



## **NWWRAC-SWWRAC-LDRAC WORKSHOP MANAGEMENT OF THE DEEP-SEA SPECIES**

### **REPORT SESSION 1 “SETTING THE SCENE”**

**Chair: Caroline Cowan (Head of International Fisheries - Scottish Government)**  
**Rapporteur: Alexandre Rodríguez (North Western Waters RAC Secretary)**

**NOTE: ALL SPEAKERS' PRESENTATIONS ARE AVAILABLE IN THE NWWRAC WEBSITE**  
[http://www.nwwrac.org/Meetings/Meetings\\_ENG/Navigation.php?id=669&language=English](http://www.nwwrac.org/Meetings/Meetings_ENG/Navigation.php?id=669&language=English)

#### **1. REGULATING DEEP-SEA FISHERIES: THE COMMISSION'S PROPOSAL**

**Speaker: María Fuensanta Candela Castillo, Head of Unit C2 - DG MARE**

##### Background

A comprehensive overview of the legislative framework and applicable rules for managing deep-sea species was provided as well as an explanation of the evaluation process carried out by the Commission in 2007.

This evaluation was reflected in a Commission's Communication and it essentially concluded that the measures in the Council Reg. (EC) No. 2347/2002 had been poorly implemented, and that the monitoring control and enforcement procedures were not rigorous enough. A Consultation process took place in since December 2009 that went on for 18 months with several actors involved, including Member States, STECF and the concerned RACs.

##### Content

Following this consultation, the Commission tabled its proposal of Regulation on the 19<sup>th</sup> of July 2012 [COM(2012) 371 final], with the following key elements:

- Differentiation on focus between fishing permits for target species and for by-catch;
- More and better data needed on fishing activities (level of catches, effort) and biology of stocks (biomass, species identification);
- Easier methods of control and enforcement by MS;
- Deep-sea habitats: phase out most harmful gears with a transitional period;  
This does NOT mean a total or indiscriminate ban on bottom trawling.

##### Status / way forward

The Commission is preparing a report with complementary information to its Impact Assessment in response to the request made by the EP Fisheries Committee in March. The Commission expects to present the outcomes at the EP public hearing to be held in Brussels the 17<sup>th</sup> of June 2013.



## **2. EUROPEAN PARLIAMENT VIEWS – Pre-recorded video message**

**Speaker: MEP Arsenis Kiriton, Rapporteur of Deep-sea Regulation – EP-PECH**

### Background

Deep-sea species and ecosystems in EU waters and the North East Atlantic are generally more vulnerable to human impacts 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. That causes that some deep-sea species are now in the brink of collapse.

### Content

The EP draft rapport proposes to find a set of measures that contribute to restore deep-sea species at stable levels. It is also noted that the current management system has proven to be inefficient.

The two main measures proposed (phasing out of bottom trawling and bottom set gillnetting; and freeze of fishing effort) are specific only for the deep-sea species and should neither be used as a precedent for other fisheries nor restrict other fishing activities different than those targeting deep-sea stocks.

The main message of the draft report is the need for a shift in 2 years time from bottom sea trawling to longlines for deep-sea species, given that the latter ones employ more people, are less fuel intensive and have less impact in the seafloor.

### Status / way forward

The decision making process is now under deliberations at the European Parliament following the ordinary (co-decision) procedure as stated in art Treaty of Rome.

A number of issues such as depth ranges are still under discussion at the European Parliaments, amendments will be tabled at subsequent EP-PECH meetings and a public hearing will take place in June. The EP is aiming to vote the proposal after summer.

## **COMPLEMENTARY INTERVENTION**

**Speaker: MEP Isabelle Thomas, Member of the EP Fisheries Committee**

The economic dimension and impact of management measures for fishing vessels and coastal communities must be duly assessed, given depending directly or indirectly from the deep-sea fisheries. We'll need to look carefully at the identification of Vulnerable Marine Ecosystems (VMEs) and also assess how the MSY approach for species will have implications in the fishing opportunities for the future.



### 3. EUROPEAN ECONOMIC AND SOCIAL COMMITTEE POSITION

**Speaker: Mário Soares (Rapporteur of EESC)**

#### Background

The EESC plays an important role as EU consultative institution recognised in the constitutive EU Treaties that represents a variety of European socio-economic actors and interests groups (including consumers); and it provides opinions and advice adopted by consensus to the larger EU Institutions (EP, EC and Council).

#### Content

The EESC opinion identifies a number of drawbacks of the Reg. 2347/2002. It also indicates what the points of agreement with the European Commission's proposal of Regulation are and inserts a number of additional remarks or observations.

#### *Points of agreement with EC Proposal*

- Fishing operators already cooperate in scientific research activities on deep-sea ecosystems and species.
- A licensing regime for deep-sea fishing is the appropriate instrument for controlling access to these fisheries.

#### *Additional observations*

- Avoid “demonisation” of bottom trawling.
- Find the right balance between the protection of vulnerable habitats and species and economical, social and environmental considerations for the sustainable exploitation of resources.
- Financial support for vessels that have to change fishing gears and for training crews would be desirable.
- Scientific criteria for deciding the restrictions on its use.
- Regulatory simplification, stability and legal certainty.
- Follow the FAO International Guidelines for Deep-sea Fisheries in High Seas.

