Fishing in the North-East Atlantic: specific conditions for fishing for deep-sea stocks, provisions for fishing in international waters

2012/0179(COD) - 19/07/2012 - Legislative proposal

PURPOSE: to establish specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: the deep-sea fisheries in the North-East Atlantic are partly dominated by traditional coastal fleets (Portugal) and large nomadic trawlers (France, Spain). Altogether they account for approximately 1% of landings from the North-East Atlantic, although the economic viability of a number of fishing communities depends to a certain extent on deep-sea fisheries. The fisheries are pursued in Union waters and in international waters governed by agreements within the North East Atlantic Fisheries Commission (NEAFC).

Since 2002 the Union has in place a specific access regime (Regulation (EC) No 2347/2002) for fishing vessels engaged in deep-sea fisheries of the North-East Atlantic, made up of four components: capacity restriction, data collection, effort monitoring, and control.

The measures taken so far have not effectively solved the main problems of the fishery, these being:

- the high vulnerability of these stocks to fishing; many of them can only sustain a low fishing pressure over a longer period that is economically not viable;
- fishing with bottom trawls represents the highest risk of destroying irreplaceable and vulnerable marine ecosystems by fishing gear. The extent of destruction that has already occurred is unknown;
- fishing with trawls for deep-sea species involves high levels of undesired catch of deep-sea species (on average 20 to 40% in weight with individual peaks at much higher level);
- the fact that determining the sustainable level of fishing pressure via scientific advice is particularly difficult.

Due to deep-sea stocks' **high vulnerability** to fishing, stock depletion can occur within a short period of time, and recovery might take very long or fail. The stocks' biological state is largely unknown. Some are considered depleted, others have started to stabilise at low levels of exploitation. In general the fisheries are not sustainable. A new regulation is required in order to deal with these problems.

IMPACT ASSESSMENT: the assessment of impacts resulting from different policy choices focussed on **five options**. Three of these were not considered further because they were considered not representing meaningful management approaches, with disadvantages largely outweighing advantages, namely: (i) to continue the current regime amending it only by needed updates; (ii) to ban fishing for deep-sea species altogether, and (iii) to scale the regime down to being a tool for transposing measures adopted in NEAFC and applying those measures also in Union waters.

The two options with relative advantage were: (iv) to phase out the most harmful fishing gears targeting deep-sea species, or (v) to introduce in Union waters management standards that were developed for bottom fishing on the High Sea.

Option (iv) was retained as being a more effective and simpler instrument.

LEGAL BASIS: Article 43 (2) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal establishes a framework Regulation for exercising fishing activity targeting deep-sea species in the North-East Atlantics, comprising Union waters including outermost regions of Spain and Portugal, and international waters.

The objectives of this Regulation are the following:

- to ensure the sustainable exploitation of deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

- to improve the scientific knowledge on deep-sea species and their habitats for these purposes;

- to implement technical measures on fisheries management recommended by the North East Atlantic Fisheries Commission (NEAFC).

Ensure sustainable exploitation: the general objective of the proposal is to ensure as much as possible the sustainable exploitation of deep-sea stocks while reducing the environmental impact of these fisheries, and to improve the information base for scientific assessment. As long as data and method have not achieved the required level allowing MSY-based management, the fisheries have to be managed according to the precautionary approach to fisheries management.

Protect marine ecosystems: in order to reduce the destructive impact on the marine ecosystem, the use of bottom trawls should be phased out in this fishery, as they are most harmful to vulnerable marine ecosystems and have shown high levels of undesired catch of deep-sea species. The transitional restrictions on bottom-set gillnets in fisheries below 600m depth and in the depth-range 200-600m should be accompanied by a prohibition to target deep-sea species.

Simplifying the management system for these stocks: the proposal also considers the opportunity to simplify the management system for these stocks, currently subject to a double instrument: catch limitations and capacity/effort limitation. Where this duplication is not necessary to achieve the objectives of this Regulation, proposals are made to regulate the concerned fisheries with only one management instrument.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the EU.