Basic information

2012/0179(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Fishing in the North-East Atlantic: specific conditions for fishing for deep-sea stocks, provisions for fishing in international waters Repealing Regulation (EC) No 2347/2002 2002/0053(CNS) **Subject** 3.15.01 Fish stocks, conservation of fishery resources 3.15.04 Management of fisheries, fisheries, fishing grounds 3.15.15 Fisheries agreements and cooperation **Geographical area** Atlantic Ocean area	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
PECH Fisheries	THOMAS Isabelle (S&D)	22/07/2014
	Shadow rapporteur MATO Gabriel (PPE) DUNCAN Ian (ECR) BILBAO BARANDICA Izaskun (ALDE) FERREIRA João (GUE/NGL) JADOT Yannick (Verts/ALE) AFFRONTE Marco (EFDD)	

Former committee responsible	Former rapporteur	Appointed
PECH Fisheries	ARSENIS Kriton (S&D)	13/09/2012

Former committee for opinion	Former rapporteur for opinion	Appointed
ENVI Environment, Public Health and Food Safety	ROSBACH Anna (ECR)	11/10/2012

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	General Affairs	3494	2016-10-18

European Commission	**Commission DG**	**Commissioner**
	Maritime Affairs and Fisheries	DAMANAKI Maria

European Economic and Social Committee

Key events

Date	Event	Reference	Summary
19/07/2012	Legislative proposal published	COM(2012)0371	Summary
11/09/2012	Committee referral announced in Parliament, 1st reading		
04/11/2013	Vote in committee, 1st reading		
18/11/2013	Committee report tabled for plenary, 1st reading	A7-0395/2013	Summary
09/12/2013	Debate in Parliament		
10/12/2013	Decision by Parliament, 1st reading	T7-0539/2013	Summary
10/12/2013	Results of vote in Parliament		
10/11/2015	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
12/07/2016	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations	PE585.769	
19/10/2016	Council position published	11625/1/2016	Summary
27/10/2016	Committee referral announced in Parliament, 2nd reading		
05/12/2016	Vote in committee, 2nd reading		
06/12/2016	Committee recommendation tabled for plenary, 2nd reading	A8-0369/2016	Summary
12/12/2016	Debate in Parliament		
12/12/2016	End of procedure in Parliament		
13/12/2016	Decision by Parliament, 2nd reading	T8-0483/2016	Summary
13/12/2016	Results of vote in Parliament		
14/12/2016	Final act signed		
23/12/2016	Final act published in Official Journal		

Technical information

Procedure reference	2012/0179(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 2347/2002 2002/0053(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 043-p2
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	European Economic and Social Committee
Stage reached in procedure	Procedure completed
Committee dossier	PECH/8/05686

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ENVI	PE500.728	21/03/2013	
Amendments tabled in committee		PE514.805	17/09/2013	
Committee draft report		PE506.025	07/11/2013	
Committee report tabled for plenary, 1st reading/single reading		A7-0395/2013	18/11/2013	Summary
Text adopted by Parliament, 1st reading/single reading		T7-0539/2013	10/12/2013	Summary
Text agreed during interinstitutional negotiations		PE585.769	07/07/2016	
Committee draft report		PE592.447	14/11/2016	
Committee recommendation tabled for plenary, 2nd reading		A8-0369/2016	06/12/2016	Summary
Text adopted by Parliament, 2nd reading		T8-0483/2016	13/12/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	12857/2016	10/10/2016	
Council position	11625/1/2016	19/10/2016	Summary
Draft final act	00046/2016/LEX	14/12/2016	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2012)0371	19/07/2012	Summary
Document attached to the procedure	SWD(2012)0202	19/07/2012	
Document attached to the procedure	SWD(2012)0203	19/07/2012	
	COM(2016)0667		

Commission communication on Council's position		21/10/2016	Summary
Follow-up document	SWD(2021)0110	12/05/2021	
Follow-up document	SWD(2021)0111	12/05/2021	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2012)0371	24/04/2013	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2108/2012	13/02/2013	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Regulation 2016/2336
OJ L 354 23.12.2016, p. 0001 Summary

Corrigendum to final act 32016R2336R(02)
OJ L 039 09.02.2023, p. 0063

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.

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

2012/0179(COD) - 14/12/2016 - Final act

PURPOSE: to ensure the sustainable exploitation of deep sea stocks while reducing the environmental impact of these fisheries.

