Reforming EU Deep-Sea Fisheries Management

The European Union has one of the world’s largest deep-sea fishing fleets operating both within EU waters and on the high seas. Given its size and influence, the EU is in a unique position to be a game-changer, to assert global leadership in protecting vulnerable deep-sea species and ecosystems from the harmful impacts of bottom-fishing.

But to do so, it must reform its own unsustainable and mismanaged deep-sea fishing regime in EU waters. Fortunately, this process is underway.

In July 2012, the European Commission issued a legislative proposal to overhaul the EU’s regulation of deep-sea fisheries in the northeast Atlantic Ocean. The Commission proposal includes requirements for impact assessments prior to fishing in ‘new’ deep-sea fishing areas; a more rigorous, science-based approach to setting quotas for deep-sea species; improved data collection; and the phase-out of the most destructive deep-sea bottom-fishing practices. It is a very promising first step toward transforming deep-sea fisheries into sustainable ones and has been welcomed by the Deep Sea Conservation Coalition.

The Commission’s proposal has been greatly improved by the amendments contained in the opinion adopted by the Environment Committee of the European Parliament in March 2013, and those proposed by the Rapporteur in the Fisheries Committee. These amendments include requiring impact assessments for all deep-sea fisheries, measures to prevent the bycatch of the most vulnerable species, and closing deep-sea areas to bottom-fishing where vulnerable marine ecosystems are known or likely to occur, all in addition to the measures proposed by the Commission. The proposal, and related amendments, is scheduled to be debated over the coming months; its adoption by the Parliament and Council would be a major turning point for deep-sea protection.

Why is this reform so important?
Reforming the EU deep-sea fishing regime is vital because the current management regime has led to the depletion of many deep-sea fish species and the destruction of vulnerable deep-sea ecosystems such as cold-water corals, sponge beds, coral gardens and numerous other habitat-forming species found in the deep sea.

Commission Proposal for a regulation establishing specific conditions to fishing for deep-sea stocks in EU and international waters of the North-East Atlantic (COM(2012)0371)
Deep-sea species are predominantly far more vulnerable to overfishing than shallow-water species because they are generally much longer-lived and slower growing, and they spawn fewer young than most pelagic fish species and those found in coastal and continental shelf areas, such as tuna, cod, and mackerel. There is growing evidence that deep-sea fish stocks are already being significantly – and potentially irreversibly – depleted.

In the northeast Atlantic, where deep-sea fish stocks are among the most heavily exploited in the world, the EU fleet takes 75 per cent of the reported catch of deep-sea species; 90 per cent of this catch is taken by vessels from just three countries: Spain, Portugal, and France, with the majority of the Spanish and French catch taken by bottom-trawl vessels. In 2010, the International Council for the Exploration of the Sea (ICES) declared the EU’s catch of all deep-sea stocks to be 100 per cent “outside safe biological limits.”

In 2012, ICES advised that while the decline in two to three deep-sea stocks (black scabbardfish, roundnose grenadier, and blue ling stocks off Scotland and Ireland) may have stabilised over the past few years, there was insufficient information to determine the status of the many other stocks or populations of deep-sea species known to be, or likely to be, caught in the deep-water fisheries in the northeast Atlantic.

The EU first began regulating deep-sea fisheries in 2002. However, even after 10 years there are still no limits on the catch of nearly half the deep-sea species currently ‘regulated’ by the EU. For the 26 deep-sea species for which the EU does set catch limits, or quotas, 18 species (all of which are considered highly vulnerable and/or severely depleted) are being ‘managed’ by a zero quota, which means that no directed fishing or landing is permitted. This is a clear indication of the failure of the management regime to ensure sustainable levels of fishing.

Deep-sea bottom-trawl fishing, one of the most common methods of fishing by EU vessels in the deep sea, can take up to 100 or more species as bycatch – species about which we know very little. This bycatch is almost entirely wasted, being thrown back into the sea, dead or dying, and is largely unreported. Studies have shown that deep-sea bottom-trawl fisheries off the coast of Ireland have depleted whole communities of deep-sea species – many more than were targeted in the fisheries.

Moreover, according to ICES: “The impact of bottom trawl is far more detrimental to the seabed than static gear such as gillnets and non-contact operations such as pelagic trawling,” and bottom-trawling is widely recognised as the most serious direct threat to deep-sea ecosystems such as cold-water coral and sponges.

Vulnerable deep-sea species and ecosystems are being destroyed before scientists even have a chance to study them. And this squander is yielding very marginal financial gains. In 2008, the value of the EU catch of deep-sea species in the northeast Atlantic was approximately €101 million, just 1.3 per cent of the value of the total catch for all its fisheries. Without their government subsidies, many of the EU’s deep-sea fleets would not likely be economically viable.

