MACALISTER ELLIOTT AND PARTNERS LTD

SURVEILLANCE VISIT

REPORT FOR EURONOR AND COMPAGNIE DES PECHES ST. MALO COD (*GADUS MORHUA*) AND HADDOCK (*MELANOGRAMMUS AEGLEFINUS*) FISHERY

CERTIFICATE CODES: MEP-F-008/9

SURVEILLANCE YEAR 1

Undertaken by:

Dr Sophie des Clers (Team Leader)
&
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6TH MARCH 2013

MEP QA REF: 2212R04A

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1. GENERAL INFORMATION

Fishery Name	Compagnie (Cie) des Pêches St. Malo and Euronor cod and haddock			
Unit of Certification	UoC 1: Euronor cod and haddock caught in the Northeast Arctic ICES sub-areas I and II. UoC 2: Cie des Pêches St. Malo cod and haddock caught in the Northeast Arctic ICES sub-areas I and II.			
Species	Cod (*Gadus morhua*) and haddock (*Melanogrammus aeglefinus*)			
Stock and Area	Northeast Arctic stock. FAO Area 27 Atlantic, Northeast ICES Subarea I, II			
Method of capture	Demersal trawl			
Client Address	Le Comptoir des Pêches d'Europe du Nord or Euronor 13 Rue Huret Lagache, BP447 - 62206 Boulogne sur mer, Cedex France +33 (0)3 21 10 95 95 euronor@euronor.fr Compagnie des Pêches St. Malo 40 quai Duguay Trouin – BP 64 35406 SAINT-MALO Cedex France +33 (0)2 99 20 51 51 administratif@cie-peches-saintmalo.com			
Client Contact Name	Bruno Leduc (Euronor) Martine Edouard-Leborgne (Cie des Pêches St. Malo)			
Certificate number	MEP-F-008 (Compagnie des Pêches St. Malo) and MEP-F-009 (Euronor)			
Certificate Issue Date	17 April 2012			
Certificate Expiry Date	16 April 2017			
17Audit stage	Year 1	Year 2	Year 3	Year 4
Audit experts	Expert 1 (Team Leader): Dr Sophie des Clers Expert 2: Chrissie Sieben			
Surveillance Audit Date	6th March 2013			
Conclusion	Euronor and Compagnie des Pêches St. Malo **should** retain MSC certified status for their Northeast Arctic cod and haddock fishery for another year			

Audit recommendation	MEP considers that progress against conditions was ahead of target and proposes to review the remaining open condition at the year 2 audit. MEP recommends that this fishery should remain certified.

2. INTRODUCTION

This report outlines the process and outcome of the first annual surveillance audit for the MSC certified fishery "Compagnie des Pêches St. Malo and Euronor cod and haddock". The fishery is conducted by the companies Cie des Pêches St. Malo, based in St. Malo (France) and Euronor, based in Boulogne-sur-Mer (France). Both companies are linked by their membership of the Producer Organisation FROM Nord. Cie des Pêches St. Malo has one vessel that fishes for cod and haddock – the *Grande Hermine* (Table 1). The *Grande Hermine* targets cod and haddock (and to a lesser extent saithe – *Pollachius virens*) in the northeast Arctic (ICES Subareas I and II). The vessel also targets saithe in the North Sea[1]. Euronor has three vessels that fish for cod and haddock in the Northeast Arctic (ICES Subareas I and II) – the *Cap Nord*, the *Klondyke* and the *Nordic II*. These vessels also target saithe in the North Sea and Northeast Arctic[2]. The vessels included in the Units of Cerification (UoC) are provided in Table 1 below.

Table 1. Details of the vessels in the Units of Certification.

Company	Vessel	Length (m)	GRT	Type	Gear type
Euronor	Cap Nord	54.55	1492	Freezer	Single otter trawl
Euronor	Klondyke	54.55	1491	Freezer	Single otter trawl
Euronor	Nordic II	54.25	861	Freezer	Single otter trawl
Cie des Pêches St.Malo	Grande Hermine	61.55	1595	Freezer	Single otter trawl

The fishery was certified on the 17th April 2012 and the first surveillance audit was carried out at the Euronor offices in Boulogne-sur-Mer, on the 6th March 2013, simultaneously with the third surveillance audit for the Euronor saithe fishery. The surveillance team consisted of Dr. Sophie des Clers (Team Leader) and Chrissie Sieben.

This fishery was certified with one condition attached. A summary of the condition and which UoC it applies to is presented in Table 2.

