



OUTCOMES OF THE JOINT RAC FOCUS GROUP – 21 November 2012

DISCUSSION PAPER OF 4 REGIONAL ADVISORY COUNCILS: NORTH SEA, NORTH WESTERN WATERS, SOUTH WESTERN WATERS AND LONG DISTANCE

STATE OF DEBATE AND VIEWS ON MANAGEMENT MEASURES AND ACCESS REGIME FOR DEEP-SEA FISHERIES

February 2013

1. INTRODUCTION / BACKGROUND

This advice is presented on behalf of the North Sea, the North Western Waters, the South Western Waters and the Long Distance Regional Advisory Councils (henceforth, 4 RACs), given the widespread geographical coverage of deep-sea fisheries and the encouragement by the Commission to set joint working groups and provide a common advice on management of deep-sea stocks, as stated on its Communication on the Review of the Functioning of the RACs published in June 2008¹.

The purpose of this document is to inform the European co-legislators (European Parliament and Council) on the RAC stakeholders' views, being an appropriate time in light of the ongoing debate and discussions held at the European Parliament Fisheries Committee.

The RACs have been committed since its creation to provide regular advice to the Commission's consultations and papers on management measures on deep-sea species (seasonal closures for spawning aggregations of blue ling, interim technical measures on use of gillnets as stated in Reg. 43/2009, etc.) as well as provided comments on proposals for setting biannual fishing opportunities and the review of the fishing access regime.

A comprehensive list of the RAC advices is available under Annex I.

The four RACs above mentioned co-organised a Working Group to discuss a number of short term and long term issues related to deep-sea fisheries. This meeting was held in Paris the 21st of November 2012, and was composed of key representatives from both the deep-sea and demersal fishing sector concerned by these measures and the environmental NGOs. The agenda, meeting report and background papers are available for consultation on the RACs meeting website².

¹ See item 2.1. Geographical coverage – point (3) – p.4

www.nwwrac.org/About_NWWRAC/upload/File/EC_Communication_Review_Functioning_RACs_EN.PDF

² http://www.nwwrac.org/Meetings/Meetings_ENG/Navigation.php?id=603&language=English



It was agreed there that the RAC secretaries with the chair and rapporteur would compare views of all participants in the meeting to identify areas of common ground and differences in the positions of various organisations represented at the meeting. A discussion paper would be drafted in response to the Proposal of Regulation of the Commission, launched in July 2012, establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the NEA and repealing Regulation (EC) No 2347/2002 for consideration and, if supported, adoption by the Executive Committees of each of the four RACs.

2. CONSULTATION PROCESS - GOVERNANCE ISSUES

2. 1. There has been a deficit of consultation to the stakeholders

The Commission published in January 2007 a Communication on the review of the management measures for deep-sea fish stocks that has been in place since 2002³. It subsequently presented in December 2009 a consultation paper addressed to the Fisheries Directors of 12 EU Coastal Member States and 5 RACs to reflect on proposals for a review of Council Regulation (EC) No 2347/2002, establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks. This paper contained three policy options and addressees were invited to provide their views on which of them would be desirable. The NWWRAC and the SWWRAC submitted their responses within the established deadline. The LDRAC did not receive nor was informed of this consultation paper so it did not have the opportunity to submit their views or any formal response.

Since then, none of the RACs received any feedback or was further consulted by the Commission nor its timetable and work plan were revealed. A proposal for a Regulation was published in July 2012, with a short summary of the contributions received by Member States, RACs and other stakeholders under the heading 2. “*Results of consultations with the interested parties and impact assessments*”.

The four RACs disagree with the consultation process above described, which has been perceived as clearly insufficient, departing from the principles of good governance and setting an unfortunate precedent for a reformed CFP. The RACs made it clear, in the context of the CFP reform and decentralisation of decision-making process, that a more regional and participatory approach is needed. The involvement of all relevant parties will be essential, in line with the principles of good governance and transparency of decision-making. The idea of “*bringing decisions closer to the grassroots*” is key to finding management solutions that are tailored to the specificities of regional areas, sea basins or specific fisheries”⁴.

