

MISSING AT SEA

A New EU Deep-sea Fishing Regulation

Destruction continues as governments delay reform

What lies beneath?

Though the deep sea of the northeast Atlantic appears a cold, dark abyss, it is teeming with life. Dazzling deep-water habitats such as cold-water coral reefs, sponge fields and coral gardens have flourished for thousands of years, yet we are only just beginning to understand their vital role in the ocean ecosystem and the potential benefits to medicine, industrial innovation and carbon storage from the multitude of creatures still being discovered. These lifeforms are uniquely vulnerable: with no sunlight, deep-sea species mature and reproduce extremely slowly, rendering them fundamentally at odds with some industrial fishing practices. Bottom trawling – identified by scientists as the most serious direct threat to the deep sea – has depleted entire communities of deep-sea fish. Vast expanses of the seabed can be devastated by a single drag of a trawler's giant nets, cables, heavy roller gear and steel plates, as they indiscriminately capture or crush everything in their path.

The United Nations General Assembly has repeatedly highlighted these dangers and, since 2004, adopted increasingly strong resolutions committing the EU and other countries to take urgent action. It is high time that the European Union honours these commitments.

The EU and the deep sea

The EU has one of the world's largest deep-sea fishing fleets, while deep-sea fish stocks in the northeast Atlantic are among the most heavily exploited on Earth. About 90% of the EU's catch of deep-sea species is taken by just three countries – France, Spain and Portugal – and, in the case of France and Spain, for negligible economic return. The deep-sea catch accounts for less than 1% of the total value of fish landed by EU fleets in the northeast Atlantic and most industrial fishing for deep-sea species would not be economically viable without government subsidies.

The existing EU regime for managing deep-sea fisheries in the northeast Atlantic is failing. More than 10 years since it was introduced (in 2002), there are still no catch limits for nearly one-half of the deep-sea species supposedly 'regulated' by the current legislation; In 2010 the International Council for the Exploration of the Sea classified the EU's deep-sea catch to be 100% "outside safe biological limits"; depleted fish populations have not been restored; and vulnerable ancient ecosystems remain largely unprotected from destructive bottom fishing.

To add to the urgency for a new regulation, in June of 2015 the IUCN released the first ever European Red List of Marine Species,

which classified two of the main species targeted by French and Spanish deep-sea trawlers off the Irish and Scottish coasts as Endangered (roundnose grenadier) and Vulnerable (blue ling).

In 2013 more than 300 scientists called on governments to end deep-sea bottom trawling. Growing numbers of EU citizens agree – a fact reflected in the decision by several supermarket chains to stop selling unsustainably caught deep-sea fish. EU states can no longer allow a system to remain in place when it leaves the door open to irreversible destruction.

In July 2012 the European Commission issued a promising legislative proposal to overhaul the EU's regulation of its deep-sea fisheries, including provisions that would phase out bottom-trawl and bottom-gillnet fishing to target deep-sea species and require a clear scientific basis for setting fishing limits. This demonstrated a firm commitment to end destructive fishing in the deep sea. However, three years on negotiations are still in progress and EU member states remain divided.

The EU could become a global game-changer in the quest to protect the deep sea. The vital first step is to exert leadership at home and finalise the reform of its own unsustainable and mismanaged deep-sea fishing regime.

Why is a strong EU Regulation so important?

As a global fishing power, bold action by the EU could usher in a new era of worldwide deep-sea protection. Meanwhile, with every month that passes without a change in the current EU Deep-sea Fishing Regulation fragile ecosystems and species are exposed to further damage and depletion.

The EU has much to gain from supporting and strengthening the 2012 Commission proposal. First and foremost are the protection of deep-sea biodiversity from widespread, financially pointless destruction and the defence of species such as deepwater sharks against extinction. Less visible but increasingly crucial, a strong new Regulation would help preserve the capacity of deep-sea species and sediments to act as carbon sinks by capturing millions of tonnes of CO₂ that would otherwise be released into the atmosphere. By helping preserve deep-sea fish stocks long-term, and shifting away from expensive, high-carbon fishing techniques, a strong Regulation would also benefit the EU's fishing industry by focusing it on sustainable, profitable activities that produce more and better jobs. Finally, it is inexcusable for the EU to refrain from taking urgent action to prevent the further loss of species and habitats that could provide significant future benefits to humankind.

The DSCC was founded in 2004, to address the issue of bottom trawling on the high seas in the absence of an effective governance regime. The coalition is made up of over 70 non-governmental organisations (NGOs), fishers organisations and law and policy institutes, all committed to protecting the deep sea. The Stichting Deep Sea Conservation Coalition is registered with the Netherlands trade register under number 59473460.

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What should the new Regulation do?

It is not necessary to ban deep-sea fishing altogether. What is needed is a shift towards selective, science-based fishing that ensures sustainability for both target and non-target species and protects deep-sea ecosystems associated with the seabed from the impact of damaging fishing gear.