Is the EU ready to implement the global consensus to protect the deep sea?

The United Nations General Assembly has recognised the threat posed to deep-sea ecosystems and biodiversity from bottom-trawling and other forms of deep-sea fishing and has called for urgent action to manage deep-sea fisheries to prevent damage to vulnerable marine ecosystems. Growing numbers of EU citizens agree with the need to phase out deep-sea bottom-trawling. In response to a review in 2011 by the UN General Assembly of the actions taken by countries to implement a series of UN resolutions for the protection of deep-sea ecosystems, more than 720,000 people signed a global petition to “End Ocean Clear-Cuts,” which called on their governments “immediately to implement and enforce your obligations to the UN resolutions on fishing and work to ban the destructive practice of deep-sea bottom-fishing.” More than half of all signatories were from EU Member States. Retailers are increasingly taking note of this growth.
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While strongly supporting the proposed phase-out of the most destructive fishing gear, the Deep Sea Conservation Coalition is advocating several improvements to the Commission’s proposal to fully meet the standards established by the UN General Assembly and related obligations under international law.

The Deep Sea Conservation Coalition recommends that the proposal be strengthened to ensure that the new deep-sea fisheries regulation:  
- ends deep-sea overfishing by ensuring that fishing be permitted only if the catch, including any bycatch or catch of non-target species, can be limited to sustainable levels based on a clear scientific understanding of the status of deep-sea stocks and associated precautionary science-based management; and clearly mandates that no fishing opportunities shall be allocated if scientific advice on sustainable exploitation levels of deep-sea stocks is inconclusive;  
- ensures that deep-sea fisheries are managed to minimise and, where possible eliminate, the bycatch of non-target species and prevent the catch of the most vulnerable species; and requires that catch of all deep-sea species are reported, not only catches of target species;  
- prevents adverse impacts on vulnerable deep-sea ecosystems such as coral, sponge, and seamount ecosystems through appropriate management of all deep-sea fisheries, including through area closures to deep-sea bottom-fishing;  
- requires prior impact assessments for all deep-sea fisheries, including in existing fishing areas as well as new fishing areas, as a condition for authorisation to fish and that the impact assessments be consistent with the global standard established by the UN General Assembly and the UN Food and Agriculture Organization’s International Guidelines for the Management of Deep-Sea Fisheries in the High Seas;  
- strengthens the definition of deep-sea fisheries to ensure all bottom-fisheries below 200 metres are effectively regulated for their impact on the seabed and on deep-sea species;  
- phases out destructive fishing practices through a phase-out of deep-sea bottom-trawling and bottom-gillnet fishing within two years.

The Deep Sea Conservation Coalition urges the Council of Fisheries Ministers and Members of the European Parliament to promote and adopt a strong new regulation for the management of deep-sea fishing.
in the northeast Atlantic that contains the key elements noted above, and further to ensure that the new deep-sea fisheries regulation fully incorporates the EU’s international commitments to provide lasting protection for vulnerable deep-sea ecosystems and species.

This is a legacy moment, a rare opportunity to thoroughly overhaul and improve a complex, and currently failing, system to conserve and protect one of the most biologically vulnerable and diverse areas of the planet. Regulating and managing the activities of a fleet working in the most remote places on Earth is no easy feat, but it is a feat that could change the game globally and bring about one of the most significant improvements to managing the impact of fisheries on our oceans for decades to come.

This is a legacy moment not to be missed.

Endnotes
6. ICES Advice 2008, Book 9. NEAFC request to evaluate the use and quality of VMS data (in relation to deep-sea fisheries), p. 76. See also M.M. Hogg et al., Deep-sea Sponge Grounds: Reservoirs of Biodiversity, UNEP-WCMC Biodiversity Series No. 32, UNEP-WCMC, Cambridge, UK (2010), p. 26: “Mobile fishing gear that contacts the seabed, particularly trawling, is the fishing apparatus that poses the greatest threat to deep-water sponge grounds.” And A. Friewald et al., Cold-water coral reefs UNEP-WCMC, Cambridge, UK (2004), p. 37: “Active gear that comes into contact with the sea floor is considered the greatest threat to cold-water coral reefs and includes bottom trawls and dredges.”
8. See in particular UN General Assembly Resolution 61/105 (2006), para. 80, 83-86; and Resolution 64/72 (2009), para. 119-120. un.org/depts/los/general_assembly/general_assembly_resolutions.htm

About the DSBC
The Deep Sea Conservation Coalition (DSCC) was founded in 2004 to address the need to prevent damage to deep-sea ecosystems and the depletion of deep-sea species on the high seas from bottom trawling and other forms of deep-sea fishing. The DSCC is made up of over 70 non-governmental organisations (NGOs), fishers organisations and law and policy institutes, all committed to protecting the deep sea.

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