³ Brussels, 29.1.2007 - COM(2007) 30 final- COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT - Review of the management of deep-sea fish stocks

⁴ Joint RAC Common Position on the role of the RACs in the future CFP Reform – EP Public Hearing on Regionalisation – EP Hearing on Regionalisation – Brussels, 21 March 2012 - Page 1
www.nwwrac.org/admin/publication/upload/InterRAC_Common_Position_Paper_Regionalisation_21March2012_EN.pdf

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The impact assessment (IA) is the main evidence to support the choice for a policy option. In fact, the IA was conceived to analyse the policy options from an environmental, social and economic perspective, while looking at the administrative costs and compliance aspects. However, in the opinion of the fishing sector members of the RACs, it does not give a comprehensive explanation about the reasons for ruling out of the other policy options, in particular the one that according to the fishing sector members looks like the most viable one: a risk-based approach which provides necessary protection through specific, targeted, species and area measures. This view has been supported by the European Parliament when looking at the scope of the Commission's Impact Assessment on its initial appraisal released in October 2012 (PE 494.452). Furthermore, the option retained in the actual proposal of Regulation, that envisages a phasing out of bottom trawling and gillnet activities in deepwater fisheries in a period of two years (art. 9) was not contemplated among the three policy options suggested in the consultation paper.

2.2. RAC proposals have not been duly evaluated or incorporated on the Commission's proposal

The summary with the responses received, as included in the proposal of Regulation under item 2, does not go into detail to explain why stakeholders' views have been dismissed or disregarded, undermining therefore the value of the participatory approach as such. There is also a certain degree of incoherence in the fact that some of the arguments raised by the NWWRAC and SWWRAC are mentioned in the Preamble but have not been further developed or considered in the main body of the proposal, namely:

- A consistent definition of deep-sea fisheries;
- An adaptive management measures tailored to each fishery;
- An effort management at refined scale (by métier);
- A clearer system of allocation, renewal and withdrawal of fishing authorization permit.



3. GENERAL LONG-TERM CONSIDERATIONS ON MANAGEMENT OF DEEP-SEA SPECIES

3.1. Need to improve the knowledge on the state of the deep-sea stocks and its habitats under an ecosystem based approach

It is a fact that deep-sea species and ecosystems in the Northeast Atlantic are highly vulnerable to human impacts and more sensitive than shallow-water ones because deep-sea species are generally, much longer-lived, slower growing, and reach sexual maturity much later than pelagic species and species found in continental shelf areas.

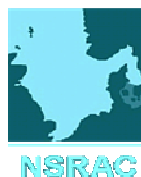
The overarching objective of the governing rules on this area has been to ensure, insofar as possible, the sustainable exploitation of deep sea stocks whilst reducing the environmental impact of these fisheries; and to have a better information base for scientific assessment.

It is worthy to note that not all deep-sea stocks are data poor by definition and there are also many types or categories of data limited situations. For instance, analytical assessments are now available for roundnose grenadier and blue ling in EU north western waters. Furthermore, ICES advice shows that, in recent years, indicators for the biomass trends (such as Catch per Unit Effort, CPUE data) show an increase for other stocks such as black scabbard or tusk. It must be also noted that the current level of fishing activity and effort deployed is relatively low as a result of regulations in place since 2002. Based on a single species approach, ICES advice recommended an increase of TAC for a number of deep water species of commercial interest (e.g. black scabbard fish in Vb-VI-VII-VIII-IX and XIIb, roundnose grenadier in Vb-VI-VII, blue ling in Vb-VI-VII or tusk in VI-VII) for 2013-2014.

- Fishing sector representatives argue that impacts on by-catches species are already managed through the limitation of access and fishing effort as stated by Dr. Pope: *"The fishing mortality of by-catches species is equal or less than the fishing mortality of target species"*⁵. However, they have also acknowledged that progress can be made through better spatio-temporal management.
- NGOs have argued that increasing or even setting TACs in the first place for individual deep-sea species without managing deep-sea fisheries for their impacts on all species caught as target or by catch in mixed species fisheries and the impact of the fisheries on benthic ecosystems is inconsistent with ICES advice, the ecosystem approach to fisheries management, the UN General Assembly resolutions on deep-sea fisheries and the European Union's obligations under international law, in particular Articles 5 and 6 of the 1995 UN Fish Stocks Agreement.⁶

⁵ See "Pope, J.G., MacDonald, D.S., Daan, N., Reynolds, J.D., Jennings, S., 2000. *Gauging the impact of fishing mortality on non-target species*. ICES Journal of Marine Sciences 57, 689-696.