[1] The saithe fishery in the Northeast Arctic and the North Sea by Cie des Pêches St. Malo was certified sustainable on 25 January 2011 (MEP-F-005)

[2] The saithe fishery in the Northeast Arctic and the North Sea by Euronor was certified sustainable on 10 March 2010 (MEP-F-001)

Table 2. Condition to which certification of the Compagnie des Pêches St. Malo and Euronor cod and haddock fishery is subject

Condition	Euronor	Cie des Pêches St. Malo	Timeline for corrective action
PI 2.4.1 – Habitat outcome The fishing companies should review recent information on sensitive benthic habitats in their fishing area (notably from the MAREANO project), and also review any evidence that their activities are causing damage to these habitats (benthos attached to the trawl). If this information suggests that activities are damaging to vulnerable communities, as set out in the rationale for PI 2.4.1, then they should take steps to reduce these impacts such that serious or irreversible harm on a bioregional basis is 'highly unlikely'.	X	X	Data collection and review should be completed by the end of Year 2, mitigation measures agreed by the end of Year 3 and implemented during Year 4.

The main purpose of the annual surveillance audit process is to review progress in meeting the condition as set out in the Client Action Plan (a part of the certification process, see the Public Certification Report for this fishery). The audit also reviewed the fishery to see if there had been any significant changes since certification. This involved a review of fisheries data for 2012 (landings of all species, observer reports where available), a review of ICES advice for relevant species (target and main retained) and an interview with Euronor and Cie des Pêches St. Malo representatives.

The fishery remains in conformance with the Scope Criteria relating to unilateral exemption and destructive fishing practices (Certification Requirements v1.3, Section 27.4.4)

Stakeholders were informed of the scheduled site visit, its time and location and the proposed audit team on the 6th February 2013. No comments or requests for interviews were received.

3. PRINCIPLE 1

Catches of cod and haddock in 2012 for both client groups are shown in Table 3 and Table 4. For Euronor, catches of cod and haddock doubled in relation to previous years but remained within Euronor's share of the quota. For Cie des Peches St. Malo, cod catches were only slightly higher than in previous years, while haddock catches were significantly lower. For this company also, all catches were within the corresponding share of the quota.

Table 3. Total landings of cod by Cie des Pêches St. Malo and Euronor vessels (live weight tonnes) in 2009, 2010 and 2012 in the Northeast Arctic (ICES Sub-Areas I and II). The total 2012 TAC for the fishery and the corresponding client share are also shown.

Company		2009	2010	2012
Cie des Pêches St. Malo	Catch	2,584	2,705	3,007
	Total 2012 EU TAC for fishery			44,094
	Client share of 2012 TAC			3,010
Euronor	Catch	1,325	999	2,127
	Total 2012 TAC for fishery			44,094
	Client share of 2012 TAC			2,166

Table 4. Total landings of haddock by Cie des Pêches St. Malo and Euronor vessels (live weight tonnes) in 2009, 2010 and 2012 in the Northeast Arctic (ICES Sub-Areas I and II). The total 2012 TAC for the fishery and the corresponding client share are also shown.

Company		2009	2010	2012
Cie des Pêches St. Malo	Catch	451	581	173
	Total 2012 TAC for fishery			1,350
	Client share of 2012 TAC			120*
Euronor	Catch	75.9	98.3	149.7
	Total 2012 TAC for fishery			1,350
	Client share of 2012 TAC			131*

* Norwegian waters only. No haddock quota in Svalbard - bycatch was instead limited to 19% haddock per trawl, and 15% haddock per trip – also see section 5. Cie des Peches St. Malo catch was 120t in Norwegian waters and 53t in the Svalbard zone. ** The same regulation applied to Euronor. Euronor catch was 131.8 t in Norwegian waters and 17.9 t in the Svalbard Zone.

3.1. NORTHEAST ARCTIC COD

Northeast Arctic cod is considered by ICES to be within the appropriate reference points and harvested sustainably. A summary of the advice is given in Figure 1 below. The audit team decided that no action was needed. Good cod catches continue to be reported by the clients.

