

**Resolution GFCM/43/2019/6**

**on the establishment of a set of measures to protect vulnerable marine ecosystems formed by cnidarian (coral) communities in the Mediterranean Sea**

The General Fisheries Commission for the Mediterranean (GFCM),

*CONSIDERING* that the objective of the Agreement for the establishment of the General Fisheries Commission for the Mediterranean (GFCM Agreement) is to ensure the conservation and sustainable use, at the biological, social, economic and environmental level, of marine living resources in the GFCM area of application;

*RECALLING* that the GFCM shall apply the precautionary approach in accordance with the United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of 4 August 1995 and the Code of Conduct for Responsible Fisheries of the Food and Agriculture Organization of the United Nations (FAO);

*RECALLING* the responsibility of the GFCM, as regional fisheries management organization, to contribute to the objectives of the United Nations General Assembly (UNGA) Resolutions 59/25, 61/105 and 64/72 on the protection of vulnerable marine ecosystems and to ensure management measures are established consistent with the precautionary approach;

*CONSIDERING* that the FAO Code of Conduct for Responsible Fisheries provides that states “should apply the precautionary approach widely to conservation, management and exploitation of living aquatic resources in order to protect them and preserve the aquatic environment, taking account of the best scientific evidence available. The absence of adequate scientific information should not be used as a reason for postponing or failing to take measures to conserve target species, associated or dependent species and non-target species and their environment”;

*RECALLING* the mid-term strategy (2017–2020) towards the sustainability of Mediterranean and Black Sea fisheries, namely its Target 4 “Minimize and mitigate unwanted interactions between fisheries and marine ecosystems and environment” and in particular the implementation of actions related to Output 4.2 “Healthier marine ecosystems and more productive fisheries”;

*RECALLING* that the 2017 Malta MedFish4Ever Ministerial Declaration requires, in the context of establishing an ecosystem-based fisheries management framework, to ensure adequate protection of vulnerable species and sensitive habitats;

*CONSIDERING* the memorandum of understanding between the GFCM and the United Nations Environment Programme – Mediterranean Action Plan (UNEP-MAP) which aims for a closer strategic and operational cooperation among regional sea conventions, including mitigation of impacts from fisheries on marine habitats and species;

*CONSIDERING* that Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention resolved, at the 2017 Conference of the Parties, that new cnidarian species should be included in Annex II (list of endangered or threatened species) of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol);

*CONSIDERING* the advice expressed by the Scientific Advisory Committee on Fisheries (SAC) at its twenty-first session on the need to adopt binding decisions on mapping the fishing footprint of deep-sea fisheries according to existing agreed protocols;

*CONSIDERING* that demersal fisheries, in particular towed gear, present an important threat to the conservation of threatened cnidarian species;

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*ADOPTS*, in conformity with Articles 5 and 8 of the GFCM Agreement, the following resolution:

1. Contracting parties and cooperating non-contracting parties (CPCs) should encourage, within the zones identified by the SAC, the progressive implementation of a set of transitional measures to prevent significant adverse impacts (SAIs) of deep-sea fisheries activities on vulnerable marine ecosystems (VMEs) formed by cnidarian (coral) communities protected under Annex II of the SPA/BD Protocol of the Barcelona Convention, which are known to occur in the Mediterranean Sea (geographical subareas [GSAs] 1–28).
2. These measures should be consistent with the precautionary approach and ensure, pending formal scientific advice by the SAC and the adoption of permanent measures, a low risk of SAIs on VME indicator species listed in Annex 2 of this resolution.
3. These measures should be in line with the protocols for the protection of VMEs in the GFCM area of application endorsed by the forty-second session of the GFCM and reported in Appendix 17 of its report.
4. CPCs whose vessels are actively fishing in GSAs 1–28 should agree upon a progressive calendar to implement such transitional measures for the fisheries concerned, in accordance with the general and specific objectives and measures set by this resolution and provided in Annex 1.
5. With a view to protecting VME indicator taxa from SAIs, the SAC is invited to provide, in 2021, advice on the status of the VME indicator species included in Annex 2 of this resolution, based on the information received from CPCs following the adoption of the protocols mentioned in paragraph 3 and on additional pilot research projects as suggested in Annex 1, paragraphs 12 and 13, of this resolution as well as any other source of information.
6. This resolution is without prejudice to the implementation of stricter national measures.

