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Existing CMM Provisions for Consideration in Relation to the Potential Reclassification of Midwater Trawls as Benthopelagic Trawls

The SIOFA Secretariat

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Abstract	The 10 th Meeting of the Compliance Committee of SIOFA (CC10) requested that the Secretariat highlight which existing CMM paragraphs should be considered for implications if midwater trawls are reclassified as benthopelagic trawls and prohibited within BFCs as bottom fishing gear. These paragraphs and its corresponding CMMs are highlighted in this paper.

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Existing CMM Provisions for Consideration in Relation to the Potential Reclassification of Midwater Trawls as Benthopelagic Trawls

Background

At its 11th Meeting, the Scientific Committee of SIOFA (SC11), the SC recommended that:

*213. [...] the MoP **reclassify** any mid-water trawl using the agreed algorithm (Annex I) where benthopelagic trawl gears are flown close to the seabed, typically between 6-50 metres, and do not have sustained seabed contact but infrequent unintended seabed contact can occur (Annex H).*

216. [...] the MoP prohibit the conducting of benthopelagic trawls in the SIOFA BFCs as this gear may occasionally contact the sea bottom.

Annex H of the SC11's Report further elaborates on the definition of benthopelagic trawl as trawl gear flown close to the seabed, typically between 6-50 meters, that does not have sustained seabed contact but infrequent unintended seabed contact can occur. The nets are configured with the otter boards operating off the seabed, used to target benthopelagic species — principally alfonsino (*Beryx splendens* and *B. decadactylus*) — that aggregate in the water column above and alongside features such as seamounts, ridges and knolls. The otter boards are a high-aspect hydrodynamic design capable of operating stably off the seabed. The trawl net flies above the substrate. Otherwise, the trawl and otter boards resemble those of a single boat mid-water otter trawl, with lightweight ground gear that is unsuitable for use on hard substrates and is unable to maintain sustained bottom contact.

The 10th Meeting of the Compliance Committee of SIOFA (CC10) requested that the Secretariat highlight which existing CMM paragraphs should be considered for implications if midwater trawls are reclassified as benthopelagic trawls (para 213) and prohibited within [Benthic Fisheries Closures] (BFCs) as bottom fishing gear (para 216).

These paragraphs are highlighted below.

CMM and article	Current text	Reason for consideration
CMM 01(2025) Article 3b	<i>3. The following definitions apply to this CMM: b. 'bottom fishing' means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations.</i>	Article 3b does not make a specific list of gear types that are likely to come in contact with the seafloor. The MoP might wish to consider whether this definition applies to the newly classified gear.
CMM 01(2025) Article 8	<i>8. CCPs shall ensure that vessels flying their flag engage in bottom fishing activities in the Agreement Area only in accordance with the terms of this CMM together with CMM 15(2025) (Management of Demersal Stocks).</i>	Consider the set of requirements applying to CCPs using benthopelagic trawl gear
CMM 01(2025) Article 9	<i>9. CCPs shall ensure that vessels flying their flag do not engage in bottom fishing activities in the Agreement Area outside the SIOFA bottom fishing footprint or within the SIOFA bottom fishing footprint with a particular gear type or technique not used before in that fishery in that area, except if such activities have been authorised by the Meeting of the Parties pursuant to CMM 17(2025) (New and Exploratory Fisheries).</i>	Consider the geographical areas of application (where benthopelagic trawl gear fishing activities are permitted) This might also require developing gear-specific footprints (and considering the conditions for those footprints to be distributed)
CMM 01(2025) Article 10b	<i>10. (1) Each CCP shall, unless otherwise approved by the Meeting of the Parties, establish and apply specific measures to limit the level and spatial extent of the bottom fishing effort of vessels flying their flag. In particular, such measures shall include: b. for CCPs that have not fished more than 40 days in a single year, in the Agreement Area, at the close of the Meeting of the Parties in 2016: i. limits on its bottom fishing effort and/or catch, and spatial distribution, as disclosed to the Meeting of the Parties in accordance with paragraph 10(2) and (3); and ii. provisions as referred to in subparagraphs 10(1) a. iii. and iv.</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted

CMM and article	Current text	Reason for consideration
CMM 01(2025) Article 11	<i>11. Any CCP that has not submitted the measures required pursuant to paragraph 10(1), shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:</i> <i>a. that CCP has submitted the measures required in paragraph 10(1); or</i> <i>b. it has otherwise been decided by the Meeting of the Parties.</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted
CMM 01(2025) Article 22	<i>22. Any CCP that authorises or is seeking to authorise any vessel flying its flag to bottom fish in the Agreement Area shall submit to the Secretariat a Bottom Fishing Impact Assessment for its individual bottom fishing activities in the Agreement Area that meets the requirements of paragraph 26.</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted
CMM 01(2025) Article 25	<i>25. Any CCP that has not submitted a BFIA in accordance with paragraph 22 shall not authorise any vessels flying its flag to bottom fish in the Agreement Area until:</i> <i>a. that CCP has prepared and submitted a BFIA, and the Scientific Committee has reviewed that BFIA and determined it meets the requirements of paragraph 26; or</i> <i>b. it has otherwise been decided by the Meeting of the Parties.</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted
CMM 01(2025) Article 30	<i>30. A CCP seeking to authorise any vessel flying its flag to undertake bottom fishing in the Agreement Area in a manner at variance with the requirements of paragraph 10 to limit the bottom fishing effort of vessels flying its flag shall submit to the Scientific Committee, at least 30 days prior to an ordinary meeting of the Scientific Committee, a proposal to undertake that activity or activities. This proposal</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted

