

OCEANA BRIEFING

Towards a new regulation establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic:

A comparison of the current system, the Commission proposal, and the position of the European Parliament

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Regulation (EC) 2347/2002¹, 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 only three of 24 managed species have one or more stocks considered to be in good condition². The regime also leaves vulnerable marine ecosystems (VMEs) such as deep-sea corals and sponge beds unprotected from fishing impacts. In this respect, it is badly outdated and fails to reflect international commitments made by the EU through United Nations General Assembly (UNGA) Resolutions 61/105 and 64/72, which called upon flag states to conserve and manage VMEs.

There is a clear need for a revised management framework for deep-sea fisheries in the North-East Atlantic. The Commission’s proposal³ provides a strong foundation for this framework; the position of the European Parliament⁴, which was adopted by an 82% majority, further adds to and strengthens many of the measures in the proposal. Now, the legislative process depends on timely action by the Council, particularly given the approaching European Parliamentary elections in May.

Below is a summary of the major aspects of the revision of the deep-sea access regime, with specific recommendations from Oceana, which may be of interest during discussions of this file.

1. Deep-sea species and vulnerable species

Current system	- Regulation (EC) 2347/2002 only applies to the 24 species listed in Annex I.
Commission proposal	- Extends management to a total of 54 species (<i>Annex 1</i>). - Classifies ten species as ‘most vulnerable’ (<i>Annex 1</i>), for which measures would be required to reduce by-catch in fisheries managed with effort limits (<i>Art. 12</i>).
Parliament position	Includes the following changes and additions: - Requires measures to reduce by-catch of most vulnerable species to be implemented in all deep-sea fisheries (<i>Art. 12, 13a new</i>). - Removes tusk (<i>Brosme brosme</i>), conger (<i>Conger conger</i>) and ling (<i>Molva molva</i>) from Annex 1. - Exempts ten species from full management for five years (<i>AM 31, 77, Annex 1</i>).
Oceana position	Urges Member States to further strengthen management by: - Including all deep-sea sharks in the list of most vulnerable species (<i>Annex 1</i>) - Adding the lowfin gulper shark (<i>Centrophorus lusitanicus</i>) and all other gulper sharks (<i>Centrophorus</i> spp.) to Annex 1, as recommended by ICES ⁵ . - Retaining tusk in Annex 1, as recommended by the DEEPFISHMAN project. - Not exempting Annex 1 species from management, as doing so would create potential loopholes in the new regulation.

¹ Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks, OJUE L 351/6 – 28.12.2002

² <http://www.ices.dk/community/advisory-process/Pages/Latest-Advice.aspx>

³ COM(2012) 371 final, 19 July 2012

⁴ Text adopted [T7-0539/2013](#) (provisional edition)

⁵ ICES Advice 2013, Book 11: Opinion on modification to the list of deep-sea sharks

2. Fishing authorisations

Current system	<ul style="list-style-type: none"> - Regulation (EC) 2347/2002 does not require vessels to provide any information or meet any conditions prior to being issued a deep-sea fishing permit. - Regulation (EC) 734/2008⁶ requires vessels to provide a detailed fishing plan with their applications for deep-sea fishing permits. However, these measures do not apply to EU waters or to EU vessels fishing in NEAFC or CECAF waters.
Commission proposal	<ul style="list-style-type: none"> - Introduces two types of fishing authorisations, for fishing activities that either target deep-sea species, or catch deep-sea species as by-catch. (<i>Art. 4</i>). - Defines targeted deep-sea fishing activities based on three possible criteria: deep-sea species noted as target in vessels' fishing calendars; or gear that is only used to catch deep-sea species is carried on board or deployed; or catches of deep-sea species $\geq 10\%$ of total catch weight per fishing day (<i>Art. 4</i>). - Requires vessels to provide information about fishing activities when applying for authorisations, with a detailed fishing plan required for targeted fishing authorisations (<i>Art. 6, 7</i>).
Parliament position	<p>Includes the following changes and additions:</p> <ul style="list-style-type: none"> - Increases the catch threshold for defining targeted fishing to 15% per day, introduces an alternative threshold of 8% per fishing trip, and allows the vessel's master to decide which of these thresholds is used (<i>Art. 4</i>). - Changes the gear criterion of the targeted fishing definition to bottom gears deployed at or below 600 m depth (<i>Art. 4</i>) - Requires vessels to provide further information about intended fishing activities and a record of historical catches of deep-sea species (<i>Art. 6, 7</i>)
Oceana position	<p>Urges Member States to further strengthen the definition of targeted fishing by:</p> <ul style="list-style-type: none"> - Rejecting the amendment of the Parliament that would allow the vessel master to choose the catch weight threshold used. The choice of criteria used to define targeted fishing for deep-sea species should not be left to the discretion of vessel masters; this creates a potential loophole which risks excluding fishing activities that target deep-sea species.