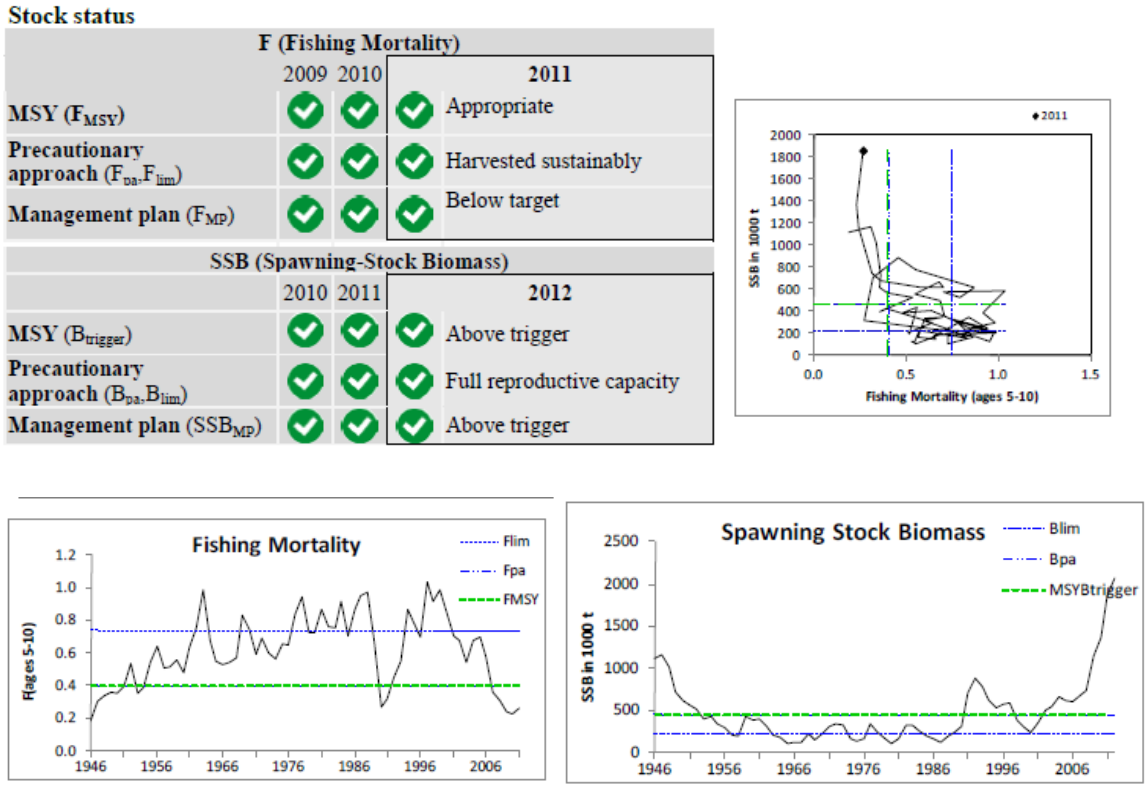

Figure 1. Summary of 2012 ICES advice for Northeast Arctic cod, as well as trends in F and SSB.

3.2. NORTHEAST ARCTIC HADDOCK

Northeast Arctic haddock is considered by ICES to be within the appropriate reference points and harvested sustainably. A summary of the advice is given in Figure 2 below. The audit team decided that no action was needed. For this species also, good catches are being reported by the clients.