### General and specific objectives and transitional set of measures

1. The present resolution should apply to the Mediterranean Sea (GSAs 1–28).
2. The management measures should consider the following categories of fishing vessels, in line with the protocols for the protection of VMEs in the GFCM area of application endorsed by the GFCM at its forty-second session:
  - a) all fishing vessels above 15 metres (length overall [LOA]) operating with bottom contact fishing gear and fishing for *Aristaeomorpha foliacea*, *Aristeus antennatus*, or *Plesionika martia*; and
  - b) all fishing vessels above 15 metres (LOA) operating with bottom contact gear (bottom trawls, longlines, gillnets and pots and traps) deeper than 300 metres and on all offshore seamounts.
3. For the purpose of this resolution:
  - “Vulnerable marine ecosystems” (VMEs) refers to paragraphs 42 and 43 of the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;
  - “VME indicator taxa” refers to the species or group of species used as signal of VME occurrence. The list of Mediterranean VME indicator taxa is defined in Annex 1 of Appendix 17 of report of the forty-second session of the GFCM;
  - “VME protocol” refers to the protocols for the protection of VMEs in the GFCM area of application as endorsed by the GFCM at its forty-second session (Appendix 17);
  - The fisheries described above in 2 a) and 2 b) should be referred to as “deep-sea fisheries”, until possible revision of the current VME protocol according to SAC advice;
  - “Significant adverse impacts” (SAIs) are those that compromise ecosystem integrity (i.e. ecosystem structure or function) in a manner that: i) impairs the ability of affected populations to replace themselves; ii) degrades the long-term natural productivity of habitats; or iii) causes, on more than a temporary basis, significant loss of species richness, habitat or community types;
  - “Encounter” refers to an encounter with VME indicator taxa and is defined as any catch of VME indicator taxa by any deep-sea fisheries, until possible revision of the current VME protocol, which may establish threshold levels in line SAC advice, based on data and information gathered upon the implementation of the protocols and measures established in this resolution;
  - “Fisheries restricted area” (FRA) refers to the spatial protection measures in the GFCM area of application, and
  - “Key species” or “indicator species” mean marine organisms pertaining to the species defined in Annex 2 of this resolution.
4. The operational objective shall be to ensure the progressive implementation of transitional measures to prevent SAIs from deep-sea fisheries activities on VME formed by cnidarian (coral) communities which are known to occur in the GFCM area of application (GSAs 1–28) as listed in Annex 2 of this resolution.
5. The ultimate objective of the transitional measures for VME indicator species occurring in the Mediterranean Sea is to prepare for future management measures while reducing the risk that, in the absence of relevant scientific advice, SAIs on VMEs occur due to deep-sea fisheries activities.
6. Deep-sea fisheries vessels, as described in paragraph 2a) and b), flying the flag of a CPC should be restricted from operating where a VME has been identified, according to an assessment based on the criteria provided in the FAO International Guidelines for the Management of Deep Sea Fisheries in the High Seas.
7. The SAC Working Group on VME/MPA should, in 2021: i) collate and analyse all available

data sources; ii) identify where VME indicator taxa are known to occur or are likely to occur; iii) reflect on additional measures (including threshold levels, move-on rules, level of scientific observer coverage) for the protection of the VME indicator species included in Annex 2 of this resolution; and iv) provide inputs to the SAC.

8. The twenty-third session of the SAC should assess the status of VME indicator species listed in Annex 2 and propose to the GFCM elements for setting management and control measures.

9. At its forty-fifth session, the GFCM should adopt long-term management measures allowing for the achievement of the objectives set out in this resolution.

10. As from 2021, the SAC should assess, on an annual basis, the biological, economic and social implications of implementing several management scenarios (including FRAs), with the objective of maintaining VME indicator species populations of Annex 2 above critical levels.

11. Where SAC advice indicates that the general or specific objectives are not being met, the GFCM should decide on additional and/or alternative management measures to contribute to achieving those objectives.

