an established fishery was in place in 2006/07 with a catch limit greater than zero.
2. For the purposes of this measure, the term ‘vulnerable marine ecosystems’ in the context of CCAMLR includes seamounts, hydrothermal vents, cold water corals and sponge fields.
3. For the purposes of this measure, the term ‘bottom fishing activities’ includes the use of any gear that interacts with the bottom.

4. Until 30 November 2008, bottom fishing activities shall be limited to those areas for which bottom fishing activities were approved by the Commission in the 2006/07 fishing season.
5. Contracting Parties whose vessels wish to engage in any bottom fishing activities, beginning 1 December 2008, shall follow the procedures described in paragraphs 7 to 10 below.
6. Contracting Parties shall authorise vessels flying their flag to participate in bottom fishing activities only in accordance with the provisions of this conservation measure and Conservation Measure 10-02.

Assessment of bottom fishing

7. All individual bottom fishing activities commencing 1 December 2008 and thereafter shall be subject to assessment by the Scientific Committee, based on the best available scientific information, to determine if such activities, taking account of the history of bottom fishing in the areas proposed, would contribute to having significant adverse impacts on vulnerable marine ecosystems, and to ensure that if it is determined that these activities would make such contributions, that they are managed to prevent such impacts or are not authorised to proceed. The assessments shall include the following procedures:
 - (i) Each Contracting Party proposing to participate in bottom fishing shall submit to the Scientific Committee and Commission information and a preliminary assessment, where possible, of the known and anticipated impacts of its bottom fishing activities on vulnerable marine ecosystems, including benthos and benthic communities, no less than three months in advance of the next meeting of the Commission. These submissions shall also include the mitigation measures proposed by the Contracting Party to prevent such impacts.
 - (ii) The submission of such information shall be carried out in accordance with guidance developed by the Scientific Committee or, in the absence of such guidance, to the best of the Contracting Party's ability.
 - (iii) The Scientific Committee shall undertake an assessment, according to procedures and standards it develops, and provide advice to the Commission as to whether the proposed bottom fishing activity would contribute to having significant adverse impacts on vulnerable marine ecosystems and, if so, whether the proposed or additional mitigation measures would prevent such impacts. The Scientific Committee may use in its assessment additional information available to it, including information from other fisheries in the region or similar fisheries elsewhere.
 - (iv) The Commission shall, taking account of advice and recommendations provided by the Scientific Committee concerning bottom fishing activities, including data and information arising from reports pursuant to paragraph 8, adopt conservation measures to prevent significant adverse impacts on vulnerable marine ecosystems, that as appropriate:

- (a) allow, prohibit or restrict bottom fishing activities within particular areas;
- (b) require specific mitigation measures for bottom fishing activities;
- (c) allow, prohibit or restrict bottom fishing with certain gear types; and/or
- (d) contain any other relevant requirements or restrictions to prevent significant adverse impacts to vulnerable marine ecosystems.

Encounters with vulnerable marine ecosystems

8. Contracting Parties, in the absence of site-specific or other conservation measures to prevent significant adverse impact on vulnerable marine ecosystems, shall require vessels flying their flag to cease bottom fishing activities in any location where evidence of a vulnerable marine ecosystem is encountered in the course of fishing operations, and to report the encounter to the Secretariat in accordance with the schedule of the Catch and Effort Reporting System (Conservation Measure 23-01, 23-02 or 23-03, whichever is applicable), so that appropriate conservation measures can be adopted in respect of the relevant site.
9. The Scientific Committee shall provide advice to the Commission on the known and anticipated impacts of bottom fishing activities on vulnerable marine ecosystems, and recommend practices, including ceasing fishing operations if needed, when evidence of a vulnerable marine ecosystem is encountered in the course of bottom fishing operations. Taking account of this advice, the Commission shall adopt initial conservation measures in 2008 to be applied when evidence of a vulnerable marine ecosystem is encountered in the course of fishing operations.

Monitoring and control of bottom fishing activities

10. Notwithstanding Members obligations pursuant to Conservation Measure 21-02, all Contracting Parties whose vessels participate in bottom fisheries shall:
 - (i) ensure that their vessels are equipped and configured so that they can comply with all relevant conservation measures;
 - (ii) ensure that each vessel carries at least one CCAMLR-designated scientific observer to collect data in accordance with this and other conservation measures;
 - (iii) submit data pursuant to data collection plans for bottom fisheries to be developed by the Scientific Committee and included in conservation measures;
 - (iv) be prohibited from continuing participation in the relevant bottom fishery if data arising from conservation measures relevant to that bottom fishery have not been submitted to CCAMLR pursuant to subparagraph 10(iii) for the most recent season in which fishing occurred, until the relevant data have been submitted to CCAMLR and the Scientific Committee has been allowed an opportunity to review the data.
11. The Secretariat shall annually compile a list of vessels authorised to fish pursuant to this conservation measure and shall make this list publicly available on CCAMLR's website.

Data collection and sharing and scientific research

12. The Scientific Committee shall, based on the best available scientific information, advise the Commission on where vulnerable marine ecosystems are known to occur or are likely to occur, and advise on potential mitigation measures. Contracting Parties shall provide the Scientific Committee with all relevant information to assist in this work. The Secretariat shall maintain an inventory including digital maps of all known vulnerable marine ecosystems in the Convention Area for circulation to all Contracting Parties and other relevant bodies.
13. Scientific bottom fishing research activities notified under Conservation Measure 24-01, paragraph 2, shall proceed according to Conservation Measure 24-01 and shall be undertaken with due regard to potential impacts on vulnerable marine ecosystems. Scientific bottom fishing research activities notified under Conservation Measure 24-01, paragraph 3, shall be treated in accordance with all aspects of paragraph 7 of this conservation measure, notwithstanding the procedures in Conservation Measure 24-01. Consistent with existing reporting requirements in Conservation Measure 24-01, paragraph 4, information regarding the location and the type of any vulnerable marine ecosystem encountered, in the course of scientific bottom fishing research activities, shall be reported to the Secretariat.

Review

14. This conservation measure will be reviewed at the next regular meeting of the Commission, based upon the findings of the Scientific Committee. In addition, beginning in 2009 and biennially thereafter, the Commission will examine the effectiveness of relevant conservation measures in protecting vulnerable marine ecosystems from significant adverse impacts, based upon advice from the Scientific Committee.

¹ Except for waters adjacent to the Kerguelen and Crozet Islands

² Except for waters adjacent to the Prince Edward Islands