#### Status / way forward

The EESC opinion has been adopted in February 2013 and is available for consultation in all EU languages on the EESC website<sup>1</sup>.

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<sup>1</sup> [www.eesc.europa.eu/?i=portal.en.nat-opinions.25957](http://www.eesc.europa.eu/?i=portal.en.nat-opinions.25957)



#### **4. JOINT RAC DISCUSSION PAPER**

**Speaker: Bertie Armstrong, Executive Chairman of the North Western Waters RAC**

##### Background

Since their creation, four of the RACs (North Sea, North Western Waters, South Western Waters and Long Distance Fleet) have been engaged at some extent in a number of Commission's consultations on both fishing opportunities and management measures for deep-sea species, with the aim of informing the discussions to the Commission and the EU co-legislators of the stakeholders' views. As a result of this, the RACs have produced a total of 12 communications of advice in 2006-2012.

The 4 concerned RACs organised a Joint Focus Group in Paris in November 2012 to exchange views on management of deep-sea fisheries, producing as output a discussion paper that was subsequently discussed, circulated and agreed by the 4 RACs and submitted to the EP Fisheries Committee, Council and Commission representatives in February 2013, with the aim to inform discussions. The four RACs disagree with the way the consultation process was carried out by the Commission, as only three of them were notified of a paper launched in December 2009 giving very short time for replies in relation to the policy options proposed. After that, no formal feedback was received until the publication of the Proposal of Regulation in July 2012.

##### Content

The Joint RAC discussion paper emphasizes the fact that the deficit in consultation departs from the principles of transparency and good governance regarding stakeholders' participation in decision-making, and it sets an unfortunate precedent for a reformed CFP. The RACs consider that their views have not been properly evaluated nor incorporated into the Commission's proposal.

The RACs advocate moving away from micromanagement towards a participatory approach with adaptative management measures tailored to the specificities of the deep-sea fisheries. In this respect, enhanced communication and collaborative work between scientists, fishermen and other stakeholders is essential. This will ensure a sustainable exploitation of the deep-sea stocks and inform decisions to minimise the impact of fishing activity in vulnerable habitats and ecosystem. In this respect, it is difficult to understand why the Commission proposal was launched before knowing the outcomes of the DEEPFISHMAN project, contrary to previous indications during the consultation.

In relation to the Impact Assessment, little evidence has been provided on the rationale to choose one of the management policy options and rule out the others, except for the cost effectiveness of the measures and a more simple procedure from a monitoring and compliance point of view.

The discussion paper asks for a consistent (both at EU and international level) and unambiguous definition of deep-sea fisheries; a clear system of allocation, renewal and withdrawal of fishing permits; and a range of options other than phasing out of deep-sea bottom trawling and gillnetting.

##### Status / way forward

The RACs intends to continue participating in future events related to this topic and would like to see an open and transparent decision making process where the stakeholders' input can be taken into consideration.



## **5. FAO GUIDELINES FOR THE MANAGEMENT OF DEEP-SEA FISHERIES IN THE HIGH SEAS**

**Speaker: Jessica Sanders, Fisheries Officer, FAO Fisheries and Aquaculture Department**

### Background

The chronology and procedure were outlined for the drafting, elaboration, consultation and adoption of the FAO guidelines on this topic that were adopted in August 2008 by 69 States, the EC and the Faroe Islands. An extensive process of expert consultation and workshops was held in 2006 and 2007 with several draft texts and looking at related issues such as data deficiencies, what does VMEs and what is the exact meaning of destructive fishing. A technical consultation took place in 2008 and a review of this consultation occurred in 2010.

### Content

A comprehensive explanation was given on the scope, objectives, structure and contents of the guidelines. They are non binding instruments that were conceived with the aim to assist Member States and RFMOs about management measures for deep-sea fisheries that occurs beyond national jurisdiction.

The deep-sea fisheries (DSF) are not defined as such in the guidelines, and it is left to each individual regional body or organisation to do so. However, it does contain a description of key concepts and descriptors for VMEs (vulnerable marine ecosystems) and SAIs (significant adverse impacts). The guidelines also contain a governance and management framework, including a set of management and conservation steps and measures for MS and RFMOs to develop and adopt fishery management plans for specific DSF in a transparent manner and in coherence with the UN Fish Stocks Agreement.

### Status / way forward

A number of recommendations were made at the Busan Workshop in relation to issues in implementation of the guidelines. It was convened that a periodic evaluation of the implementation of the guidelines would be desirable, convening further workshops at regular intervals.