LEGISLATIVE ACT: Regulation (EU) 2016/2336 of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002.

CONTENT: the common fisheries policy (CFP) should apply both the precautionary and the **ecosystem-based approach to fisheries management** so as to ensure that negative impacts of fishing activities on the marine ecosystem are minimised and to endeavour to ensure that fisheries activities avoid the degradation of the marine environment.

This Regulation shall contribute to the achievement of the objectives listed in Regulation (EU) No 1380/2013 on the common fisheries policy as far as **deep-sea species and habitats** are concerned. In addition, it shall aim at:

- improving scientific knowledge on deep-sea species and their habitats;
- preventing significant adverse impacts on VMEs within the framework of deep-sea fishing and ensuring the long-term conservation of deep-sea fish stocks;
- ensuring that Union measures for the purpose of sustainable management of deep-sea fish stocks are consistent with the Resolutions adopted by the General Assembly of the United Nations.

The main elements of the new Regulation are the following:

- fishing activities targeting deep-sea species shall be subject to a fishing authorisation. The targeting fishing authorisation shall indicate the deep-sea species that the vessel is authorised to target. A fishing vessel carrying out a fishing activity shall be deemed to target deep-sea species if its communications about catches (in the logbook, landing declarations, sales notes or similar document) in a calendar year concerned contain at least **8 %** of deep-sea species in any fishing trip;
- a **800 meter depth limit** below which it will not be possible to fish with bottom trawls;
- the setting of a **geographical footprint** based on historical criteria by which vessels will only be able to fish in those areas where they have done so during the reference period. Targeted fishing activities shall only be allowed in those areas where deep-sea fishing activity has occurred during the reference period 2009-2011;
- a Member State may submit a request to conduct exploratory fisheries in locations outside the existing deep-sea fishing areas. Such a request shall be accompanied by an **impact assessment** carried out in accordance with Food and Agriculture Organisation (FAO) guidelines, the extension of the fishing area does not pose a significant risk of a negative impact on vulnerable marine ecosystems (VMEs);
- **special protection measures** for vulnerable marine eco-systems which apply to operations with bottom gears below a depth of 400 m. The fishing vessel shall: (i) immediately cease fishing in the area concerned. It shall resume operations only when reaching an alternative area at least five nautical miles from the area in which the encounter occurred; (ii) immediately report each encounter with VMEs to the competent national authorities who shall notify the Commission without delay;
- boosted **control measures** based on the system applied by the management plans;
- additional targeted data collection obligations aimed at ensuring a better picture of deep-sea stocks. Among these, of particular importance is an **observer coverage of 20%** applicable to EU vessels fishing with bottom trawls and bottom set gillnets in both EU and North-East Atlantic Fisheries Commission (NEAFC) waters.

ENTRY INTO FORCE: 12.1.2017.

DELEGATED ACTS: the power to adopt delegated acts shall be delegated to the Commission in respect of amending the list of VME indicators for the purpose of adapting that list to the latest scientific advice. The power to adopt delegated acts shall be conferred on the Commission for a period of five years from 12 January 2017. The European Parliament or the Council shall have the right to object to a delegated act within a period of two months (extendable for two months) from the date of notification.

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

2012/0179(COD) - 13/12/2016 - Text adopted by Parliament, 2nd reading

The European Parliament adopted at second reading following the ordinary legislative procedure, a legislative resolution on the Council position at first reading in view of the adoption of a Regulation of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Council Regulation (EC) No 2347/2002.

Parliament **approved the Council position** at first reading without amendment.

This proposal seeks 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 EU deep-sea fisheries regime determines which operators are authorised to target deep-sea species and lays down the conditions under which Member States may issue authorisations for deep-sea fishing.

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

2012/0179(COD) - 19/10/2016 - Council position

The Council adopted its position at first reading on a regulation establishing specific conditions for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic.

The draft regulation aims to **ensure the sustainable exploitation of deep sea stocks while reducing the environmental impact of these fisheries**. It also aims to continue improving the scientific knowledge about those stocks.

The EU deep sea fishing regime regulates which operators are allowed to target deep sea species and sets the conditions under which Member States can issue fishing authorisations for deep sea fisheries.