⁶ See e.g. *Response to the information and consultation document of 22/07/2010 from DG MARE addressed to the Advisory Committee on Fisheries and Aquaculture and to the Regional Advisory Councils for North Sea, North-Western Waters and South-Western Waters In regard to Fishing Opportunities for Deep Sea Species 2011 and 2012*. Birdlife International, Bloom Association, Deep Sea Conservation Coalition, Pew Environment Group, Seas at Risk, Shark Alliance, WWF, and European Anglers Alliance September 2010.
www.savethehighseas.org/publicdocs/20100902_response_DG_MAREConsultation_deep_sea_species.pdf



Scientists are developing, through both transnational EU projects and ICES WGDEEP, new or innovative stock assessment methods (including multiannual ones) tailored to the data available for each relevant stock (e.g. red sea bream in the Bay of Biscay; redfish; Vla blue ling). Therefore, a single species approach is already in place for some stocks and species with different assessment methodologies and considerations for different species and areas. However, there is still work to do in relation to assessing and managing the impact of a fishery on all deep-sea species.

There is also a need to acquire a better understanding of the interactions between species and their habitats as well as the environmental effects. There is ongoing work in ICES to assess this and incorporate it into the assessments. This work is much supported by the RACs, with collaboration between both to address data deficiencies.

In the meantime however, NGOs represented in the RACs are of the view that deep-sea fisheries should not be authorized unless or until impact assessments have been conducted and conservation and management measures are in place to ensure that significant adverse impacts on vulnerable marine ecosystems will be prevented and that the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, will be ensured as called for in UN General Assembly resolutions, in particular paragraphs 119 and 120 of resolution 64/72.⁷

The fishing sector considers that the UNGA Resolution 64/72 applies to areas beyond national jurisdiction; and that EU fishing and environmental legislation in place is already consistent with the international commitments signed by the EU.

3.2. A clear and unambiguous definition of both deep-sea habitats and species

It seems from scientific literature that a deepwater habitat might be understood as any marine environment with a bathymetry below 200 meters depth, although this might vary depending on the various geomorphology of the areas, as some parts of the continental shelf and slope are narrower (West of Portugal and Iberian waters) than others (West of Scotland and Celtic Sea).

Furthermore, some species that do not fall within the category of deepwater stocks however might live in those habitats at least at some stage of their lives and vice versa, species that fall within the category of deep sea species might live outside of these habitats. Furthermore, there are different definitions of deep-sea species, resulting in some species being considered as deep-sea fish under one definition but not under another definition, which makes it unclear for some fisheries whether they should be managed as deep-sea fisheries or not. In this respect, the DEEPFISHMAN project established a categorisation between species of which more and less than 50% of their biomass is distributed below 200 meters.

⁷ UN General Assembly A/RES/64/72 - Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments. 2009.

http://www.un.org/Depts/los/general_assembly/general_assembly_resolutions.htm



In view of the above, a careful approach must be given to do not prejudice those fleets and/or métiers that do not catch deep-sea species in significant quantities and have a minimal impact on marine vulnerable habitats. To this extent, the definition proposed by DEEPFISHMAN seems to result in a list of deep sea species very similar to that included in Annex I of the Commission's proposal, though conger eel (*conger conger*) and ling (*molva molva*) are not considered deep sea fish under this definition and possibly other species would need to be added. It is also worthy to note that although tusk is not considered a deep-sea species under (EC) Reg. 2347/2002, it is likely to be included in the list of the new Regulation.

A multiscale habitat (i.e. seabed) mapping with high resolution would be very important to have refined and accurate information on the regional description of deepwater fisheries.

It should also take into consideration the fishing footprint (VMS data, plotters...) for an improved management of areas identified as vulnerable marine ecosystems, enabling where possible and scientifically based the continuation of fishing activity with the conservation of deep-sea habitats, with control and enforcement measures in place to guarantee that it is feasible and properly implemented.

3.3. Collaboration between science and stakeholders is a cornerstone for achieving a long term sustainable exploitation of the stocks and exploring trade-offs with management

The fishing sector representatives are of the view that it seems incoherent that the Commission has adopted a formal proposal for a new access regime to deep-sea species prior to the publication of the conclusions of the DEEPFISHMAN EU FP7 project, which was specifically tasked by the Commission to recommend harvest rules based on secondary indicators for the exploitation of deep sea species. To enhance the importance of fishing activities within a wider context of the Marine Strategy Framework Directive.