There is a good amount of ongoing work at the moment to address challenges related to the implementation of the guidelines, being the main ones:

- Deep-sea Areas Beyond National Jurisdiction (ABNJ) project: partnering with the RFMOs, states and industry to better implement an ecosystem approach to fisheries.
- VME issues (database for managers; species identification guides and data collection manuals...)
- Develop best practices (EIAs, "move on" rule, operational use of VME criteria, collaboration between scientists/managers/industry)



## 6. PwC STUDY ON SOCIO-ECONOMIC ASPECTS OF DEEP-SEA FISHERIES IN THE NEA

**Speaker: Nicolas Teisseire, Director of Blue Fish, European association for the promotion of sustainable and responsible fisheries.**

### Background

A feasibility assessment report of European Deep Sea Fisheries was commissioned by the French fishing industry/Audélor economic development agency and transferred to Blue Fish in March 2013. The study was awarded to the consultancies Price, Waterhouse & Coopers and FishPass and is currently under development. It contains an analysis of the social and economic aspects of deep-sea fisheries in the NEA for a number of EU and non EU countries including Norway, Iceland and the Faroe Islands. The report is expected to be ready for publication in September.

### Content

The study referred above aims to evaluate the quality of data in terms of availability and access; and will ultimately seek to provide a comprehensive analysis of the key fishing fleets per country and the volume of global landings derived from deep-sea fisheries activities (including a ranking of the top 5 harvesters and 5 top landing countries).

The preliminary study shows, on the basis of data currently available, a detailed picture of the deep-sea fisheries economics (no of vessels, volume of landings, ports of activity, marketing and commercialisation, etc.) in each of the main countries of focus, namely France, Spain, Portugal, UK, Ireland Norway, Iceland and Faroe. Its preliminary conclusions are that catches have overall decreased in the last decade as a result of the entry into force of the Council Regulation (EC) 2347/2002 for EU vessels. Iceland and Norway have shown a stable catch of deep-sea species but higher than individual MS.

The international and EU regulatory framework was analysed in depth, and a social and an economic impact feasibility study of the Commission's regulation proposal was carried out, for example by comparing fishing efforts of those affected by the Regulation (EU vessels) and its non EU neighbours (Norway, Faroe and Iceland).

### Status / Way forward

The discard ban voted by the European Parliament in February 2013 combined to the TACs & Quotas system will generate strong side effects that will impact directed fishing as well as those affected by unwanted catches depending of the licensing status of the fleets.

On the basis of conservative estimates, well over 350 vessels per country are expected to be impacted adversely by the current EC proposal, taking into account that numerous vessels will have to go out of business if by catches of deep sea species in more shallow waters must be identified and landed. In addition a significant number of fishing vessels currently conducting operations in North-East Atlantic will be denied the necessary license to continue fishing in their traditional fisheries area since they will not be able to demonstrate a log book track record of 100kg or more of deep-sea fishing catches per fishing trip as requested in the European Commission regulation proposal.



An analysis of social and economic impact is needed to assess the very significant effects of a downturn of the deep sea fishery industry that would result from the implementation of the European Commission regulation proposal as it currently stands. Carrying out a comprehensive socio-economic impact assessment would provide an opportunity to design measures to help achieve the sustainability objectives stated in the EU regulation proposal. And it would avoid further economic decline both directly through output and employment within the fishing industry and indirectly through output and employment generated in related sectors such as shipbuilding and repairs, food processing, logistics and transport.

Spill-over effects might be even greater through household income dropping in coastal communities causing high unemployment and business relocation to more centrally located urban territories.



**SUMMARY CONCLUSIONS FROM THE RAPPORTEUR**  
**Alexandre Rodríguez (North Western Waters RAC Secretariat)**

It's been a long and fruitful afternoon session, which has served its purpose to set the scene for holding more extensive discussions on day 2. We know now where we are in terms of legislative framework and where do we want to go in terms of objectives.

It seems we all agree in the principle that we need to protect biodiversity and preserve deep-sea species and habitats while maintaining a sustainable economic exploitation (i.e. fishing activity) of the stocks. However, there are different (and sometimes conflicting) views about the methods or avenues about how to achieve this aim. In other words, the main challenge remains to have a fully backed management structure in place.

Everyone acknowledges that deep-sea fisheries are a difficult topic to manage/legislate and there are still many questions open and issues at stake that need to be solved – but it is also true we can find eight basic common points extracted from the interventions of the various speakers:

1. More involvement is required from stakeholders (both independently and through advisory bodies such as the RACs) to improve governance and transparency.
2. There is a need for a clear, unambiguous and coherent definition of the deepwater species and habitats (i.e. list of species, areas of distribution, depth ranges and bathymetry, habitat features and characteristics...).
3. Scientific knowledge for deep-sea species is scattered several data gaps and more funding is needed for research on biological characteristics, and interactions between species and their habitats. Another element to consider is the lack of standardized biological and economic data that needs to be tackled.
4. Effective and pragmatic spatial management measures have to be discussed looking at the biological (species) and the technical (métiers) interactions.
5. A evidence based, reliable and comprehensive socio-economic impact assessment of the management measures proposed in relation to fishing activities (impact in economic operators – businesses - and coastal communities – direct and indirect employments, turnover, fuel consumption,
6. A tailored management approach must be applied specifically to areas where deep-sea species are caught, using all supporting evidence (habitat mapping) and avoiding the temptation of identifying “good” gears vs. “bad gears as their impacts will vary depending on the areas and sites features to protect.
7. A simplification of the current regulatory framework must be achieved, while ensuring coherence of EU rules with international rules (UN resolutions, FAO guidelines, RFMOs conventions and agreements...)





