

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

2007/0224(CNS) - 10/11/2010 - Follow-up document

The Commission presented a report on the implementation of Council Regulation (EC) No734/2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.

Over the past years, the EU has been on the forefront of the fight to ensure the global protection of vulnerable marine ecosystems and associated deep-sea fisheries. The adoption of Regulation (EC) No 734 /2008 transposing the measures contained in UN GA Resolution 61/105 of 2006 was meant to ensure that vulnerable marine ecosystems were properly protected from bottom-fishing trawling activities. In view of the new recommendations included in UNGA Resolution 64/72 of 2009 and its forthcoming review scheduled for November 2011, the FAO "International Guidelines for the management of deep-sea fisheries in the high seas" and newly available scientific advice, **the Commission is of the opinion that it is necessary to amend the Regulation, and intends to do so possibly by the beginning of 2012**, to bring it in line with these developments so that enhanced measures for the protection of such ecosystems, based on the most up-to-date scientific advice, can be put in place in order to ensure their protection.

According to the Commission, the following amendments to the Regulation should be considered:

**Scope:** the scope of this Regulation could be extended to allow the adoption of unilateral measures applicable to EU fishing vessels fishing within RFMO regulatory areas, and going further than those adopted by the RFMO, in cases where the EU considers that measures adopted by an RFMO do not fully implement the measures in the UN Resolutions.

**Limitation of capacity or effort:** in order to ensure that capacity or effort is not transferred to deep-sea fisheries, covered by the scope of the Regulation, from other fisheries, a provision should be included limiting fishing capacity and effort in deep-sea bottom fishing activities to the average level established for a determined period for the different areas.

**Improve impact assessments:** the carrying out of impact assessments prior to the authorisation of bottom fishing activities was one of the main issues during the negotiations on the review of the measures contained in UNGA Resolution 61/105 and was considered a radically innovative principle in fisheries management at the time. However, from the information published prior to the negotiations on the 2009 UNGA Resolution, it emerged that very few such assessments had been carried out; and that the quality of performed assessments was not satisfactory.

Clear criteria have been provided on the use of impact assessments in the FAO Guidelines. Paragraph 119 of the UNGA Resolution 64/72 exhorts flag States and RFMOs that impact assessments conducted prior to the authorisation of bottom fishing activities should be consistent with these Guidelines. Specific reference could be made to the above-mentioned paragraphs of the Guidelines within the Regulation, while full incorporation within the Regulation of the text of paragraph 47 of the Guidelines could be used to ensure improvement of the quality of impact assessments carried out by the Member States.

**Unforeseen encounters with vulnerable marine ecosystems:** while the inclusion of a definition of what constitutes an encounter with a VME, based on the currently best available scientific advice, would

improve the effectiveness of the Regulation to ensure the protection of these ecosystems, it should be ensured that such thresholds can be amended regularly to take into account the latest scientific advice. Furthermore, in order to achieve greater accuracy, more than two sample taxa should be used as the indicators of structural habitat VMEs.

In addition, once the set thresholds for VME indicator species are met and reports are sent to the authorities, this should trigger immediate (and at least temporary) closure of the site to allow any assessment of the area to be made.

**Move-on rule:** Regulation (EC) No 734/2008 establishes that if a vessel encounters a VME, it has to move to a minimum distance of 5 nautical miles from the site of the encounter. In NEAFC and NAFO, the required distance is only 2 nautical miles, which were considered to be more appropriate in the areas concerned.

The move-on rule would be limited to areas where fishing has already taken place, particularly for more lightly fished areas, though the use of this should be accompanied by lower thresholds for VME encounters and larger move-on distances.

Better implementation of this rule will necessitate the collection of the information, including tow-lengths, required to model suitable distances for the move-on provisions.

**Observer coverage:** Regulation (EC) No 734/2008 established 100% coverage for all vessels; and a review was foreseen by 30 July 2009. However, this review was postponed in order to obtain Member States' experiences with the scheme in the context of the information provided in accordance with the Regulation. 100% coverage by observers of deep-sea bottom fisheries covered by the scope of the Regulation should continue for the time being. This requirement could be reviewed every three years.