A number of NGOs however, felt that the Commission proposal was long overdue given the repeated calls for 'urgent' action to protect deep-sea species and ecosystems from the harmful impacts of fishing by the UN General Assembly and the Conference of Parties to the Convention on Biological Diversity beginning in 2004; the Committee on Fisheries of the UN Food and Agriculture Organization in 2005; and the 2007 European Commission review of the management of deep-sea fisheries in the Northeast Atlantic, which concluded that there were numerous inadequacies in the current access regime (2347/2002) for the management of deep-sea fisheries in the NEA.⁸

Nonetheless, both environmental NGOs and fishing sector representatives agree that many of the findings and recommendations of DEEPFISHMAN and other EU projects (e.g. CORALFISH, HERMIONE) are relevant for improving our understanding on deepwater habitats and species, and that these projects have counted with the participation and input of stakeholders and the RACs.

⁸ UNGA resolution 59/25, paragraphs 66-71; CBD COP-7, Decision VII/5 paragraphs 30 & 57-62; Report of the twenty-sixth session of the Committee on Fisheries. Rome, 7-11 March 2005, paragraph 90; COMMUNICATION FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT: Review of the management of deep-sea fish stocks. Brussels, 29.1.2007 COM(2007) 30 final.



Member States and fishing sector should be able to provide useful data in relation to fishing patterns and effort (spatial and temporal distribution through VMS data and logbooks, surveys and deployment of surveys and campaigns...).

The RACs would suggest that all recent findings and outcomes from the above projects and initiatives should be put forward for consideration to the policy makers (Commission, European Parliament and Council). The RACs will continue working with relevant scientists to find useful ways of collaboration and invite scientists to contact RACs on specific gaps and needs.

4. SPECIFIC COMMENTS TO THE PROPOSAL OF THE COMMISSION - ARTICLES

The four RACs would like to comment on some of the articles of the Regulation and see them amended in the final Regulation that will be adopted by the Parliament and the Council:

4.1. Definition of deep-sea species and fisheries (art 3 and Annex I)

As mentioned under sub-item 2.2, a coherent definition is needed and the list of species under Annex I should be consistent with a more scientific rigorous approach which could include international definitions of deep-sea species such as those used by RFMOs, the UN FAO and/or the approach proposed by DEEPFISHMAN. The list of species of Annex I needs to be flexible and might need to be reviewed periodically as new knowledge about the biology of species caught in the deep-sea fisheries in the Northeast Atlantic becomes available. The NGOs are of the opinion that this could be addressed once the regulation is in force with the current list in the Commission proposal adopted as is.

4.2. Fishing authorisations (Chapter II – arts 4-7)

Although this topic was not dealt with at the Focus Group as such, the NWWRAC and the SWWRAC have advocated in their advices for a licensing regime for deep-sea species as an appropriate management tool for regulating fishing access to deepwater fisheries. They supported an unambiguous and clear system of allocation, renewal and withdrawal regime must be set in place to ensure a sustainable exploitation of fishing stocks that achieve the aims of a conservation of habitats and biodiversity.

The novelty of creating two fishing permits, one for those who have targeted or directed deep-sea fisheries and other for those having by-catch of deep-sea stocks, depending on the percentage of catches per day/trip is considered a step in the right direction and should be included in the new Regulation replacing the one currently in force.



The NGOs are of the view that the definition of “targeted” deep-sea fisheries in Article 4 should also include a definition of targeted deep-sea fisheries based on depth, in addition to a species and catch based definition. The concern regarding the impact of deep-sea fisheries is twofold: both in relation to the impact on vulnerable marine ecosystems by bottom contact gears as well as the impact on low-productivity fish species. Regarding impact assessments, while the NGOs support the ‘freezing of the footprint’ proposed by the Commission in Article 7 - provided that the footprint is rigorously defined – the Commission proposal should be improved in Article 7 to require impact assessments for all deep-sea bottom fisheries, both in existing fishing areas (inside the footprint) as well as outside of existing fishing areas, as is called for in the UNGA resolutions and FAO Guidelines.

4.3. Expiry of fishing authorisations targeting deep-sea species for vessels using bottom trawls or bottom-set gillnets (art. 9)

Whereas both the RAC fishing sector and other interest group representatives agree on the need to minimise the impact of fishing activity in vulnerable and sensitive habitats and ecosystems (corals, seamounts, sponges, etc.), ensuring a sustainable exploitation of resources and the protection of the biodiversity, there are very divergent and conflicting views on the avenues or methods to achieve it between both groups within the RAC. For that reason or for sake of clarity, both arguments are included separately.