8. A wider ecosystem approach must be taken into consideration, exploring the synergies between the Common Fisheries Policy and the Integrated Maritime Policy – looking at descriptors in the Marine Spatial Framework Directive; Marine Spatial Planning and establishment of Marine Protected Areas; etc.

We have still a long way ahead us which merits further reflection to achieve a sensible and sophisticated approach. This does not match nicely with the EU decision making timetable as we have heard from MEP Arsenis that the EP proposal is intended to be voted at the Fisheries Committee after summer and then will continue at Council level under co-decision procedure.

## **END OF SESSION 1**



## **REPORT SESSION 2** **“STAKEHOLDERS’ VIEWS”**

**Chair: Bernhard Friess**

**Director for Atlantic, Outermost regions and Arctic, European Commission**

**Rapporteur: Benoît Guerin, Executive Secretary of South Western Waters RAC**

Mr. Friess welcomes the participants and gives a brief update on the state of play of the reform of the basic regulation for the Common Fisheries Policy, which would most probably have consequences for the regulation on deep sea fisheries, for instance among others the discards' issue.

### **1. NGOs VIEWS - Speaker: Monica Verbeek, Executive Director, Seas At Risk**

The NGOs (Seas At Risk and all of its member organisations, Pew, Greenpeace, WWF, Oceana, Deepsea Conservation Coalition) are of the view that the current proposal from the European Commission is a progress towards protecting the marine environment and transforming deep sea fisheries to sustainable ones.

Main impacts from deep-sea fisheries are irreversible damage to deep-sea ecosystems and declines in fish population.

10 years of debate have been held within the United Nations resulting in four resolutions from the General Assembly focusing on preventing significant adverse impacts on Vulnerable Marine Ecosystems and ensuring long-term sustainability of deep sea species through:

- conducting Prior Environmental Impact Assessments;
- establishing Precautionary Area Closures where VMEs are known or likely to occur;
- ensure Sustainability of Deep Sea Fish Stocks, including non- target species w/ stock assessments and the rebuilding of depleted stocks;
- move on Rule;

and calling for adoption and implementation of effective measures or else not to authorise deep-sea fishing.

Different EU regulations have been taken to date including areas closures, implementation of UNGA resolutions for EU fleets in international waters not covered by an RFMO through Council regulation 734/2008, prohibition of bottom gillnet below 600m

Deep sea fisheries itself is managed by TACs and quota and the access regime. A 2010 scientific study on Porcupine bight comparing data of deepsea demersal fisheries in the period 1977-1989 & 1997-2002 showed 77 species at fishable depths. Of these 77 species, the EU currently sets limits for only 14 species. However, the fishery brought about an average decline in fish abundance of 69% for these 77 species.



Against this background the NGOs would like to see that legislation for the management of deepsea fisheries takes care of several key issues.

First of all they want to see an end to deepsea overfishing - in line with the outcome of the CFP reform. In order to end deep-sea overfishing, catch should be regulated for all deep-sea species, not just 14. Fishing permits should only be granted if the catch and by-catch can be limited to sustainable levels. If scientific advice on sustainable exploitation levels of deepsea stocks is inconclusive or incomplete, the fishery should not be authorized. The access regime was introduced 11 years ago, with data collection for the assessment and management of deepsea stocks as one of the specific aims, and this is still not achieved.

Secondly, by catch of non target species should be minimised and where possible eliminated. Catch of the most vulnerable species like orange roughy (depleted) or sharks (biologically vulnerable) should be prevented...

Thirdly, adverse impacts on deep-sea ecosystems should be prevented. This requires that areas where VMEs are known or likely to occur are closed to deep-sea bottom fishing unless conservation and management measures are in place to prevent significant impacts. To ensure this, impact assessments are needed. The NGOs welcome the provision in the Commission proposal for impact assessments in new fishing areas, but are of the opinion that such assessments are also needed in existing fishing areas. Even in highly trawled areas such as Rockall Bank, ICES scientists have found reef forming corals. The impact assessments should comply with the globally agreed standards and be subject to independent scientific and regulatory review...

The definition of deep-sea fisheries should be strengthened through an expansion of annex 1 and an update of the list of most vulnerable species, and both lists should be regularly reviewed. The NGOs are of the view that to limit the impact of deepsea fisheries on VMEs, a depth-based definition in addition to the species lists makes sense and is better controllable. Which depth needs further discussion? ICES states cold water coral reefs typically occur between 200 and 1500 m, and DEEPFISHMAN came up with a definition for deepsea species with 50% of the adult biomass below 200m – the 200m depth was also included in the Parliament ENVI report. For deepsea fisheries ICES uses a depth of 400m which is included in the report of MEP Kriton Arsenis.

Lastly, the NGOs support the phase out of deepsea bottom trawling and bottom gillnetting, recalling that numerous scientific studies have concluded that deepsea bottom trawling is the most serious threat to deepsea ecosystems. Deepsea trawling has a very large by catch in terms of number of other deepsea species, much larger than long lining, and therefore has a big impact on many other deep-sea fish species. Area closures will help protect VMEs but will hardly reduce the impact on a raft of other deepsea species that bottom trawling has.

