

Regulations relating to bottom fishing activities in the Economic Zone of Norway, the fisheries zone around Jan Mayen and the Fisheries Protection Zone around Svalbard

On 1 July 2011, under sections 16, 36 and 47 of the Act of 6 June 2008 No. 37 relating to the management of wild living marine resources (Marine Resources Act), the Ministry of Fisheries and Coastal Affairs adopted the following regulations:

Section § 1 Purpose and scope

The purpose of these regulations is to protect vulnerable benthic habitats; they apply to bottom fishing activities in the Economic Zone of Norway, the fisheries zone around Jan Mayen and the Fisheries Protection Zone around Svalbard.

Section 2 Definitions

For the purpose of these regulations, the following definitions apply:

- a) bottom gear: fishing gear that in the normal course of fishing operations is likely to contact the seabed;
- b) existing fishing areas: areas where the water depth is less than 1000 metres, see the scope set out in section 1. A map of these areas is available on the website of the Directorate of Fisheries, www.fiskeridir.no;
- c) new fishing areas: areas where the water depth is more than 1000 metres, see the scope set out in section 1;
- d) encounters: cases where the quantity of indicators of vulnerable benthic habitats per catch (trawl tow, longline set, or gillnet set) exceeds 60 kg of live coral and/or 800 kg of live sponge.

Section 3 Fishing in existing fishing areas

For each catch, the vessel shall calculate the quantity of indicators of vulnerable benthic habitats, as live coral and live sponge.

If the calculation indicates an encounter, the vessel shall without delay do as follows:

- a) report the encounter to the Directorate of Fisheries, including the location and the type of habitat encountered, and
- b) cease fishing activities and relocate to a position at least two nautical miles from the position that on the basis of all available information is probably closest to the vulnerable benthic habitat that has been identified.

Section 4 Fishing in new fishing areas

Vessels must hold a special permit from the Directorate of Fisheries to fish in new fishing areas.

A special permit may only be issued if the vessel has submitted the following to the Directorate for approval:

- a) a detailed protocol for the exploratory fishery, including a harvesting plan describing fishing gear, target species, bycatches, dates and areas, and
- b) a mitigation plan for avoiding damage to sensitive marine ecosystems, and

- c) a plan for log-keeping and reporting, and
- d) a plan for collection of data on vulnerable benthic habitats.

For each catch, the vessel shall calculate the quantity of indicators of vulnerable benthic habitats, as live coral and live sponge.

If the calculation indicates an encounter, the vessel shall without delay do as follows:

- c) report the encounter to the Directorate of Fisheries, including the location and the type of habitat encountered, and
- a) cease fishing activities and relocate to a position at least two nautical miles from the position that on the basis of all available information is probably closest to the vulnerable benthic habitat that has been identified.

The Directorate of Fisheries may lay down a requirement for a vessel to carry an observer when fishing in new fishing areas. The costs associated with carrying an observer on board, including wage costs, and also any interest on overdue payments, transport to and from the vessel, and board and lodging while at sea, shall be covered by the owner of the vessel.

If sufficient documentation can be provided of bottom fisheries in areas that are deeper than 1000 metres, such areas may, on application to the Directorate of Fisheries, be classified as existing fishing areas.

Section 5 *Authorisation*

The Directorate of Fisheries may amend these regulations and adopt any further provisions necessary for protecting vulnerable benthic habitats or for conducting or completing fishing activities in a rational or proper manner.

Section 6 *Penal measures*

Any person that wilfully or negligently contravenes the provisions of these regulations is liable to a penalty under Chapter 12 of the Act of 6 June 2008 No. 37 relating to the management of wild living marine resources.

Section 6 *Entry into force*

These regulations enter into force on 1 September 2011.