4.3.1. Views from fishing sector

The fishing sector representatives of the RACs (2/3 of the RAC’s membership) are firmly against the Commission’s proposal of phasing out the bottom trawling and deep water gillnet activity targeting deep-sea species within a period of 2 years. It is regarded as a blunt and blanket approach that is a disproportionate management approach even as a result of the application of the precautionary principle. The fishing sector consider this to be an overly simplistic and poorly conceived measure, with little scientific basis, it simply demonizes bottom trawl and bottom-set gillnet activity as “*bad gears*” without even putting them in context in comparison with other marine activities that have a similar or higher quality of impact in the habitats or ecosystems (deep-sea mining, toxic waste...). All fishing methods have a certain impact on marine ecosystems, so there is a need for an effective use and regulation of the same through sound management and efficient control and not a ban on it.

The proposal for implementing within 2 years a general prohibition on all trawl activity goes far beyond what is stipulated in international regulations such as UNGA resolutions 59/25, 61/105, and 64/72; FAO International Guidelines for the management of the deep-sea fisheries in the high seas, or the Scientific Councils recommendations to RFMOs such as NAFO or NEAFC, with extensive experience and knowledge in deep-sea species management. In summary, if adopted, the EC Proposal would suppose in practice a discriminatory treatment for the EU fleet both in EU and international waters *vis a vis* the non EU fleets.



It represents a radical and unjustified turn on the European Commission's fisheries policy on that matter, that abruptly departs from the line that has been following during the last 10 years, with the agreement of the Council and the Parliament, in all international forums where the EU is present, not only in UN and FAO, but also in RFMOs such as NAFO and NEAFC. All the work done since 2005 in mapping areas towards the identification and protection of VMEs in the Atlantic Ocean and other areas, as well as the work done at these RFMOs, has been disregarded.

This debate was already substantiated at the UN in 2005 with the resolution 61/105, passed with the support of the EU, where the option of not banning or forbidding fishing gears, but regulate their use and reduce its adverse effects, was adopted.

The entry into force of this measure will have a considerable socio-economic impact for the fleets and fishermen not only of targeting deep-sea species but also having sporadic and seasonal by-catches. It would also mean in practice a shortage in supply for the market that will be filled either by aquaculture sector or imports from non EU fleets that are not subject to these stringent requirements.

A gradual approach is advocated here, looking in detail at those sites where a ban would be justified while allow continuing fishing activities in other areas. This will require a continuous dialogue and enhanced collaboration between scientists and fishermen (both individually and through the RACs) in order to obtain better data of spatial distribution of trawl fishing activities, intensity and its impact on the seabed, with the view to be able to come together with more sensitive proposals that can be better complied with.

Coordination between scientific projects would be also desirable to integrate all available information under a shared European integrated Marine Spatial Planning Geographic Information System. There is currently a project funded by FAO which aims building a global database of VMEs⁹

More investment in scientific research would be needed to avoid falling in the automatic application of precautionary approach by default. The idea of Vulnerable Marine Ecosystems has only been introduced very recently and needs to be properly assessed before being incorporated into any future Regulation.

⁹ <http://dgroups.org/fao/dsf/vmedb>



4.3.2. Views from Other interest groups:

The members of the other interest groups (1/3 of the RAC's membership) concerned are generally supportive of a phasing out of bottom trawling and bottom gillnets in vulnerable deep-sea areas except for one member (EBCD) that does not fully agree with them as explained below. They believe that the proposal of the Commission is adequate and proportionate and therefore it should be maintained. They are certain that the Commission's proposal helps to protect most vulnerable deep-sea habitats and species by incorporating the precautionary approach in a way that ensures minimal impact of fishing gears on vulnerable deep-sea ecosystems.

Environmental NGOs highlight the fact that numerous scientific studies have concluded that bottom trawling, the most common method of fishing in the deep-sea, is widely recognized as the most serious direct threat to deep-sea ecosystems such as deep-sea coral and sponge ecosystems^{10,11,12,13}. Deep-sea bottom trawl fisheries in the Northeast Atlantic take up to 100 species as by-catch. The catch of many deep-sea species in EU waters is unregulated (no TACs or Quotas); and for these species as well as those that are regulated there is insufficient scientific information on the status of the stocks to determine sustainable levels of catch in many cases.