3. Fishing opportunities

Current system	<ul style="list-style-type: none"> - Regulation (EC) 2347/2002 does not include any specific provisions on how fishing opportunities are set. - Only 11 commercial deep-sea species are managed under Total Allowable Catches.^{7,8}
Commission proposal	<ul style="list-style-type: none"> - Fishing opportunities should be set at levels which are consistent with MSY and should not exceed scientifically advised levels (<i>Art. 10</i>). - Fishing opportunities may not be allocated if insufficient scientific advice is available (<i>Art. 10</i>). - Member States may switch from fixing fishing opportunities in terms of both catch and effort limits, to only fixing effort limits for specific fisheries (<i>Art. 11</i>). In this case, they must implement accompanying management measures (<i>Art. 12</i>).

⁶ Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears, OJUE 30.7.2008 L201-8

⁷ Council Regulation (EU) No 1262/2012 of 20 December 2012 fixing for 2013 and 2014 the fishing opportunities for EU vessels for certain deep-sea fish stocks

⁸ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters.

Parliament position	Includes the following changes and additions: <ul style="list-style-type: none"> - Fishing opportunities should be set through a combination of catch limits and effort restrictions (<i>Art. 11</i>). - Fishing opportunities should be fixed with explicit consideration of impacts on non-target species (<i>Art. 10</i>).
Oceana position	Calls on Member States to further strengthen management by: <ul style="list-style-type: none"> - Not permitting fishing opportunities to be allocated for most vulnerable species.

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

Current system	<ul style="list-style-type: none"> - Regulation (EC) 2347/2002 does not include any provision to prevent deep-sea fishing impacts on VMEs and non-target species - Regulation (EC) 734/2008 contains a number of measures to protect VMEs. However, these measures do not apply to EU waters or to EU vessels fishing in NEAFC or CECAF waters.
Commission proposal	<ul style="list-style-type: none"> - Requires environmental impact assessments for Member States proposing to extend their fishing activities into new areas (<i>Art. 7</i>). - After two years, prohibits fishing authorisations for vessels using destructive, non-selective gear (i.e., bottom trawls and bottom-set gillnets) to target deep-sea species (<i>Art. 9</i>). - Requires accompanying measures to avoid increased by-catch of most vulnerable species, but only for fisheries managed with effort limits alone (<i>Art. 12</i>).
Parliament position	<ul style="list-style-type: none"> - Instead of the progressive expiration of fishing authorisations for vessels using destructive and non-selective gear, proposes an evaluation of deep-sea fishing gears and stocks after four years. Depending on this evaluation, the phase-out of bottom trawls and gillnets could be re-proposed (<i>Art. 9</i>). <p>Further proposes to:</p> <ul style="list-style-type: none"> - Identify areas where VMEs occur or are likely to occur and close these areas to fishing with bottom gears (<i>Art. 6 new a and Art. 7</i>). - Require impact assessments for all deep-sea fishing activities, whether in currently fished or new areas, within a specific timeframe and according to 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas (<i>Art. 7, Annex IIa</i>). - Requires accompanying measures to be implemented for all fisheries and for the effectiveness of these measures to be regularly assessed (<i>Art. 12</i>).
Oceana position	<p>Urges Member States to strengthen proposed measures by:</p> <ul style="list-style-type: none"> - Reintroducing the expiry of fishing authorisations for targeted deep-sea fishing with bottom trawls and gillnets, as proposed by the Commission (<i>Art. 9</i>) and rejecting the amendment from the Parliament on Art 9.

5. Improving data and compliance

Current system	<ul style="list-style-type: none"> - Regulation (EC) 2347/2002 does not include specific provisions on control and compliance. Hence, the provisions of the control system applicable to the Common Fisheries Policy apply.
Commission proposal	<ul style="list-style-type: none"> - Lays out specific requirements for the provision of data on deep-sea fishing activities, related to vessels' applications for fishing authorisations (<i>Art. 6, 7</i>), data collection by vessels (<i>Art. 8, 19</i>), and data collection and reporting by Member States (<i>Art. 19, Annex II</i>). - Fishing authorisations should be withdrawn for at least one year in case of failure to conform to the conditions of the fishing authorisation, to take on board a scientific observer, or to allow scientific sampling of catches (<i>Art. 18</i>).
Parliament position	<p>Further proposes:</p> <ul style="list-style-type: none"> - 100% observer coverage for vessels using bottom trawls or bottom-set gillnets to target deep-sea species, and 10 % observer coverage for all other vessels with an authorisation to catch deep-sea species (<i>Art. 19</i>). - Fishing authorisation should be conditional upon compliance with management, data collection, and data reporting obligations (<i>Art. 6, 7, 18</i>).
Oceana position	<p>Calls on Member States to:</p> <ul style="list-style-type: none"> - Urgently improve the measures related to data provision and control under this regulation. Data on fishing effort and catches of target and non-target deep-sea species are limited and of poor quality, making these fisheries notoriously difficult to assess and manage.