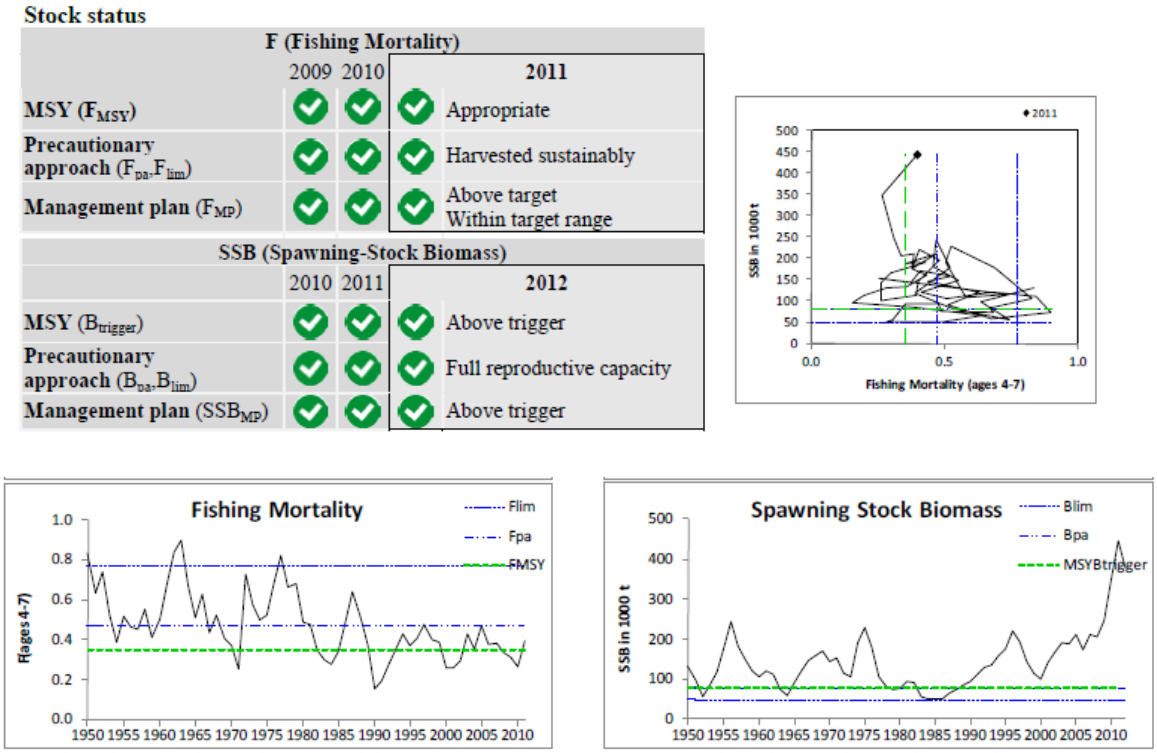

Figure 3.4.3.1 Haddock in Subareas I and II (Northeast Arctic). Summary of stock assessment (weights in thousand tonnes). Top right: SSB/F for the time-series used in the assessment.

Figure 2. Summary of 2012 ICES advice for Northeast Arctic haddock, as well as trends in F and SSB.

4. PRINCIPLE 2

4.1. GENERAL OBSERVATIONS

Details of catches and discards are given in the sections below. The companies reported no significant changes in catch patterns during 2012.

Vessels fishing in the Fisheries Protection Zone around Svalbard are subject to a bycatch regulation of 19% haddock per trawl, and 15% haddock per trip (EU Directive Nr. 44/ 2102).

For vessels fishing in the Economic Zone of Norway and the Fisheries Zone around Jan Mayen, the following bycatch regulations (relevant to this fishery) applied in 2012:

- Redfish (*Sebastes mentella* and *S. marinus*): a bycatch of up to 15% by weight of redfish is permitted in individual catches and in the catch landed.
- Greenland halibut (*Reinhardtius hippoglossoides*): an intermixture of up to 7% is permitted in the catch on board at the end of fishing operations and in the catch landed. A bycatch of up to 12% is permitted in individual catches.

4.2. RETAINED BYCATCH

The total retained species volume by Euronor is shown in Table 5 below. No significant departures from the 2009 - 2010 situation were noted, with the exception of an increase in the amount of saithe and Greenland halibut landed. As noted above, bycatch of Greenland halibut is strictly controlled in Norwegian waters. No warnings or sanctions were raised regarding bycatch of this species; it could therefore be concluded that catches were within the set limits. Saithe currently remains the only "main" retained species that could be identified. The bulk of the saithe catch was made in EU waters (catch: 161 tonnes; quota: 15,230 tonnes), with the remainder caught in the Northeast Arctic (catch: 1.18 tonnes; quota: 28 tonnes).

Table 5. Retained species for Euronor vessels the Cap Nord, Klondyke and Nordic II in the Northeast Arctic (ICES Sub-Areas I and II) in tonnes live weight, for 2009, 2010 and 2012.

Common name	Scientific name	2009	2010	2012	% of total catch (2012)
Saithe	*Pollachius virens*	102	25.6	162	6.44
Redfish	*Sebastes* spp.	9.95	0.26	9.2	0.36
Wolffish	*Anarhichas lupus*	3.72	0	7.2	0.29
Ling	*Molva molva*	1.61	0	0.8	0.03
Atlantic halibut	*Hippoglossus hippoglossus*	0.417	0.16	0	0
Greenland halibut	*Reinhardtius hippoglossoides*	0.248	0	6.9	0.27
American plaice	*Hippoglossoides platessoides*	0	0	3.9	0.16
Ratfish	Chimaeridae	0	0	0.7	0.03
Pollack	*Pollachius pollachius*	0.219	0	0	0
Hake	*Merluccius merluccius*	0.137	0	0.6	0.03
Tusk	*Brosme brosme*	0	0	0.3	0.01
Monkfish	*Lophius piscatorius*	0.085	0	0.1	<0.01
Various*		0.053	2.13	0.2	0.01

Common name	Scientific name	2009	2010	2012	% of total catch (2012)
Greater argentine	*Argentina silus*	0	0	0.1	<0.01
Grey gurnard	*Eutrigla gurnardus*	0	0	0.05	<0.01

* discards' which cannot be discarded under the Norwegian Marine Resources Act 2008 – made up mainly of non-commercial species and damaged fish.