The Commission is not proposing to ban deep-sea fisheries altogether, but rather to promote a shift to a more selective fishing (such as bottom longline) for deep-sea species that are more fuel efficient and produce a higher quality and higher value catch. Besides, the transitional period of 2 years as included in the proposal allows those affected fleets to gradually adjust their fishing patterns and, where possible, shift to those more selective gears. Moreover, it would appear that funding is likely to be available from the European Maritime Fisheries Fund for a transition to more selective fishing gears.

Information presented at the Joint RAC Focus Group on 21 November 2012 indicates that fishing deep-sea species with bottom longline gear is likely to have a far lesser impact on vulnerable marine ecosystems than deep-sea bottom trawling, consume much less fuel, employ more people per unit of catch and produce a higher value product.

¹⁰ Roberts, C.M, 2002. Deep impact: the rising toll of fishing in the deep-sea. *TRENDS in Ecology & Evolution*. Vol. 17 No.5. pp.242-245. Morato, T., Watson, R., Pitcher, T.J., & Pauly, D. 2006. Fishing down the deep. *Fish and Fisheries*, Vol 7. Pp24-34, <http://stuff.mit.edu/afs/athena.mit.edu/course/12/12.000/www/m2011/pdf/fishingdownthedeep.pdf>.

¹¹ Hogg, M.M., O.S. Tendal, K.W. Conway, S.A. Pomponi, R.W.M. van Soest, J. Gutt, M. Krautter and J.M. Roberts, 2010. *Deep-sea Sponge Grounds: Reservoirs of Biodiversity*. UNEP-WCMC Biodiversity. Series No. 32. UNEP-WCMC, Cambridge, UK. See also Freiwald, A., J.H. Fosså, A. Grehan, T. Koslow and J.M. Roberts, 2004. Cold-water Coral Reefs. UNEP-WCMC, Cambridge, UK. and Weaver, P.P.E., Benn, A., Arana, P.M., Ardron, J.A., Bailey, D.M., Baker, K., Billett, D.S.M., Clark, M.R., Davies, A.J., Durán Muñoz, P., Fuller, S.D., Gianni, M., Grehan, A.J., Guinotte, J., Kenny, A., Koslow, J.A., Morato, T., Penney, A.J., Perez, J.A.A., Priede, I.G., Rogers, A.D., Santos, R.S., Watling, L. (2011). The impact of deep-sea fisheries and implementation of the UNGA Resolutions 61/105 and 64/72. Report of an international scientific workshop, National Oceanography Centre, Southampton, 45 pp. <http://hdl.handle.net/10013/epic.37995>.

¹² ICES (2008). *NEAFC request on identification of vulnerable marine ecosystems, including definitions and assessment of fishing activities that may cause significant adverse impacts on such ecosystems*. International Council for the Exploration of the Sea, ICES Advice, Book 9. 2008.

¹³ Angela R. Benn, Philip P. Weaver, David S. M. Billett, Sybille van den Hove, Andrew P. Murdock, Gemma B. Doneghan & Tim Le Bas. 2010. Human activities on the deep seafloor in the North East Atlantic: An assessment of spatial extent. *PLoS ONE*. 5(9): e12730.

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The Commission proposal essentially seeks to incorporate key provisions of a series of United Nations General Assembly resolutions - in particular 59/25; 61/105; 64/72 and 66/68 - specifically committing the EU and other countries to take a series of actions to eliminate destructive fishing practices in the deep-sea, protect biodiversity in the marine environment and ensure sustainable deep-sea fisheries.

One member of the other interest groups, European Bureau for Conservation and Development (EBCD) would like to express its dissenting opinion in relation to this point.

EBCD believes that the proposed phase out of deep sea trawling has inconsistencies on a number of key points, in particular as it does not comply with the principle of proportionality which is a fundamental principle of the Treaty on the European Union. EBCD is of the opinion that the trawling activity should be banned in all vulnerable marine ecosystems (VMEs) defined on a scientific basis and this activity should be regulated in all VMEs, irrespective of the water depth. This should cover all operations exploiting marine resources and not just fisheries. Moreover, the Commission's proposal is not based on scientific advice but relies on the argument on the extent of control of deep sea fishing operations, which can be addressed. EBCD, being committed with the principle of sustainable development, supports measures that address fisheries management and marine biodiversity conservation in an integrated manner and recommends introducing conditions similar to those applied in the High Seas, which do not prohibit this fishing practice but require for specific obligations to be met allowing deep-sea trawling (i.e. UN resolution 61/105, FAO guidelines).

