

# Fishing practices: protection of marine ecosystems in the high seas from the adverse impacts of bottom fishing gears

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The purpose of this Communication is to review and analyse international principles on destructive fishing practises in the deep seas. It also sets out the deficiencies of the current system and outlines an ambitious course of action in order to deliver on the Community's international commitments. In 2006, the UN General Assembly adopted Resolution 61/105 on "Sustainable Fisheries". In this Resolution, the UN called for action to regulate the fishing of vulnerable marine ecosystems in order to protect them from damage. The European Commission played a leading role in the adoption of this Resolution and announced that it would propose a strategy to translate this call into action.

The destruction by human activity in vulnerable marine habitats in the high seas is one of the "hidden" environmental catastrophes of our time. The biodiversity of the deep seas is not evenly distributed. Rather it is concentrated in and around discrete features of the seabed such a seamounts, coral reefs and hydrothermal vents. These constitute real biodiversity hot spots in the midst of vast expanses of relatively desert seabed. Since these hotspots gather a diverse, and large, number of fish they also receive the lion's share of attention from commercial fishermen as well as from bio-prospectors and deep-sea tourists.

Regional Marine Conventions have general responsibility for the protection of the marine environment within international waters, while Regional Fisheries Management Organisations (RFMOs) adopt the necessary measures to implement the conservation and management of living marine resources and to regulate the impact of fishing on vulnerable ecosystems. The EU is a strong supporter of RFMOs (though not an uncritical one) and an activist for their empowerment. Many of the area-based measures to protect deep sea ecosystems adopted by RFMOs have been based on proposals tabled by the EU.

**Destructive fishing in the high seas:** The UN recognises that fisheries should no longer be dealt with in isolation, but must be fully integrated with a broader understanding of the world's oceans. There is still much to be learned about deep sea ecosystems and dedicated research is underway, including significant efforts under EU auspices. Research shows that certain deep sea ecosystems may constitute true hot spots of marine biodiversity and that these ecosystems are extremely vulnerable because of the low growth rates that characterise life at such great depths. This is particularly the case for cold water corals, structure-forming sponges and invertebrate communities that thrive around hydrothermal vents.

Fishing with bottom gears can be extremely detrimental to the integrity of these ecosystems. Observed and potential sources of damage include bottom trawls, dredges, bottom-set gillnets, bottom-set longlines, pots and traps. Their effects can easily be aggravated when combined with the impact of non-fishing activities, such as hydrocarbon prospecting, the laying of submarine cables, or waste dumping. Actual damage to deep coral reefs has been documented in the Northeast Atlantic, the West Atlantic, the Tasman Sea and other areas. Studies such as these provide compelling evidence of the gravity of the problem and the urgent need to take decisive protective action.

**The General Assembly Recommendations:** The UN General Assembly, therefore, calls on RFMO's and States to adopt a rigorous management regime for high seas bottom fisheries and for the implementation of measures by 31 December 2008 at the latest. The requirement of an environmental impact assessment as a condition for the authorisation of individual fishing activities is the first, indeed the lynchpin, of the set of recommendations issued by the General Assembly. The Commission considers this a radically

innovative principle in fisheries managements. In contrast with other resource exploitation activities carried out in the oceans and seas, where it is established practice to require prior impact assessments (for example, installing offshore oil or gas platforms), the effects of fishing on marine habitats are generally assessed only after the fact, if at all. The General Assembly's recommendations, therefore, will help bring the management of sensitive bottom fisheries up to the environmental standards of other maritime activities. In other measures, the Recommendation is to improve research and data collections as well as adopting geographically-based closures or special management areas. Such closures can be adopted and enforced by the collective decision of States within the context of an RFMO. RFMOs have significantly increased their efforts to implement areas closures in recent years. They will need to rigorously review the effectiveness of these measures and consider whether those agreed so far are indeed sufficient in number and extent to achieve their desired objectives. On a final point with regard to those areas beyond national jurisdiction and which are not presently regulated by an RFMO the Recommendation calls for a comprehensive database of the location of vulnerable marine ecosystems.

**How to implement the General Assembly Recommendations :** A number of actions are proposed by the Commission to implement the General Assembly's Recommendations and include, inter alia :

- **Stimulating the international debate :** For example, assisting the FAO and CBD to collect and disseminate information and to submit, in early 2009 a report to the UN Secretary General on EU progress in addressing destructive fishing practices.
- **Implementation at RFMO level :** For example, implementing a consistent agenda and ensuring the implementation of an ecosystem approach to fisheries and management.
- **Interim arrangements :** For example, the transposition of the interim measures adopted for the South Pacific into Community Law by the end of 2007 and the renewal of exploratory demarches with potentially interested third States towards the establishment of regional arrangements in areas where no RFMO is yet in place.
- **European vessels conducting bottom fishing in areas of the high seas not regulated by an RFMO :** The adoption, as soon as possible of a Council Regulation implementing the recommendations of the General Assembly (see summary above for the proposal).

**Conclusions:** In 2009, the General Assembly will carry out a review of progress made in addressing the problem of destructive fishing practices. The EU should fix itself a similar task by reviewing, at around the same period, the effectiveness of the policy and specific actions envisaged in this Communication. The proposed Council Regulation will contain a review clause for this same purpose. Grand declarations of intentions will not stop the destruction of fragile and precious deep-sea marine ecosystems. The considerations laid out in this communication are intended to set the scene for a determined policy push from the European Union. The EU must demonstrate that it can be a true leader in bringing about the end of destructive fishing. The only way to do so is through concrete action, both in EU waters and on the high seas.