Summarizing key requirements are as follow:

1. End deep-sea overfishing
2. Minimize by catch and prevent catch of most vulnerable species
3. Impact Assessment to be made for all deep-sea fisheries
4. Prevent adverse impacts on vulnerable deep-sea ecosystems, including though area closures
5. Phase out bottom trawling and bottom gillnet fishing



**Javier López (OCEANA)** supports the full presentation and notes that the main point of disagreement with the fishing sector centres on Article 9 (the phase out of deep-sea bottom trawling and gillnets). He argues that NGOs do not want to demonize a gear, but notes that the issue with these gear types is about the high and specific vulnerability of deep-sea ecosystems. He considers that there are other points on which consensus should be possible, including: species to be affected by the regulation, criteria to define deep-sea fishing, requirements for fishing authorisations, accompanying measures to reduce impacts on non-target species (regarding impact on by-catch and Maximum Sustainable Yield), management through fishing effort (NGOs consider that management should both be based on TACs and effort, particularly in the case of gregarious species). He considers that in some cases the environment should be prioritised over socio-economics and underlines that the lack scientific data are missing.

**Raul García (WWF)** also brings his support to this presentation, the joint NGOs position on the proposal and rejects that it is an attempt from NGOs to make the first step towards requesting a ban on trawling. For example WWF is not asking globally for a total ban of bottom trawling and M. García does not think WWF will ask for it.

**Despina Symons (EBRD)** supports a science-based management approach and argues that the Commission proposal relies on the argument of the extent of control rather than being based on scientific advice. She considers that a phase out of trawl and gillnetting would be ill-suited to protect VMEs as VMEs occur over wide depth ranges and as the fleets targeted are only a subset of the fleets fishing in the sub areas of the NE Atlantic where VME may occur. Moreover, it would suppose a discriminatory treatment for the EU fleets *vis a vis* the non EU fleets. . She pledged that without a more convincing demonstration of the effectiveness of the proposed measures, it would be more effective to go for targeted area-based management, including the closure to all bottom-touching gears of all areas with VMEs, in line with FAO guidelines.

**Matthew Gianni (Deep Sea Conservation Coalition)** fully supports the presentation and refers to the fact that CCAMLR has banned bottom trawling on the high seas. He also points out that several RFMOs including NEAFC, CCAMLR, SEAFO and the South Pacific RFMO have banned deep sea bottom gillnet fishing.



## 2. FISHING INDUSTRY VIEWS - Speaker: Iván López, AGARBA

Management from deep-sea fisheries shall ensure sustainable fisheries as well as food security. Better regulation shall therefore be developed in collaboration with the authorities and through dialogue with stakeholders.

The proposal from the European Commission is not adapted due to legal, political and socio-economic realities. The aim is to bring and propose a vision of modern deep waters fisheries and some example could be taken from the work made by Member States within RFMOs.

**From legal and political point of view**, there is absence of adequate stakeholder consultation. Nor is the proposal consistent with current and future EU fisheries policy framework: there is no species management plan (article 4 even proposes a new “double” licensing system) and the proposal fails to take into account the future discard ban. The proposed ban on bottom-trawling is disproportionate to the objectives laid out in the proposal and is not consistent with international regulation (NEAFC, NAFO, UN/FAO). The proposal is demonizing bottom-trawl but the move towards long-lining would most probably affect deep sea sharks as by-catch. In addition such ban would be discriminatory, not being applicable to third country vessels such as Norway, Faeroe or Iceland.

**Based on scientific and environmental concerns**, the objective shall be to strike the right balance between sustainable of deep-sea species and the protection of biodiversity and vulnerable ecosystems. DEEPFISHMAN project and other scientific evidence have not been taken into account. Specific references are made to Tom Blasdale (ICES WGDEEP chairman) quotation in last European Parliament Hearing : “thanks to management measures mortality on the main commercial stocks now close to or below MSY levels”; “Some deep-sea species such as deep water sharks need specific protection” ; and Pascal Lorange: “EU legislation has been effective in reducing the fishing effort within deep-sea fisheries”

**Regarding socio-economic concern**, EC proposal fails to properly evaluate and take into account the economic impact of a ban which has been recognized by European Parliament in its letter to Commissioner Damanaki. Deep-sea fishing involves more than thousand vessels across Europe (from the proposed thresholds – 10% of catch or more than 100kg – 309 in Spain, 440 in UK, 400 in France). The impact of the discard ban has not been evaluated. The proposal will have impact on entire socio-economic chain of interdependent service providers; cross-border dependencies; cumulative effect on vulnerable, peripheral communities.

A modern view following these 3 dimensions would be:

**Regarding legal and political aspects**, the management strengthens EU measures to protect habitat while harmonizing them with measures in force in other jurisdictions. The management does not follow a “one size fits all” approach: vulnerable habitats and species do not always overlap and vulnerable habitats are not present everywhere on the deep-sea bed. Bottom-up approach is encouraged in order to achieve the objectives of the legislation and RFMOs work is taken into account as well as FAO calls for using technical knowledge.



**From scientific and environmental perspective,** most deep-sea stocks are exploited close to or at MSY level. Further improvement in this direction is possible, radical U-turn neither is needed nor justified. Stock management measures (for example: TACs and quotas) have been an effective tool for the management of deep-sea species. Spatial management have proved to protect vulnerable species and ecosystems (ex: "Plaice box", blue ling, Rockall Bank success stories).

