

OCEANA BRIEFING

Fisheries Committee draft report on proposal COM(2012)371 for a regulation establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic

May 2013

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 catches of all managed stocks have been deemed to lie outside safe biological limits². The poor state of these stocks is unsurprising, given that only five commercial species are managed under total allowable catches (TACs)³, these limits have frequently been set higher than scientifically advised, and they have often been exceeded in practice⁴.

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 (UNGA) Resolutions 61/105 and 64/72, which call upon flag states to implement conservation and management measures to protect VMEs.

There is a clear need for a revised management framework for deep-sea fisheries in the North-East Atlantic. Oceana welcomes the Commission proposal⁵, which provides an excellent basis for developing this framework. The draft report of the Fisheries Committee⁶ further strengthens the measures introduced within the Commission proposal, and would make the proposed regulation more consistent with existing EU policy and international commitments regarding deep-sea fisheries management and conservation, such as UNGA Resolutions 61/105 and 64/72.

Below is a summary of Oceana’s position and specific recommendations on major aspects of the revision of the deep-sea access regime.

1. Deep-sea species and vulnerable species

Current system	<ul style="list-style-type: none"> - Regulation (EC) 2347/2002 only applies to fishing activities which lead to the catch of one of the 24 species listed in Annex I
Commission proposal	<ul style="list-style-type: none"> - Increases the number of species covered by the regulation by adding 24 new species to the Annex I list of ‘deep-sea species’, with an additional section listing six species that are regulated by North East Atlantic Fisheries Commission (NEAFC). The regime would then cover 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>).

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 ICES. 2010. Report of the ICES Advisory Committee, 2009. ICES Advice, 2010. Book 11. 177 pp

³ Eighteen species (orange roughy and some deep-sea sharks) are also prohibited for capture, under TACs of 0.

⁴ Villasante *et al.* 2012. Ocean and Coastal Management 70: 31-37

⁵ COM(2012) 371 final, 19 July 2012

⁶ PE 506.025v01-00, 5 March 2013

Draft PECH Report	<ul style="list-style-type: none"> - Supports the Commission’s approach. - Further proposes that the Annex 1 lists of species and most vulnerable species be immediately updated and regularly reviewed (<i>AM 19</i>).
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Oceana welcomes these changes, which would improve the coverage of the 2002 regime. However, they would still leave many deep-sea species without management or conservation measures.

Therefore, Oceana further recommends that:

- 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.
- The list of species considered most vulnerable should be updated according to the best available scientific information, and should include all deep-sea sharks.

2. Fishing opportunities

Current system	<ul style="list-style-type: none"> - Regulation 2347/2002 does not include any specific provision regarding how fishing opportunities for deep-sea species are set under the current system. - Only 5 commercial deep-sea species are managed under Total Allowable Catches, which are set biannually⁷.
Commission proposal	<ul style="list-style-type: none"> - Fishing opportunities should not exceed scientifically advised levels, and should be set at levels which are consistent with the maximum sustainable yield (<i>Art. 10</i>). - The allocation of fishing opportunities is prohibited in cases where 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 (management of fishing capacity, by-catch avoidance and discards) (<i>Art. 12</i>).
Draft PECH Report	<ul style="list-style-type: none"> - Supports the Commission’s proposal to set fishing opportunities at levels which are consistent with the maximum sustainable yield. - Proposes 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 - AM 49</i>). ○ No fishing opportunities, whether for target fishing or by-catch, shall be allocated for deep-sea species identified as most vulnerable (<i>Art. 10 - AM 44</i>). ○ Fishing authorisation and renewal shall depend on the provision of detailed information about fishing activities (<i>AM 28-32</i>), and shall be conditional upon compliance with management and conservation measures, and data collection and reporting obligations (<i>AM 4, 68-71</i>).

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

Oceana welcomes the draft PECH report changes on the provisions regarding the management of deep-sea fishing through effort control only. Management based solely on effort restrictions has failed to ensure the sustainability of these fisheries. Furthermore, effort restrictions should never be the only measure used for managing aggregating species, as this could lead to stock depletion even at low levels of effort. Catch limits are the best means of guaranteeing that overexploitation does not occur.

Oceana further recommends that:

- Fishing opportunities should be fixed with explicit consideration of impacts on non-target species, and with preferential access for more selective, lower-impact practices.
- Accompanying measures under Article 12 should be required for all deep-sea fisheries, regardless of how fishing opportunities are set.

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

<p>Current system</p>	<ul style="list-style-type: none"> - Regulation 2347/2002 does not include any provision regarding the avoidance of the impact of deep-sea fishing activities on VMEs and non-target species - Regulation (EC) 734/2008 <i>on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears</i>⁸ foresees a number of measures to protect VMES. However those measures only apply to EU vessels engaged in deep-sea fishing on the high seas, and do not apply to EU vessels fishing in EU or NEAFC waters.
<p>Commission’s proposal</p>	<ul style="list-style-type: none"> - Three measures are proposed for reducing impacts of deep-sea fishing activities on VMEs and non-target species: <ul style="list-style-type: none"> o The requirement for impact assessments by Member States proposing to extend their fishing activities (<i>Art. 7</i>); o The progressive expiration of fishing authorisations for vessels using destructive, non-selective gear (<i>Art. 9</i>); and o The implementation of accompanying measures to avoid an increase in by-catch of most vulnerable species (<i>Art. 12</i>)
<p>Draft PECH Report</p>	<ul style="list-style-type: none"> - Supports Commission’s proposal. - Further proposes: <ul style="list-style-type: none"> o Identifying areas where VMEs occur or are likely to occur and closing these areas to fishing with bottom gears (AM 20,36). o Annually assessing fishing effort levels (AM 53), fishing capacity, profitability, environmental impacts (AM 27,81,83-85), and the effectiveness of accompanying measures (AM 61,82). o Requiring impact assessments for all deep-sea fishing activities, whether in areas currently fished or new areas (AM 1,32,35), within a specific timeframe (AM 2,33), and according to established standards (AM 1,2,32,33,35,92).

⁸ 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

Oceana supports the additional measures laid down in the draft PECH Report and recommends:

- Essential Fish Habitats for deep-sea species should be identified and protected (*Art. 12*)
- 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 and compliance

Current system	<ul style="list-style-type: none"> - Regulation 2347/2002 does not foresee specific provisions on control and compliance. Hence, the provisions of the control system applicable to the Common Fisheries Policy apply. - Member States are required under Regulation (EC) 2347/2002 to prepare and implement a sampling plan for deploying observers.
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>), the participation of vessels in data collection (<i>Art. 8 and 19</i>), and data collection and reporting by Member States (<i>Art. 19 and 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 or to take on board a scientific observer or allow sampling of catches for scientific purposes (<i>Art. 18</i>).
Draft PECH report	<ul style="list-style-type: none"> - Supports the proposal - Further proposes: <ul style="list-style-type: none"> ○ Making fishing authorisation and renewal dependent on the provision of detailed information about fishing activities (<i>AM 28-32</i>), and conditional upon compliance with management and conservation measures, and data collection and reporting obligations (<i>AM 4, 68-71</i>).

Oceana welcomes these proposed measures, which would be a significant improvement over the 2002 Regulation, but recommends that the following provision be added:

- The allocation of fishing opportunities and financial support to Member States should be conditional upon fulfilling data collection, reporting and control obligations.