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

2012/0179(COD) - 21/10/2016 - Commission communication on Council's position

The Commission presented a communication on the position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the NorthEast Atlantic and provisions for fishing in international waters of the North-East Atlantic.

Objective of the initial proposal: the Commission recalled that 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.

The proposal provided that the use of bottom trawls should be phased out in this fishery, it did not include specific measures for preventing significant impacts to vulnerable marine ecosystems (VMEs) or closures of areas where such ecosystems are present.

The proposal also considered the opportunity to simplify the management system for these stocks, currently subject to a double instrument: catch limitations and capacity/effort limitation.

Council position: the Commission noted that the **legal framework has evolved since the submission of the initial proposal**: the Common fisheries Policy (CFP) has been reformed and the new "Basic Regulation" entered into force on 1 January 2014.

During the negotiations, the European Parliament revised its position due to changes in the legal framework and adoption of the new CFP.

The European Parliament and the Council were unfavourable to the proposed phase-out of bottom gears for targeting deep sea fish. However, they were agreed on measures replacing it, as well as other conservation measures for protecting VMEs.

The text was therefore significantly amended to provide for the following measures reflected in the political agreement:

- two types of fishing authorisations were introduced: targeting fishing authorisations for vessels that land more than 8% of deep-sea species in any fishing trip and at least 10 tonnes in the calendar year concerned; and by-catch fishing authorisations for vessels that have by-catches of deep-sea species;
- the capping of fishing capacity on the basis of the capacity of vessels that landed more than 10 tonnes of deep-sea species in 2009-2011;
- the limitation of targeted deep-sea fisheries to the area where targeted deep-sea fishing occurred in 2009-2011, i.e. before the Commission Proposal was submitted (the footprint area) and exploratory fishing outside the footprint area will be subject to an impact assessment;
- the obligation for vessels to report encounters with vulnerable marine ecosystems below a depth of 400m and to move to an alternative area at least 5 nautical miles away from the area of encounter;
- the prohibition of deep-sea fishing with bottom trawls below 800 meters from the water surface;
- the closure of areas with VMEs for deep-sea fishing with bottom gears based on the impact assessment and the reported encounters;

- the application of stricter control provisions;
- the obligation to land quantities exceeding 100kg of deep-sea species only in designated ports;
- the withdrawal of fishing authorisations for at least two months in case of a failure to comply with the conditions set in the fishing authorisation;
- more specific data collection provisions and observer coverage of at least 20% for targeting vessels using bottom trawls and bottom-set gillnets and 10% coverage for other vessels;
- the evaluation of the impact of the measures four years after the entry into force of the Regulation.

The Commission **accepted all these changes and** agreed with the political agreement reached by the European Parliament and the Council. It stated that the compromise text departs significantly from the original 2012 Commission proposal, but it is in line with the new rules set in the new Basic Regulation:

- it provides for sufficient replacing measures to the phase-out of bottom gears,
- it ensures conditions for preventing significant adverse impacts on vulnerable marine ecosystems and establishes better conditions for improving data collection.