**Regarding socio-economic dimension, there is a need** to create a level playing field for deep-sea fishing whereas EU fleet only accounts for 24% of the overall catches. Therefore any management proposal shall take into account all vessels fishing deep-sea species in the North-East Atlantic (Norwegian, Russian, Faroe, Iceland). Regarding the market, countries are exporting their catches to the EU and consumer demand for deep-sea stocks will remain (there is no substitution).

NEAFC measures shall be first incorporated in EU legislation through measures to "freeze the footprint" of deep-sea fishing activities (ex: NAFO measures), measures to protect specific zones where vulnerable marine habitats exist; and "Move-on rules" or similar temporary measures.

Better regulation is needed but based on facts not emotions or fear. The good collaboration with scientists shall be continued in order to gather more information on our most vulnerable ecosystems. The European fishing industry is ready to engage in a constructive dialogue with European policy-makers over the coming months.



### 3. DEBATE

**Marc Ghiglia (UAPF)** quotes the reference from the eNGOs to a well known study on the effect of fishing activity in Porcupine, he also quotes that it concerns the situation in 2002 and suggests getting more recent scientific studies. He reminds that by-catch species are being protected through the double system TAC / fishing effort. Besides, he adds that the habitats' protection also results from particular measures which have been introduced in the fishery regulation, among others the one concerning technical measures following the implementation of the environmental legislation.

In addition he adds that an environmental regulation has been added to the initial regulation. He underlines good cooperation at LDRAC level within NAFO where 16 zones have been closed to protect sensitive habitats.

**Mike Park (SWFPA)** considers that there is lot of common ground between the two positions and thinks that the fishing industry could deliver what the eNGOs are expecting on a different way. He therefore asks eNGOs if they are prepared to give up on the deep-sea trawling ban and trust the industry to deliver sustainable deep-sea fisheries in another way. .

**Monica Verbeek (Seas at Risk)** recognizes there is a lot of common ground, and is open to a constructive debate. However, she is not prepared to just leave it up to the industry to deal with the issue and trust them fully to come up with satisfactory results. As illustration she pointed out that the NEAFC move on rule requires fishers to inform NEAFC when they catch corals or sponges and then move on – but so far no single notification of such by catch was ever made, suggesting that captains simply ignored the rule. She considers the ban to be the most effective measure to ensure that not only the damage to VMEs will be minimized, but also that the by catch will be effectively reduced. More than 100 species are caught in deep-sea bottom trawling, and there are no data on catch, stock status and impact on the stock currently. However, she fully supports the earlier comment of Matt Gianni to focus on common ground and leave the ban aside for the moment.

**Björn Stockhausen (Seas At Risk)** answers to different arguments raised by the industry. Regarding Marc Ghiglia's request for more recent studies, he quotes a 2012 ICES WG DEC report stating that a substantial amount of corals have been detected by video surveys in heavily trawled areas despite observers on these vessels did not report corals. On Iván López's presentation, he underlines that the data situation is not as positive as described and repeatedly Member States have not provided data at all or in the level of detail requested by the Commission. Some Member States have also been fined due to this. He quotes several STECF reports from the last years were certain Member States are named for providing incomplete and inaccurate data. Regarding trawl he argues that science clearly states it is the most damaging gear. Regarding food security he quotes that the EU are producing about 5 million tons where EU deep-sea catches represent 40 thousand tons only. He reminds that discards do not only have regulative but also economic reasons such as high-grading. He adds that ICES did not consider by-catch in their advice to NEAFC on deep sea commercial stocks. Last he comes back to Tom Blasdale's intervention in the first EP hearing as mentioned by Ivan López, reminding that management units for black scabbard fish are not consistent with areas where scientific advice is provided.



**Victor Badiola (OPPAO)** sees possibilities for solutions if it is being accepted that the ban of trawling would be socially unfair. He encourages to look for consensus and suggest adding a depth parameter regarding the definition.

**Iván López** recognizes he is passionate by this issue because livelihoods and jobs depend on it. The question is how to achieve better regulation and bring ideas on a technical level. He remarks it is not easy to implement easily inspection in high seas. He advocates to use all the existing data and encourages to reach a harmonized system. Last he insists on the food security issue.

**Monica Verbeek** answering the requests to drop the support for the trawling ban reiterates her earlier comment that except for the trawling ban there is scope for a common position and the focus should be on that. She highlights common concerns about the definition of deep-sea species and the proposed lists, a willingness to protect VMEs through area closures and the common recognition of the need for impact assessments. Giving up support for the trawling ban is difficult for the NGOs, as there is a real need to deal with the issue of by catch in deep-sea bottom trawling that will not be dealt with through area closures. An alternative could perhaps be the establishment of TACs and quota also for by catch species and reduce TAC & quotas on targeted species to a level that would be sustainable also for the most vulnerable by-catch species, the “choke” species. However, this alternative requires filling the current data gap. If the proposed alternative management measures would guaranty minimization of by catch levels, establishes closed areas for VMEs and if all that is done without administrative burden, then the main reason for the phase-out might have been lifted.