The main elements of the Council position are as follows:

Fishing authorisations: fishing activities targeting deep-sea species shall be subject to a fishing authorisation (the ‘targeting fishing authorisation’).

- **The targeting fishing authorisation** shall indicate the deep-sea species that the vessel is authorised to target.
- A fishing vessel carrying out a fishing activity shall be deemed to target deep-sea species if its communications about catches (in the logbook, landing declarations, sales notes or similar document) in a calendar year concerned contain at least 8 % of deep-sea species in any fishing trip

- **No fishing authorisation** shall be issued for the purpose of fishing with **bottom trawls at a depth below 800 metres**.

Strict conditions for exploratory fishing outside of established fished areas ("footprint"): in order to further enhance the protection of the marine environment, it is appropriate to allow targeted fishing activities only in those areas where deep-sea fishing activity has occurred during the reference period 2009-2011.

However, for the purpose of exploratory fisheries, it should be possible for vessels targeting deep-sea species to fish beyond the existing fishing area provided that, according to an impact assessment carried out in accordance with Food and Agriculture Organisation (FAO) guidelines, the extension of the fishing area does not pose a significant risk of a negative impact on vulnerable marine ecosystems (VMEs).

Specific requirements for the protection of VMEs: the Council’s position introduced special protection measures for vulnerable marine eco-systems which apply to **operations with bottom gears below a depth of 400 m**.

The fishing vessel shall **immediately cease fishing** in the area concerned. It shall resume operations only when reaching an alternative area at least five nautical miles from the area in which the encounter occurred.

The fishing vessel shall immediately **report** each encounter with VMEs to the competent national authorities who shall **notify** the Commission without delay.

In addition, a competent scientific advisory body shall be requested by the Commission to carry out an annual assessment of areas where VMEs are known to occur or are likely to occur.

Observer coverage: Member States shall establish a programme for observer coverage to ensure the collection of relevant, timely and accurate data on the catch and by-catch of deep-sea species and encounters with VMEs and other relevant information for the effective implementation of this Regulation. Vessels using bottom trawls or bottom set gillnets with a fishing authorisation to target deep-sea species shall be subject to **at least 20 % observer coverage**, excluding vessels that, for security reasons, are not suitable to receive an observer.

The Council’s position also provides for **strengthened control measures** based on the system used by the management plans, as well as a detailed assessment of the Regulation's impact after four years.

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

2012/0179(COD) - 06/12/2016 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Fisheries adopted the recommendation for second reading contained in the report by Isabelle THOMAS (S&D, FR) on the Council position at first reading in view of the adoption of a Regulation of the European Parliament and of the Council establishing specific conditions for fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Council Regulation (EC) No 2347/2002.

The committee recommended the European Parliament to **approve the Council position at first reading without amendment**.

Following the adoption of Parliament's first-reading position in plenary on 10 December 2013, the Council considered the proposal in detail between January 2014 and November 2015, which was when negotiations aimed at reaching an agreement at second reading started with the Luxembourg Presidency.

The Council's first-reading position is consistent with the agreement reached in the trilogues. The explanatory statement highlighted the following elements of the Agreement as reached on the proposal on 30 June 2016:

- the European Union is going to freeze its fishing footprint by specifying the area in which deep-sea fishing will be allowed. That area includes the area in which targeted fishing took place between 2009 and 2011 in EU waters in the North-East Atlantic. This geographical boundary will apply to vessels targeting deep-sea species, i.e. those whose deep-sea species catch makes up more than 8% of the total on at least one fishing trip during the year;

- Parliament has secured specific penalties for vessels breaching the regulation on deep-sea fishing and a stipulation that no exemptions will be granted to certain rules;

- Parliament and Council negotiators have agreed: (i) on a depth limit of 800 metres; (ii) that vessels found to be fishing in vulnerable marine ecosystems at a depth in excess of 400 metres will have to stop their operations and move at least five nautical miles away from the fishing area in question;

- Parliament has introduced new, stricter transparency rules by including obligations to make information available to the public on European vessels targeting deep-sea species and to report all catches (fish and vulnerable ecosystems). Member States will also be required to provide information on the location of vulnerable ecosystems (impact assessments) and the Commission will assess this data annually and adapt the allowed fishing area accordingly (by means of implementing acts).

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.

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

2012/0179(COD) - 18/11/2013 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Fisheries adopted the report by Kriton ARSENIS (S&D, EL) on the proposal for a regulation of the European Parliament and of the Council establishing 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 and repealing Regulation (EC) No 2347/2002.