12. For the purpose of providing advice, CPCs and the SAC should facilitate the collation of existing relevant data and the collection of additional relevant data (including research survey data) and organize adequate workshops. For this purpose, the SAC should promote scientific cooperation and a harmonised approach amongst all Mediterranean Sea riparian countries.

13. CPCs may establish, on a voluntary basis, pilot research projects in selected areas targeting VME indicator taxa. The research projects may include, *inter alia*, observer coverage to ensure the collection of relevant, timely and accurate data, following a standardised protocol on the presence, distribution, catch and bycatch of VME indicator taxa and on encounters with VMEs, and of any other relevant information for the effective implementation of this resolution.

14. The GFCM Secretariat should assist CPCs in establishing pilot research projects and should provide technical guidelines (“protocols”) for standardised data collection requirements.

15. CPCs should transmit information and data collected from the pilot projects to the GFCM Secretariat and the GFCM geodatabase.

16. VME indicator taxa taken as a bycatch during fishing activities targeting other species should be reported to the competent national authorities, in order to contribute to a better knowledge of VME indicator taxa occurrence.

17. In order to ensure a collection of representative data that is adequate for the conservation of VMEs indicator species, CPCs having vessels carrying out deep-sea fisheries activities should endeavour to establish an adequate level of scientific observer programme coverage, in particular if during an exploratory deep-sea fisheries stage.

18. CPCs may designate additional spatial/temporal restrictions to those already established, where fishing activities may be banned or restricted in order to protect VME indicator taxa, including the species listed in Annex 2. Where applicable, CPCs should notify to the GFCM Secretariat, by the end of each year, the list of these areas and of the restrictions applied.

19. CPCs should establish a mechanism to ensure that deep-sea fisheries vessels actively fishing in the Mediterranean Sea record VME Indicator Taxa catch and bycatch following the protocols for the protection of VMEs in the GFCM area of application endorsed by the forty-second session of the GFCM.

20. CPCs should carry out inspections on the basis of a risk analysis.

21. CPCs should engage in cooperation for the fight against illegal, unreported and unregulated (IUU) fishing, in particular by sharing information and gathering intelligence to fight against illegal activities.

22. This resolution is without prejudice to Recommendation GFCM/41/2017/7 on a regional plan of action to combat illegal, unreported and unregulated fishing in the GFCM area of application.

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23. A working group should be established to develop integrated monitoring, control and surveillance (MCS) measures, in accordance with this resolution. The tasks of the working group are defined in Annex 3 of this resolution.

**Key species or indicator species: cnidarian species listed in Annex II of the SPA/BD Protocol of the Barcelona Convention and impacted by fisheries**

1. *Antipathella subpinnata* (Ellis & Solander, 1786)
2. *Antipathes dichotoma* (Pallas, 1766)
3. *Antipathes fragilis* (Gravier, 1918)
4. *Callogorgia verticillata* (Pallas, 1766)
5. *Dendrophyllia cornigera* (Lamarck, 1816)
6. *Dendrophyllia ramea* (Linnaeus, 1758)
7. *Desmophyllum dianthus* (Esper, 1794)
8. *Ellisella paraplexauroides* (Stiasny, 1936)
9. *Errina aspera* (Linnaeus, 1767)
10. *Isidella elongata* (Esper, 1788)
11. *Leiopathes glaberrima* (Esper, 1792)
12. *Lophelia pertusa* (Linnaeus, 1758)
13. *Madrepora oculata* (Linnaeus, 1758)
14. *Parantipathes larix* (Esper, 1790)
15. *Savalia savaglia* Nardo, 1844 (synon. *Gerardia savaglia*)

**Terms of reference for the Working Group on integrated MCS measures for fisheries having impact on key species in the Mediterranean Sea**

The Working Group referred to in paragraph 23 of Annex 1, should:

- 1) be supported by the GFCM Secretariat;
- 2) establish a schedule for the development of its work and hold at least one meeting in 2020, before the next meeting of the Compliance Committee (CoC);
- 3) invite observers attending GFCM meetings, the FAO, and other regional fisheries organizations to participate in its meetings; and
- 4) report on its conclusions and opinions to the CoC.

The mandate of the Working Group covers the elements described in Annex 1 of this resolution.