

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

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The Committee on Fisheries adopted a report drafted by Duarte **FREITAS** (EPP-ED, PT) and amended, in the framework of the consultation procedure, the proposal for a Council regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.

## The main amendments are as follows:

**Depth limit:** the Committee deleted from the recitals the sentences regarding a depth limit for the deployment of bottom gears of 1 000 m. Article 6 prohibiting the use of bottom gears at depths beyond 1 000 m of depth is also deleted. Members stated that, given that a set of specific conditions for the validation of fishing permits in particular areas is contained in the operative clauses, such depth restrictions are totally unnecessary. Moreover, there are no scientific studies which prove that vulnerable marine ecosystems exist or cease to exist above or below this particular limit.

**FAO guidelines:** a new recital states that the Regulation takes account of international guidelines on the management of deep-sea fisheries in the high seas adopted by the Food and Agriculture Organisation of the United Nations (FAO). Should doubt arise over the **interpretation of this Regulation, it should be interpreted in the light of the FAO guidelines.**

**Scope:** the Regulation shall apply to Community fishing vessels carrying out fishing activities with bottom gears in the high seas where these gears are in contact with the seabed in the normal course of fishing operations.

**Definitions:** the Committee amended the definitions of 'vulnerable marine ecosystem' and 'bottom gears'.

**Applications for a special fishing permit:** these must be accompanied by a detailed fishing plan specifying, inter alia: the targeted species and species likely to be taken as by-catch, and both the gears used and depths at which they will be deployed. It must also include the duration of activities. The duration of the special fishing permit shall not be longer than the fishing plan;

**Adverse impacts and vulnerable marine ecosystems:** with regard to the application by competent authorities of precautionary criteria in the conduct of the assessment, the Committee deleted the following words: "in case of doubt on whether the adverse impacts are significant or not, they shall consider that the likely adverse impacts resulting from the scientific advice provided are significant." A new clause states that if there is substantial uncertainty about the presence of a vulnerable marine ecosystem, the area shall be designated as a vulnerable marine ecosystem until there is sufficient evidence to the contrary.

The fishing vessel shall report any such encounter with a VME without delay to the competent authorities, which shall, in turn, report to the Commission and the Member States as soon as possible. The unforeseen encounters shall be registered on an electronic online mapping scheme in order to build up a permanent database of vulnerable marine ecosystems.

**Scientific observers:** the provision on "observers" is renamed "scientific observers. The Commission's proposal had provided that each Member State shall assign scientific observers to the vessels to which a

special fishing permit is issued. The Committee's amendment states that a representative sample of the vessels to which the Member States have issued a special fishing permit shall take a scientific observer on board. The total number of scientific observers shall be set by the Commission on a proposal from the Scientific, Technical and Economic Committee for Fisheries, in line with the zone and type of fishery. The scientific observers shall be taken on board in proportion to the number of vessels from each Member State which hold a special fishing permit. The Commission shall ensure a suitable rotation of scientific observers among the various vessels after each fishing trip.

Furthermore, the scientific observers shall be independent of the vessels or companies which they are observing. They shall have no financial or beneficial interests in those vessels or companies. They shall have no record of serious criminal offences, and shall have a sufficient level of knowledge on deep sea fishing methods and on the target species and ecosystems.

Reports: Member States reports must contain information on the impacts of fishing activities, in accordance with the clause on the conditions of issuance. The Commission shall transmit the information contained in the report to the relevant scientific bodies without delay, and to those Member States which request the information. The Commission shall submit to the European Parliament and to the Council a report on the implementation of this Regulation before 30 June 2009 (rather than 30 June 2010).