The committee recommended that the European Parliament's position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

Protection of ecosystems: according to Members, the protection of vulnerable marine ecosystems and the long-term conservation of deep sea fish stocks should be a key objective of this regulation, as well as minimising and, where possible, preventing by-catches.

Identification of deep-sea species and most vulnerable species: the report called on the Commission to **review (every two years) the list of deep-sea species**, including the designation of most vulnerable species, in order to incorporate new scientific information and make sure that measures taken are up to date and tailored towards ensuring the sustainability of these species.

Types of fishing authorisations: fishing activities targeting deep-sea species carried out by a fishing vessel, shall be subject to a fishing authorisation, issued by the **flag Member State**, which shall indicate deep-sea species as the target species. Fishing activities are deemed to target deep-sea species, **if the vessel deploys bottom gears at depths of or below 600 meters**.

Obligation to record and report all catches of deep-sea species: the report introduced an obligation to report all catches of deep-sea species, in terms of species composition, weight and sizes, whether subject to a special fishing authorisation or not.

Identification and protection of vulnerable marine ecosystems: Members stated that Member States should use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known to occur or are likely to occur. Based on this information, the Commission should establish a list of these areas.

Fishing with bottom gears shall be **prohibited in the areas identified**. Closures will be **reopened** to fishing activities if the scientific advisory body provides evidence that vulnerable marine ecosystems are not in the area or the Commission determines that measures have been adopted to ensure that significant adverse impacts on vulnerable marine ecosystems will be prevented.

Impact assessment prior to the issuance or renewal of fishing authorisations for bottom gears targeting deep-sea species: each application for a fishing authorisation that allows the use of bottom gears in Union waters or in international waters shall be accompanied by a detailed fishing plan, which shall be made publicly available, specifying the types of fishing gears and the depth at which they will be deployed, a list of the species to be targeted and the technical measures to be put in place.

Prior to granting an application Member States shall **verify** through the Vessel Monitoring Systems (VMS) record of such vessels that the information submitted is accurate. If the information does not match that in the VMS record the application shall not be granted.

The report includes a phased introduction, 2 years after this Regulation enters into force, of an **obligation for Member States to assess that fishing activities do not have a significant adverse impact on the marine ecosystem** before a fishing authorisation is issued or renewed**.**

Fishing opportunities: Members stipulated that fishing opportunities should be fixed at a rate of exploitation of the deep-sea species concerned that ensures that populations of deep sea species are maintained or restored above levels which can produce maximum sustainable yield.

This exploitation rate shall contribute to **achieving and maintaining a good environmental status in the Union's marine environment by 2020** and shall be based on the best scientific information available.

Member States shall apply the **precautionary and ecosystem approaches** to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species.

Obligation to land all catches: the report noted that a high number of species are caught in deep sea fisheries, but only nine out of fifty three included in the Commission proposal are subject to catch limits.

Members suggested that it is necessary to ensure that the obligation to land all catches in deep sea fisheries **covers species not subject to catch limits** and that *de minimis* provisions are not applied to these fisheries.

Financial Assistance for changing of fishing gear: the report introduced an amendment according to which fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea gillnets should be eligible to receive financial assistance from the European Maritime and Fisheries Fund (EMFF) for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has demonstrably better size and species selectivity, a lower and limited impact on the marine environment and vulnerable marine ecosystems and does not increase the fishing capacity of the vessel.

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

2012/0179(COD) - 10/12/2013 - Text adopted by Parliament, 1st reading/single reading

*Note: Following the first reading and since the beginning of the 8th legislative term **Isabelle THOMAS**, S&D, has been appointed rapporteur.*

The European Parliament adopted by 567 votes to 91 with 32 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing 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 and repealing Regulation (EC) No 2347/2002.

The European Parliament's position adopted at first reading, following the ordinary legislative procedure, amends the Commission proposal as follows:

Purpose of the Regulation: the Regulation must have the following aims:

- to **prevent significant adverse impacts on vulnerable marine ecosystems** and ensure the long-term conservation of deep sea fish stocks;
- to minimise and where possible prevent by-catches;
- to **apply the precautionary and ecosystem approaches** to fisheries management and to ensure that the Union measures aimed at the sustainable management of deep-sea fish stocks are consistent with Resolutions adopted by the General Assembly of the United Nations.