#### **4. SUMMARY CONCLUSIONS BY THE RAPPORTEUR – Benoît Guerin (SWWRAC Secretariat)**

With the little time available, **Benoît Guerin** does not enter in a comparison point by point but throws into relief the knowledge issue with the question of the time schedule and the possibility of getting all necessary data and whether managers would wait for it or no. He proposes the stakeholders to focus on three main scenarios from now on. In the first one, the eNGOs keep supporting the phase out and the text is being adopted. In the second one, the fishing industry is able to delay the adoption of the proposal with the risk of no better regulation. In the third scenario, the two sides are able to agree on principles for a modern management of deep-sea fisheries, pending the removal of the phase out.

#### **5. CLOSING BY THE CHAIR, Bernhard Friess**

In his concluding remarks, **Bernhard Friess** thanks the speakers and participants for their open and engaged comments. All views were welcome, the Commission as well as the Parliament and Council are listening to them. He also gives back one message to the participants: if on the basis of the criticisms that were levied, you are able to formulate concrete and effective proposals on how to manage deep sea fishing sustainably, you are invited to do so.

## **END OF SESSION 2**





## **REPORT SESSION 3**

### **"SCIENCE"**

**Chairman: Enrique de Cárdenas**

**Deputy General Director for Fisheries, Spanish Ministry for Agriculture and Environment**

**Rapporteur: Carlos Aldereguía, Executive Secretary of the Long Distance RAC**

#### **1. INTRODUCTION / BACKGROUND**

The deep-sea fisheries in the North-East Atlantic are carried by small scale fleet as well as large trawlers. Several Member States are involved in this fishery: France, Spain, Portugal, Ireland and UK.

The fishing grounds are in EU waters as well as in international waters in the NEAFC area.

The catches of these fleets are around 1% of landings from the North-East Atlantic, with more than 76 500 tons, and its value at first sale can be estimated in 150 M€. These fisheries contribute to the creation of a number of employments not only as crew members of the fleet, but also in processing and marketing activities.

The management of the deep-sea species and the protection of the deep-sea habitats have gained relevance in the context of the CFP. The Regulation (EC) N° 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks, is the regime currently in force for fishing vessels engaged in deep-sea fisheries in the North-East Atlantic.

In support of the management of these fisheries, the scientific advice for a number of deep-sea species is provided by ICES.



In order to improve the knowledge on these fisheries and its management, several research projects have been run in the seventh framework program (FP7). Some of these projects are DEEPFISHMAN, CORALFISH, and HERMIONE. There are other scientific projects carried out by Member States. In particular, there are four Spanish scientific projects on seabed mapping for underpinning Vulnerable Marine Ecosystems in NEAFC and NAFO waters.

On 19<sup>th</sup> July 2012, the European Commission presented a proposal for a new Regulation to manage the deep-sea fisheries in the North-East Atlantic, which would repeal the current Regulation.

Four RACs: Long Distance, North Sea, South Western Waters and North Western Waters organized a Joint RAC Focus Group on the issue in November 2012 in Paris. As continuation of this meeting it was decided to organize this Workshop in Edinburgh, inviting all the players involve, and looking for a deep debate among the different stakeholders.

## 2. SESSION 3: SCIENCE

All the presentations are available at any of the three RACs websites ([www.ldrac.eu](http://www.ldrac.eu),  
[www.nwwrac.org](http://www.nwwrac.org), [www.ccr-s.eu](http://www.ccr-s.eu))

### **A) PRESENTATION OF PROJECTS ON SEABED MAPPING FOR THE PROTECTION OF VMES IN THE HIGH SEAS**

**Dr. Pablo Durán Muñoz (IEO - Spain)** presented four multidisciplinary seabed mapping projects that contributed to the management of deep sea fisheries in the high seas of the Atlantic:

- ECOVUL/ARPA, a pilot study of an area of 19,000 km<sup>2</sup> on the Hatton Bank in the NE Atlantic (NEAFC Regulatory Area) by Spain (2005-08);
- NEREIDA, a study of an area of 69,000 km<sup>2</sup> in the NW Atlantic (NAFO Regulatory Area) by Spain, Canada, UK and Russia (2009-10);
- ATLANTIS, a study of an area of 59,000 km<sup>2</sup> in the SW Atlantic by Spain (2007-2010); and
- RAP-Sur, a study of an area of 15,800 km<sup>2</sup> in the SE Atlantic (SEAFO Regulatory Area) by Spain and Namibia (2008-10).