The total retained species volume by Compagnie des Pêches St. Malo vessels is shown in Table 6 below. No significant departures from last year's situation were noted. Note that for this fishery, 'other' has a defined meaning, because Norway allocates quota for 'other' (see Certification Report for full details). The main demersal species in 'other' are Atlantic halibut, Greenland halibut, ling, pollack, whiting, wolffish, tusk and hake. The only "main" retained species remains saithe at 5.6% of the 2012 catch which was within the client's share of the quota at 190t. Note that this species is already MSC certified[3].

Table 6. Total retained species volume by the Compagnie des Pêches St. Malo vessel, the Grande Hermine, in 2009, 2010 and 2012 (tonnes live weight).

Common name	Scientific name	2009	2010	2012	% of total catch (2012)
Saithe	*Pollachius virens*	221	150	188	5.6%
Redfish	*Sebastes marinus / mentella*	9.72	12.1	4.1	0.1%
Other	-	12.26	17.76	9.5	0.3%

4.3. DISCARDED BY-CATCH

There is no discarding associated with this fishery, since it takes place in Norwegian waters where discarding is forbidden (see Public Certification Report (PCR)). No observer trips were carried out aboard any of the vessels included in the UoC as the relatively long trips and remote area make it near impossible to recruit observers. Discarding is strictly controlled by the Norwegian authorities. As no warnings or sanctions were raised with regards to discards, the audit team was satisfied that this continues to be a virtually discard-free fishery.

4.4. ETP SPECIES

As detailed in the PCR for this fishery, the key interaction with an ETP species in northeast Atlantic trawl fisheries in general is with the common skate (*Dipturus batis*). The common skate, however, if it overlaps with this fishery at all, does so only at the very northerly edge of its range (see PCR). Neither Euronor nor Compagnie des Pêches St. Malo reported any interaction of this species with the Northeast Arctic fishery.

[3] Scapêche and Compagnie des Pêches St. Malo saithe. Certified as sustainable in January 2011 (MEP-F-005)

4.5. HABITATS AND ECOSYSTEMS

There have been no changes to the fishing zones or gear since certification – the fishing areas were verified by the audit team with VMS maps presented during the audit. Potential habitat impacts led to a condition on both Euronor and Compagnie des Pêches St. Malo and this is discussed in more detail below.

5. PRINCIPLE 3

No significant changes were identified in Principle 3.

This is now the second year since the introduction of electronic logbooks for EU vessels. Compatibility problems with other systems have meant that most vessels continue to operate a paper-based system in parallel.

The French Affaires Maritimes and Norwegian authorities were contacted and reported no infringement of the rules by either company, from significant levels of control both at the quayside (France and Norway) and at sea (Norway).

6. CONDITIONS AND ACTION PLAN

The most important aspect of the annual audit is to assess progress with the Action Plan towards meeting the conditions. Euronor and Compagnie des Pêches St. Malo were certified with one condition, which is further detailed in Table 7 below.

Table 7. Condition on habitat outcome – DFFU/Doggerbank

PI	2.4.1
Condition	The fishing companies should review recent information on sensitive benthic habitats in their fishing area (notably from the MAREANO project), and also review any evidence that their activities are causing damage to these habitats (benthos attached to the trawl). If this information suggests that activities are damaging to vulnerable communities, then they should take steps to reduce these impacts such that serious or irreversible harm on a bioregional basis is 'highly unlikely'.
Requirement for Year 1	The first formal milestone for this condition was set at the end of Year 2, when data collection and review should be completed.
Action Plan Year 1	The following plan has been developed to avoid interactions of the fishing activities with sensitive habitats: NB : It is important to note that the exact timing of activities depends on how the fishing trips to the Arctic are planned. For the moment the companies' timetables are as set out below, but external factors can always cause these to change: Euronor : Svalbard and NEZ the last three months of 2012. Cie des Pêches St. Malo : NEZ – March to May; Svalbard – July to August - Year 1 (2012) January – June 2012 : Identify existing sources of information on sensitive habitats (notably MAREANO), and consult regularly to confirm the positions of sensitive areas, which possible changes over time. March – August 2012 : Fishing (Cie. Pêche St. M.) June – October 2012 : Identify the most recent positions of sensitive habitat areas October – December 2012 : Fishing (Euronor) • End 2012 : Discuss with the fishing skippers after each trip in the Arctic, any possible interactions with sensitive habitats during cod and haddock fishing
Actions during Year 1	Both companies regularly verify the positions of sensitive areas – either through the website MAREANO or by consulting the Norwegian authorities prior to commencing a fishing trip. In addition, as of the 1st September 2011, new Norwegian regulations on the protection of vulnerable benthic habitats came into force (see below and in the Annex). These are adhered to by both company vessels as ensured by the strict Norwegian inspection regime.