5. CONCLUSION

The four RACs recognise the need to protect vulnerable marine ecosystems and the need for more data both on distribution of vulnerable marine ecosystems and on the status of deep sea fish stocks and the impact of fishing on these stocks. They support the proposed approach to a licensing system for these fisheries, but note that the list of deep-sea fish species should be based on the best scientific information available and regularly amended as new scientific information becomes available.

The catch of all species, whether target or by-catch, must be managed for sustainability and bottom contact fisheries must be carefully managed to prevent significant adverse impacts on vulnerable marine ecosystems in accordance with the UN General Assembly resolutions and the FAO Guidelines.

In general the different stakeholders represented in the RACs could not agree on a joint support for the Commission's proposal, which was in particular caused by disagreement on the scope and extent of article 9. The four RACs want to emphasise that proper and timely engagement of stakeholders in the elaboration of proposals is key for the success of any future management measure.

END

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ANNEX I. INDIVIDUAL RAC POSITIONS ON DEEPSEA SPECIES

Joint RAC Advices

- South Western Waters RAC – North Sea RAC – North Western Waters RAC Joint Proposal for a dedicated meeting on deep sea species data
http://www.nwwrac.org/admin/publication/upload/EN_courrier_RAC_deep_sea_species_Final.pdf
- Joint Opinion of North Sea and North Western Waters RACs
Position from the Fishing industry in response to consultation on fishing opportunities for Deep-sea species for 2011 and 2012 - Date: September 2010
http://www.nwwrac.org/admin/publication/upload/NSRAC_NWWRAC_JOINT_OPINION_FISHING_INDUSTRY_DEEPSEA_SPECIES_2011_2012_140910_EN.pdf

North Western Waters RAC – www.nwwrac.org

- NWWRAC Advice in response to Commission's consultation document in relation to review of the deep-sea access regime [Council Regulation (EC) No 2347/2002] - Date: March 2010
http://www.nwwrac.org/admin/publication/upload/NWWRAC_ADVICE_Deepsea_Access_Regime_010410_EN.pdf
- NWWRAC Letter on Review and assessment on seasonal closures for blue ling stocks in West of Scotland - Date: July 2011
http://www.nwwrac.org/admin/publication/upload/NWWRAC_Letter_Evaluation_Blue_Ling_Closures_110711_EN.pdf
- Opinion of the North Western Waters Regional Advisory Council on the proposed TACs and quotas for deep-sea species for 2007 and 2008 - Date: August 2006
http://www.nwwrac.org/admin/publication/upload/Opinion_Proposed_Deep-Sea_TAC_Quotas_2007_2008.pdf
- Discussion Paper on the reopening of the Deepwater Gillnet Fishery - Presented to the EU Commission on the 7 of March 2006
www.nwwrac.org/admin/publication/upload/Discussion_Paper_DEEPWATER_GILLNET.pdf
- NWWRAC Opinion on the Commission non paper establishing emergency measures to protect deep-sea species in waters west of Scotland and Ireland - Date: December 2005
www.nwwrac.org/admin/publication/upload/Opinion%20of%20the%20NWWRAC%20on%20Establishing%20Emergency%20Measures%20For%20Deep%20Sea%20Species_EN.pdf

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South Western Waters RAC – www.ccr-s.eu

- SWWRAC Advice 47 - Reflections on the implementation of a Zero TAC for deep-sea shark by-catches - Date : March 2011
http://www.ccr-s.eu/EN/avis.asp?id=70&annee=2011&mois=3&id_comite=16&#bottom
- SWWRAC Advice 32 - Contribution to EC consultation on the review of the Deep Sea access régime [Council Regulation (EC) No 2347/2002] – Date : April 2010
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- SWWRAC Advice 31 - On the preliminary contribution the deep sea consultation in relation to review of the deep-sea access régime [Regulation (EC) No 2347/2002] - Date: March 2010
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- SWWRAC Advice 27 – Asking for funding studies – cases of deep sea sharks and anchovy – Date : March 2010
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- SWWRAC Advice 22 - Scientific project on shark by catches in deep water with long line fishing in deep waters. Date : March 2009
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