The main conclusions presented included:

- UNGA resolution 66/68 adopted in 2011, has recognized the importance of global VME Databases and the utility of seabed mapping programmes for the management of high seas fisheries;
- Fishing Nations are making efforts to compile information with the aim to feed the new international databases on VMEs indicators in the Atlantic Ocean (e.g.: 2012 ICES coral/sponges Database; NAFO coral/sponges Database).
- Moreover in recent years, several multidisciplinary mapping programmes have been developed;
- Such programmes have resulted in the identification of VMEs within the NEAFC & NAFO Regulatory Areas (as well as within SW Atlantic) and in the adoption of conservation and management measures (in accordance with UNGA resolution 64/72):
  - NEAFC Recommendation 9:2013 - EC Regulation 1288/2009: Hatton Bank closed area (22,500 km<sup>2</sup>)
  - NAFO Enforcement measures: Grand Banks, Flemish Pass & Flemish Cap closed areas (8,500 km<sup>2</sup>)
  - Spanish regulations (Spanish vessels): SW Atlantic closed area (41,000 km<sup>2</sup>)

#### **B) PRESENTATION OF THE HERMIONE PROJECT**

**Dr. Phil Weaver (NOC Southampton)**, project coordinator, presented the EU FP7 HERMIONE project on deep sea ecosystems and their goods and services, and the impact of human activities on the seabed.



The main study areas were in the North East Atlantic (OSPAR areas) below 200m. An impact study of human activities in 2005 (research, cables, chemical weapons, radioactive waste, oil and gas industry, bottom trawling) on the seabed showed that even the most conservative estimate of the impact of bottom trawling (expressed in km<sup>2</sup> seabed affected) was more than the total impact of all other human activities combined.

Impacts of deep sea fishing were studied by comparing scientific trawl results before (1977-1989) and after (1997-2002) deep-sea fishing started in ICES sub area VII (b,c,j and k). Target species were orange roughy, roundnose grenadier and black scabbard but up to 78 other species were caught as bycatch. Total abundance of all fish species fell from 25,000 fish per square kilometers before fishing started to 7,225 fish per square kilometers after fishing started, with fishing effects evident to a depth of at least 2500 m even though the maximum fishing depth was 1500 m. The latter is due to the fact that each species lives at a broad range of depths extending beyond the fished depth (500-1500 m) and thus the potential bycatch species can migrate in and out of the fished zone. The total area impacted by the fishery is therefore 2.74 times the fishing area.

Key points of the presentation included:

- At present deep sea bottom trawling has a greater impact on ecosystems than all other marine activities combined.
- Deep sea fisheries have a disproportionate impact on non-target species and affect areas outside of the fished area.
- The deep sea is poorly known but new scientific data consistently shows it is very complex and often slow to recover from human impact.
- Scientific research is very expensive and until recently has not focused on fisheries issues, but can provide critical information.



### **C) PRESENTATION OF THE DEEPFISHMAN PROJECT**

**Dr. Pascal Lorance (IFREMER - France)**, project coordinator, presented the EU FP7 DEEPFISHMAN project on management and monitoring of deep-sea fisheries and stocks.

The main conclusions presented include:

- Definition of deep-water fish species: species with more than 50% of the biomass distributed deeper than 200 m. This definition matches well with Annex I and II of the current regulation 2347/2002, though species like conger and ling are not deep sea species according to this definition and should be deleted, while other species should be included.
- Deep sea stocks are not all data poor, and there are a wide range of data poor situations.
- Several stock assessment methods (many of them new innovative ones) were developed or adapted for various DEEPFISHMAN case studies.
- Not all assessments methods require survey data.
- Spatial analysis complements stock assessments. In this context, an example of trade-off analysis for fisheries management was given for blue ling, looking at blue ling fisheries on aggregations versus fishing more spread spatially. Fishing on aggregations results in much less by catch of deep sea sharks as compared to more spread out fisheries, but can wipe out a population in the absence of TAC or TAC set too high, i.e. the biomass level is unknown.
- EU management at stock level, since 2003, has been efficient
- Stock assessment has improved owing to DCF data, development done in DEEPFISHMAN and other projects, stocks are no longer all DATA POOR
- Accumulation of DCF data is likely to allow further improvements
- Fishing on the slope allows to target larger individuals of several species including hake and monkfish
- VMEs occur also on the upper slope where major fisheries operate and at shelf depths



- Impact on VMEs are generated by several fisheries, much larger than only deep-sea (2347/2002) fisheries
- Changes in fishing gear may imply changing the ecological component impacted by fishing (impacting sharks instead of benthic VMEs)
- Longline compared to trawl: over exploitation of target stock also occurs in longline fisheries, and the catchability of some vulnerable species is bigger (ex: deep sea sharks)

#### **D) PRESENTATION OF THE CORALFISH PROJECT**

Despite was not expected, taken profit of his presence, Dr. Anthony Grehan, project coordinator, presented the EU FP7 CoralFISH project, which assesses the interaction between cold water corals, fish and fisheries, in order to develop monitoring and predictive modeling tools to identify cold water corals for ecosystem based management in the deep waters of Europe and beyond.

Recommendations include:

- Improve quality of and access to VMS data to define the fishing footprint.
- Improve mapping tools: use multi-beam data for the mapping of the seabed.
- Improve the management of VMEs; harmonise the EU impact assessments with the FAO guidelines (considered as best practice) and implement these also within the EU EEZ (and not just on the high seas).
- Develop a «one stop shop» with shared dynamic system for Geographical Information Systems integrating data, including on natural resources and socio-economic impacts, to allow deepwater maritime spatial planning. The Green Paper on Marine Knowledge 2020 should provide the basis for this, and the importance of EMODNET for this shared database was highlighted.

#### **E) DEBATE**

Unfortunately, there was no time for debate.

## **END OF SESSION 3**