Transparency, public participation and access to justice: all data-handling and decision-making under the Regulation must be conducted in full compliance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters ('the Aarhus Convention', approved on behalf of the Union.

Identification of deep-sea species and most vulnerable species: Parliament called on the Commission to **review (every two years) the list of deep-sea species**, including the designation of most vulnerable species, in order to incorporate new scientific information and make sure that measures taken are up to date and tailored towards ensuring the sustainability of these species.

Types of fishing authorisations: fishing activities targeting deep-sea species carried out by a fishing vessel, shall be subject to a fishing authorisation, **issued by the flag Member State**.

Fishing activities will indicate deep-sea species as the target species where the vessel master:

- deploys bottom gears at **depths of or below 600 meters**;
- records in the logbook a percentage of the deep-sea species which is **equal or superior to one of the following thresholds** : (i) 15% of the overall catch weight in the fishing day concerned, or (ii) 8% of the overall catch weight in the fishing trip concerned.

Obligation to record and report all catches of deep-sea species: Parliament introduced an obligation to report all catches of deep-sea species, in terms of species composition, weight and sizes, whether subject to a special fishing authorisation or not.

Identification and protection of vulnerable marine ecosystems: Members stated that Member States should use the best scientific and technical information available, including biogeographic information, to identify where vulnerable marine ecosystems are known to occur or are likely to occur. Based on the assessments and identifications carried out by Member States and the scientific advisory body, the Commission shall establish a list of these areas.

Fishing with bottom gears **shall be prohibited in the areas identified**. Closures **will be reopened to fishing activities** if the scientific advisory body provides evidence that vulnerable marine ecosystems are not in the area or the Commission determines that measures have been adopted to ensure that significant adverse impacts on vulnerable marine ecosystems will be prevented.

Impact assessment prior to the issuance or renewal of fishing authorisations for bottom gears targeting deep-sea species:

- Each application for a fishing authorisation that allows the use of bottom gears in Union waters or in international waters shall be accompanied by a **detailed fishing plan**, which shall be made publicly available, specifying the types of fishing gears and the depth at which they will be deployed, a list of the species to be targeted and the technical measures to be put in place.
- Prior to granting an application Member States **shall verify** through the Vessel Monitoring Systems (VMS) record of such vessels that the information submitted is accurate. If the information does not match that in the VMS record the application shall not be granted. Failure to comply with the fishing plan shall result in the withdrawal by the flag Member State of the fishing authorisation from the fishing vessel concerned.

Parliament included a phased introduction, 2 years after this Regulation enters into force, of an **obligation for Member States to assess that fishing activities do not have a significant adverse impact on the marine ecosystem** before a fishing authorisation is issued or renewed.

Fishing opportunities: Members stipulated that fishing opportunities should be fixed at a rate of exploitation of the deep-sea species concerned that ensures that populations of deep sea species are maintained or restored above levels which can produce maximum sustainable yield.

This exploitation rate shall contribute to **achieving and maintaining a good environmental status in the Union's marine environment by 2020** and shall be based on the best scientific information available.

Member States shall apply the **precautionary and ecosystem approaches** to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species.

Obligation to land all catches: Parliament noted that a high number of species are caught in deep sea fisheries, but only nine out of fifty three included in the Commission proposal are subject to catch limits.

Members suggested that it was necessary to ensure that the obligation to land all catches in deep sea fisheries **covers species not subject to catch limits** and that *de minimis* provisions are not applied to these fisheries.

Programme for coverage: Member States shall establish a programme for observer coverage to ensure the collection of relevant, timely and accurate data on the catch and by-catch of deep-sea species, encounters with vulnerable marine ecosystems Vessels using bottom trawls or bottom-set gillnets with a fishing authorisation to target deep-sea species shall be subject to 100 % observer coverage. All other vessels with an authorisation to catch deep-sea species shall be subject to 10 % observer coverage.

Financial Assistance for changing of fishing gear: Parliament introduced an amendment according to which fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea gillnets should be eligible to receive financial assistance from the European Maritime and Fisheries Fund (EMFF) for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has (i) demonstrably better size and species selectivity, (ii) a lower and limited impact on the marine environment and (iii) vulnerable marine ecosystems and does not increase the fishing capacity of the vessel.