CMM and article	Current text	Reason for consideration
	<i>shall include an assessment of the impact of the proposed fishing activity in accordance with the requirements for BFIsAs outlined in paragraph 26, any proposed measures to mitigate that impact, and any other information as required by the Scientific Committee to undertake the assessment in paragraph 23.</i>	
CMM 01(2025) Article 32	<i>32. The Meeting of the Parties shall, taking into account the recommendations and advice of the Scientific Committee, decide whether or not to authorise bottom fishing in accordance with a proposal made pursuant to paragraph 30 including, if applicable, the extent to which such bottom fishing shall be authorised.</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted
CMM 01(2025) Article 37	<i>37. Each CCP shall ensure that any vessel flying its flag and undertaking bottom fishing in the Agreement Area: a. using trawl gear has 100 percent scientific observer coverage for the duration of the trip; and</i>	Consider the measures that need to be in place for benthopelagic trawl gear fishing activities to be permitted
CMM 17(2025) Article 3	<i>3. For the purpose of this CMM, a fishery is a ‘new and exploratory fisheries’ if a. it is a bottom fishing activity, as defined in paragraph 3.b. of CMM 01(2025), conducted outside the SIOFA bottom fishing footprint, as defined in paragraph [3.c.] of CMM 01(2025); b. it is a bottom fishing activity, as defined in paragraph 3.c. of CMM 01(2025), conducted within the SIOFA bottom fishing footprint, as defined in paragraph 3.c. of CMM 01(2025), with a particular gear type or technique not used before in that fishery in that area as set out in Annex 1;</i>	Related to the definition in Article 3b of CMM 01(2025) and the overall definition of bottom fishing activities

CMM and article	Current text	Reason for consideration
CMM 17(2025) Article 5	<i>5. Any CCP seeking to authorize any vessel flying its flag to fish in new and exploratory fisheries shall prepare and submit, at least 35 days prior to the commencement of the ordinary meeting of the Scientific Committee, a Fishery Operations Plan (FOP) for the fishing season(s) concerned for review and endorsement by the Scientific Committee. The FOP shall be developed using the template in Annex 2 and shall include the following information, to the extent it is available:</i> <i>i. if the proposed fishing activity is bottom fishing, as defined in paragraph 3.b. of CMM 01(2025), the assessment of the impact of the proposed fishing activity, prepared pursuant to the SIOFA Bottom Fishing Impact Assessment Standard (BFIAS), as defined in paragraph 3.e. of CMM 01(2025);</i>	Related to the definition in Article 3b of CMM 01(2025) and the overall definition of bottom fishing activities
CMM 17(2025) Article 8	<i>8. The Scientific Committee shall review the FOP and its associated DCAP, and the data and reports from relevant ongoing or completed new and exploratory fisheries, and provide advice and recommendations to the Meeting of the Parties on the following, as appropriate:</i> <i>h. in respect of a FOP that proposes any bottom fishing activity, advice and recommendations in accordance with the requirements of the SIOFA BFIAS.</i>	Related to the definition in Article 3b of CMM 01(2025) and the overall definition of bottom fishing activities
CMM 17(2025) Annex 1 – Established fisheries in the SIOFA Area	<i>Alfonsino</i> <i>Midwater trawl</i> <i>Australia, Cook Islands, Japan, Korea,</i> <i>Designated fishing footprints of Australia, Cook Islands and Japan.</i> <i>Underwater topographic features in SIOFA sub-areas 1, 2, 3a, 3b, 4, 5 and 6.</i>	Where the fishery is listed as midwater trawl and the MoP might wish to review the gear definition. Note the SC11 proposal (and the Japanese proposal) on this matter

CMM and article	Current text	Reason for consideration
CMM 18(2025) Article 5	<i>5. For the purpose of this CMM,</i> <i>a. 'bottom fishing' means fishing using any gear type likely to come in contact with the seafloor or benthic organisms during the normal course of operations. This includes trawling; bottom longlining; drop lining and trap fishing or any method listed as bottom gear in CMM 01 or CMM 17 or bottom fisheries listed in any future amendments, or replacements, to these CMMs.</i>	Fishing gear examples included in Article 5a. Also note that the application of Tables 1 and 2 of CMM 18 would be affected by any change to Article 5. Direct relation to the SC recommendation in paragraph 216 of the SC11 report. Note that CMM 01 and CMM 17 currently do not explicitly list bottom fisheries or bottom fishing gears.