To achieve these goals, the new EU regulation should:

- End deep-sea overfishing by regulating the catch of all deep-sea species and ensuring that fishing is only permitted if the catch – including bycatch – can be kept to sustainable levels. This includes zero quotas when a lack of information makes determining sustainable catch rates impossible.
- Ensure that deep-sea fisheries minimise and, where possible, eliminate the bycatch of non-target species and prevent the catch of the most vulnerable species.
- Prevent significant adverse impacts on vulnerable deep-sea ecosystems (VMEs) such as cold-water coral, sponge and seamounts, including by closing areas to bottom fishing where VMEs are known or are likely to exist.
- Require impact assessments for *all* deep-sea fisheries – not just in new areas.
- Eliminate the most destructive practices by prohibiting bottom trawling on seamounts and phasing out all deep-sea bottom trawling and bottom gillnet fishing below 600m in other areas; this would be consistent with existing EU regulations for fishing in EU waters surrounding the Azores, Madeira and Canary Islands and represent a reasonable compromise for the fishing industry.

The ongoing political process

The long road to reforming the EU's deep-sea fishing regime began in 2007 with the publication of the European Commission's damning scientific review of the failures of the current EU Regulation in the management of deep-sea fisheries in EU and international waters of the northeast Atlantic. After consultation with member states, as well as delays as a result of pressure from the French government, the Commission finally released its proposal for a new Regulation in July 2012. French, Spanish and Scottish deep-sea trawl industry associations then organised a major campaign to oppose the proposal, which led to further delays. To become law the proposed new Regulation must be approved by both the European Parliament and the Council of Fisheries Ministers, representing all 28 member states; these processes have been besieged by delays, deliberate obstruction and deep divisions.

In February 2013 the Environment Committee of the European Parliament adopted an 'Opinion' which, among other things, recommended requiring impact assessment for all deep-sea bottom fisheries, closing deep-sea areas to bottom fishing where vulnerable ecosystems were known or likely to occur, and a phase-out of bottom trawling and bottom gillnet fishing below 200 metres depth. In November 2013 the Fisheries Committee of the Parliament rejected any phase out but agreed to the impact assessments and area closure provisions. On 10 December 2013 the European Parliament plenary adopted a text that included the impact assessment and area closure provisions. Members of European Parliament (MEPs) rejected a separate proposal to phase out bottom trawling and bottom gillnetting below 600 metres depth. Although Parliament supported the Fisheries Committee position by 342 votes to 326, 20 MEPs later formally corrected their vote. Though this came too late to change the outcome, it clearly indicates that a majority did in fact support a phase-out of deep-sea bottom trawling and gillnetting.

The Council of EU Fisheries Ministers' working group only began debating the proposal in January 2014. In November 2014 the Council Presidency finally tabled a draft position but negotiations are ongoing and no conclusion has yet been reached.

Call to action!

Deep sea management is at a crossroads. This is a legacy moment, a rare opportunity to transform a complex – and currently failing – management regime into one that will conserve and protect one of the most biologically vulnerable and diverse areas on the planet. Such moments must not be missed, or squandered.

Agreeing on the reform of the EU's Deep-sea Fishing Regulation is now urgent. A key question is whether Fisheries Ministries are willing to demonstrate good stewardship and adopt a Regulation that protects the marine environment from the harmful impacts of deep-sea fishing.

We call on EU Fisheries Ministers to conclude their deliberations on the Regulation and work with the European Parliament and the European Commission to reach a speedy consensus on a strong new Regulation in order to ensure sustainable deep-sea fisheries and the protection of the marine environment.

Timeline The rocky road to reform

17 November 2004, 8 December 2006, 4 December 2009 & 6 December 2011

UN General Assembly adopts resolutions calling for urgent action to protect deep-sea species and ecosystems from the harmful impacts of bottom fishing.

19 July 2012

European Commission releases proposal (COM(2012)0371) for a new EU Regulation to protect deep-sea fish and other marine life, including phasing out bottom trawling and bottom gillnet fishing.

20 March 2013

European Parliament Environment Committee votes 58 to 1 to support strengthening the Commission proposal, including a phase-out of deep-sea bottom trawl and bottom gillnet fishing below 200m.

4 November 2013

European Parliament Fisheries Committee votes to adopt several measures to protect vulnerable deep-sea ecosystems, though votes against a phase-out.

10 December 2013

European Parliament votes in favour of measures to protect the deep sea of the northeast Atlantic in line with UN commitments but MEPs vote 342 to 326 against a proposal to phase out bottom trawling and bottom gillnetting.

23 December 2013

20 MEPs formally correct their vote on the proposed phase-out. This means that, had all votes been recorded correctly the Parliament would have adopted this measure.

January 2014 to present

Council of EU Fisheries Ministers finally begins discussions on the deep-sea reform proposals. Negotiations are fraught with division, delays and missed deadlines and have so far failed to achieve concrete progress.

2015

Calls from scientists and citizens demanding that the EU urgently conclude the negotiation of a strong new Regulation intensify as talks drag on into their fourth year.