

Position on European Commission proposal *COM (2012) 371* for a regulation establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic

May 2013

The need for a revised deep-sea access regime

Regulation (EC) 2347/2002, the 'deep-sea access regime', has failed to ensure the sustainable management of deep-sea fisheries and ecosystems in the North-East Atlantic Ocean. Many deep-sea species captured in the region are not covered by the regulation and therefore remain unmanaged, while catches of all managed stocks have been deemed to lie outside safe biological limits.¹ The poor state of these stocks is unsurprising, given that only five commercial species are managed under total allowable catches (TACs),² these limits have frequently been set higher than scientifically advised, and have often been exceeded in practice.³ The regime also leaves vulnerable marine ecosystems (VMEs) unprotected from damaging bottom gears. In this respect, it fails to reflect international commitments made by the EU through United Nations General Assembly Resolutions 61/105 and 64/72, which call upon flag states to implement conservation and management measures to protect VMEs. Such measures already apply to EU vessels engaged in deep-sea fishing on the high seas (Regulation (EC) 734/2008), but not to EU vessels fishing in EU or NEAFC waters.

There is a clear need for a revised management framework for deep-sea fisheries in the North-East Atlantic. Oceana welcomes proposal *COM(2012) 371 final*, which provides an excellent basis for developing this framework. Below is a summary of Oceana's position and specific recommendations on major aspects of the proposal.

Key points and Oceana's recommendations

1. Deep-sea species and vulnerable species

The Commission proposes adding 24 species to the Annex I list of 'deep-sea species', with an additional section listing six species that are regulated by NEAFC. The proposal further classifies ten species as 'most vulnerable', for which measures would be required to reduce by-catch in fisheries managed with effort limits. These changes would improve the coverage of the 2002 regime, but would leave many deep-sea species without management or conservation measures. Oceana recommends:

- The list of deep-sea species should be expanded to include all deep-sea species that are captured, irrespective of quantities caught or the availability of landings data (*Annex I*).
- The list of species considered most vulnerable should be updated according to the best available scientific information. (*Annex I*)
- Deep-sea sharks should all be categorised as most vulnerable species. (*Annex I*)
- Lists of managed and most vulnerable species should be regularly reviewed.

2. Fishing opportunities

The Commission proposes that fishing opportunities should not exceed scientifically advised levels, and whenever possible, should be set according to maximum sustainable yield. The proposal would also prohibit the allocation of fishing opportunities in cases where insufficient scientific advice is available. Oceana strongly supports these principles, but would further recommend:

- No fishing opportunities (whether for target fishing or by-catch) should be allocated for species classified as most vulnerable. (*Art. 10*)
- Fishing opportunities should be fixed with explicit consideration of impacts on non-target species, and with preferential access for more selective, lower-impact practices. (*Art. 10*)

Article 11 of the proposed regulation would allow Member States to switch from fixing fishing opportunities in terms of both catch and effort limits, to only fixing effort limits, for specific fisheries. However, to date, management based solely on effort restrictions has failed to ensure the sustainability of these fisheries. Catch limits are the best means of guaranteeing that overexploitation does not occur, and therefore, Oceana recommends:

- Fishing opportunities should ideally be set through a combination of catch limits and effort restrictions. Effort controls should never be the only measure used for management of aggregating species, as this could lead to stock depletion even at low levels of effort. (*Art. 11*)

3. Impacts on vulnerable marine ecosystems (VMEs) and non-target species

The proposal from the Commission includes three measures for reducing impacts of deep-sea fishing activities on VMEs and non-target species: (1) the requirement for impact assessments by Member States proposing to extend their fishing activities (*Art. 7*); (2) the progressive expiration of fishing authorisations for vessels using destructive, non-selective gear (*Art. 9*); and (3) the implementation of accompanying measures to avoid an increase in by-catch of most vulnerable species (*Art. 12*). Oceana supports these proposed measures, but also recommends:

- Impact assessments should be required for all deep-sea fishing activities, whether in areas that are currently fished or in new areas, within a specific timeframe. (*Art. 7*)
- Accompanying measures to *minimise* catches of non-target species (particularly most vulnerable species) should be required for all deep-sea fisheries, regardless of whether fishing opportunities are fixed based on catch or effort limits. (*Art. 12*)
- Areas where VMEs occur or are likely to occur should be identified and closed to fishing with bottom gears.
- Vessels should be required to ‘move on’ if there is evidence that they are fishing in a VME. Such areas should remain closed to bottom fishing until scientific evidence indicates where fishing may be carried out without risk to VMEs.

4. Improving data

The Commission proposal lays out specific requirements for the provision of data on deep-sea fishing activities, related to vessels’ applications for fishing authorisations (*Art. 6-7*), the participation of vessels in data collection (*Art. 8 and 19*), and data collection and reporting by Member States (*Art. 19 and Annex II*). Oceana welcomes these proposed measures, which would be a significant improvement over the 2002 regulation. However, to ensure that vessels and Member States comply with their obligations, Oceana recommends:

- The issuance and renewal of vessel authorisations for deep-sea fishing should be strictly conditional upon cooperation with scientific data collection. (*Art. 8, 18*)
- Fishing authorisations should be revoked for Member States that fail to fulfil their data collection and reporting obligations. (*Art. 18*)

¹ ICES. 2010. Report of the ICES Advisory Committee, 2009. ICES Advice, 2010. Book 11. 177 pp. ² Eighteen species (orange roughy and some deep-sea sharks) are also prohibited for capture, under TACs of 0. ³ Villasante *et al.* 2012. Ocean and Coastal Management 70: 31-37.