	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. *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. *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. *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.
Evidence provided during Year 1 Audit	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 (See Annex); VMS tracks confirming fishing activities take place outside areas of sensitive or protected habitats.
Conclusion of Year 1 Audit	The audit team concluded that the 1st year of the Client Action Plan had been implemented by both companies. The implementation of the regulation mentioned above is also significant step further in meeting this condition. Progress against this condition was therefore considered to be **ahead of target**.

7. TRACKING AND TRACING OF FISH PRODUCTS

The Grande Hermine does not pose a risk to the chain of custody (CoC) as she only fishes in the Northeast Arctic for cod and haddock. Although there is the possibility that cod and haddock could be caught as bycatch when fishing for saithe in the North Sea, the Grande Hermine did not have any quota for North Sea saithe in 2012 and therefore this did not pose a risk to the CoC.

The major risk to the chain of custody as identified by the initial assessment team in the PCR relates to the fact that Euronor vessels may land MSC and non-MSC same species product on the same fishing trip. North Sea cod is currently caught as a by-catch to the North Sea saithe fishery, and this by-catch is not MSC certified. However, all Euronor frozen product is landed in Boulogne and stored in a cold store by Euronor Distribution, which has separate Chain of Custody certification.

8. CONCLUSION AND CERTIFICATION RECOMMENDATION

The conclusion of the audit for the sole condition is given in Table 7 above. The overall conclusion is that Euronor and Compagnie des Pêches St. Malo were ahead of target with progress on meeting their condition. MEP recommends that this fishery should remain certified.

9. SURVEILLANCE SCORE

In accordance with the MSC Certification Requirements v1.3, the frequency of future surveillance visits was calculated for this fishery. The overall surveillance score is calculated by adding the scores from Table 8 and matching those with the Surveillance Level in Table 9. This fishery's score was calculated at 3 for both companies.

This implies a normal surveillance level with annual on-site surveillance audits for all UoCs.

Table 8. Criteria to determine Surveillance Score (see Certification Requirements v1.3)

Criteria	Surveillance Score	Euronor	Compagnie des Pêches St. Malo
1. Default Assessment Tree used?			
Yes	**0**	**0**	**0**
No	**2**		
2. Number of conditions			
Zero conditions	**0**	**1**	**1**
Between 1 – 5	**1**		
More than 5	**2**		
3. Principle level Scores			
≥85	**0**	**0**	**0**
≤85	**2**		
4. Conditions on outcome PIs?			
Yes	**2**	**2**	**2**
No	**0**		
Total Score		**3**	**3**

Table 9. Surveillance level (see Certification Requirements v1.3)

			Years after certification or recertification			
Surveillance score (from Table C3)	**Surveillance level**		**Year 1**	**Year 2**	**Year 3**	**Year 4**
2 or more	Normal Surveillance		On-site surveillance audit	On-site surveillance audit	On-site surveillance audit	On-site surveillance audit & recertification site visit
1	Remote Surveillance	Option 1	Off-site surveillance audit	On-site surveillance audit	Off-site surveillance audit	On-site surveillance audit & recertification site visit
		Option 2	On-site surveillance audit	Off-site surveillance audit	On-site surveillance audit	
0	Reduced Surveillance		Review of new information	On-site surveillance audit	Review of new information	On-site surveillance audit & recertification site visit

ANNEX – NORWEGIAN HABITAT PROTECTION REGULATIONS

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:

d) report the encounter to the Directorate of Fisheries, including the location and the type of habitat encountered, and
e) 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:

e) a detailed protocol for the exploratory fishery, including a harvesting plan describing fishing gear, target species, bycatches, dates and areas, and
f) a mitigation plan for avoiding damage to sensitive marine ecosystems, and
g) a plan for log-keeping and reporting, and
h) 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:

f) 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.

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 7 *Entry into force*

These regulations enter into force on 1 September 2011.