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Press response

European Court condones marine destruction

Ruling threatens Azorean marine wildlife

Luxembourg/Brussels – Environmental organisations Greenpeace, Seas At Risk and WWF are disappointed about today's decision by the European Court of Justice not to protect the waters around the Portuguese Azores against a significant increase in commercial fishing. The region supports a diverse range of marine life, including turtles, sharks, whales and dolphins and deep-sea corals, and is especially vulnerable to intensive fishing activities like trawling and longlining. The Court has ruled in favour of a 2003 decision by the Council of Ministers to open one of Europe's best preserved deep-sea environments to the fishing fleets of all EU member states. Previously, these waters were only fished by vessels from the Azores and few from mainland Portugal.

The three environmental organisations have been intervening in support of a case brought to the European Court of Justice by the Autonomous Region of the Azores. The latter has asked the Court to overturn a Council decision that provides open access to one of Europe's last deep-sea wildernesses, without at the same time limiting their activities and use of fishing gear.

“The people of the Azores have used small vessels and traditional fishing methods for generations without endangering fish stocks or the environment. Their more sustainable fisheries are now threatened by large-scale competition. Spanish longliners licensed to fish in Azorean waters, for example, have increased from zero to at least 140 vessels in only 2 years,” says Stephan Lutter of WWF.

“We are deeply disappointed that the Court has decided that the case brought by the Azores and NGOs is inadmissible. The consequence is that the Azores' unique marine life remains vulnerable to increasing fishing pressure,” adds Monica Verbeek of Seas At Risk

The three environmental organisations are concerned that the 2003 decision to grant access to the EU's large fishing fleets has led to a detrimental increase in fishing. While the Council of Ministers banned bottom trawl fisheries around the Azores in 2004, longliners, which target swordfish, dramatically increased since 2003. This fishing method is known to have a significant problem with accidental catches of turtles and sharks. Since 2003, several thousand loggerhead turtles, which rely on the Azores' waters as their feeding and nursery grounds, have been killed by EU vessels and increasing fishing pressure will further exacerbate this problem.

“The Court's ruling has primarily considered legal and not ecological aspects. It is therefore crucial that Spain and any other EU member states that has vessels fishing in the area make an immediate assessment of how their individual fisheries impact on ocean ecosystems around the Azores,” says Saskia Richartz of Greenpeace. “Unless they can prove that no negative impact occurs, EU member states should prohibit their vessels from fishing around the Azores.”

On 23rd of June, the Council of Ministers adopted rules that will apply to bottom fisheries in certain deep-sea areas on the high seas. These require vessels to carry observers and Member States to perform impact assessments before authorising any fishing activities in such deep-sea areas (4). While these rules do not cover the waters of the Azores, similar rules should also be adopted and applied to vessels fishing in the deep-sea waters of the Azores.

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Notes:

- (1) The Azores is the most isolated archipelago in the North-East Atlantic and forms part of the volcanic mid-ocean ridge. Averaging 3000 metres in depth, the waters around the Azores contain vast undersea mountain ranges – seamounts – deep water coral reefs and volcanic hydrothermal vents that are rare in European waters. The deep water commercial fish species found around the Azores are long-lived and slow to reproduce and even modest fishing pressure can seriously deplete stocks
- (2) The Court ruled that the Autonomous Region of the Azores does not have the legal right to bring such a case to the Courts and rejected some of the more detailed arguments on the basis of there not being appropriate proof. The contested Council decision relates to the adoption of Council Regulation (EC) No 1954/2003 of 4 November 2003 on the management of the fishing effort relating to certain Community fishing areas and resources and modifying Regulation (EC) No 2847/93 and repealing Regulations (EC) No 685/95 and (EC) No 2027/95, OJ L 289 – also known as the Western Waters Regulation. The ruling can be found on <http://www.richardbuxton.co.uk/v3.0/?q=node/343>.
- (3) The use of bottom trawls had been prohibited in Azorean waters prior to the opening of the fishery to all European vessels in 2003. Subsequently, as a result of massive protest from scientists, local stakeholders and NGOs, the Council decided to temporarily ban trawling around the Azores in 2004, and permanently prohibit trawling in 2005, by adopting Council Regulation (EC) No 1568/2005 of 20 September 2005 amending Regulation (EC) No 850/98 as regards the protection of deep-water coral reefs from the effects of fishing in certain areas of the Atlantic Ocean – also known as the Atlantic Coral Regulation.
- (4) On the 23rd June 2008 the Council adopted a Regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears, based on a Commission proposal (COM(2007)605).