

Opinion of the European Economic and Social Committee on the ‘Proposal for a regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002’

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On 3 and 11 September 2012 respectively, the Council and the European Parliament decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, on the

Proposal for a Regulation of the European Parliament and of the Council establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic and repealing Regulation (EC) No 2347/2002

COM(2012) 371 final.

The Section for Agriculture, Rural Development and the Environment, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 29 January 2013.

At its 487th plenary session, held on 13 and 14 February 2013 (meeting of 13 February), the European Economic and Social Committee adopted the following opinion by 89 votes to 3 with 1 abstention.

1. Conclusions and recommendations

1.1 The EESC believes that it is appropriate and urgent to ensure the sustainability of deep-sea species and the protection of the sea bottom. This is complex problem and its solution must be based on comprehensive data and thorough scientific analysis. A precautionary approach should be adopted to avoid fishing gears whose impacts are not fully understood and could cause long term damage.

1.2 Furthermore, the EESC believes that any changes concerning these fisheries must give consideration to socio-economic as well as environmental sustainability since a large number of on-board and shore-based jobs and, ultimately, the viability of coastal communities, depend on them. All interested parties should be involved in consultations and negotiations in the development of appropriate control regimes for fishing operations and in implementing and enforcing them in a cooperative way.

1.3 The EESC believes that moving the article on the withdrawal of fishing authorisations (currently in the chapter on control) to the chapter on fishing authorisations would improve the proposal's coherence and clear up any confusion about the role of the scientific observers mentioned in this article, who should not under any circumstance be perceived as controllers.

1.4 The EESC reiterates the need for all measures adopted in this area to be based on the findings of scientific research, which has so far delivered excellent results.

2. Background

2.1 The reform of the Common Fisheries Policy (CFP) launched by the European Commission⁽¹⁾ with its Green Paper in 2009⁽²⁾ includes other amendments to the regulations that govern the CFP's application to specific areas and/or species. The proposal under consideration in this opinion can be interpreted in this light, and to a certain extent, could entail amendments of a general character established by the CFP being applied to North-East Atlantic deep-sea fishing, especially the principles of sustainability and scientific research as a basis for fishing activities.

2.2 The revision of Council Regulation (EC) No 2371/2002 of 20 December contained in the new proposal is designed to implement United Nations General Assembly Resolutions 61/105 and 64/72, which call on States and regional fisheries management organisations to ensure the protection of vulnerable deep-sea marine ecosystems from damage caused by fishing activities, thereby making the responsible exploitation of resources the general rule for all activities. In addition, the Commission recognises the need to correct some of the shortcomings identified in the application of the current regulation during its period of enforcement.

⁽¹⁾ OJ C 181, 21.6.2012 p. 183-195.

⁽²⁾ OJ C 18, 19.1.2011, p. 53-58.

2.3 In the interim, and in view of the problems detected in the practical application of Regulation (EC) No 2371/2002, the Commission has published rules that have adapted its content to a certain extent.

2.4 In this respect, it is worth mentioning the Communication of 29 January 2007, which refers to deep-sea fish stocks and the discrepancies between the established TACs and the actual catches, pointing out that this is partly due to the lack of a sound scientific knowledge base for both the species listed in the regulation and the real capacity of fleets operating in the North-East Atlantic, whose quotas were fixed before this regulation. It also considered it necessary to monitor and control these fisheries with the help of satellite Vessel Monitoring Systems (VMS).

2.5 To a certain extent, Council Regulation (EC) No 199/2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector took up the Commission's proposals for establishing an EU programme which would give effect to the value of science-based fisheries management and control.

2.6 Finally, Council Regulation (EU) No 1262/2012, which fixed the fishing opportunities for deep-sea fish species for 2013 and 2014, fulfils the requirement to set two-year fisheries plans since it establishes TACs and, more importantly, their allocations.

3. Analysis of the proposal

3.1 The proposal begins by acknowledging that the outcomes are unsatisfactory when compared with the goals of Regulation (EC) No 2347/2002, especially with regard to:

- the vulnerability of many deep-sea stocks,
- the negative impact of fishing with bottom trawls on vulnerable deep-sea marine ecosystems,
- the high levels of undesired catch, and
- difficulties in determining the sustainable level of fishing pressure due to insufficient scientific data.

3.2 The EESC believes that the sheer number of guidelines which have evolved around this issue since the regulation came into force in 2003 may have been environmentally and economically damaging to fishing vessels. As a result, and as a general principle, the debate on this new proposal must seek

simplification, regulatory stability and legal certainty for the Member States and the economic and social actors involved.

3.3 Deep-sea stocks may constitute target species as well as by-catches in other fisheries. The general objective of the proposal is to ensure as much as possible the sustainable exploitation of deep-sea stocks while reducing the environmental impact of these fisheries, and to improve the information base for scientific assessment. In order to achieve this goal, a set of measures, listed below, are to be established.

3.4 *The sustainable exploitation of deep-sea species*

3.4.1 As a general rule, fishing opportunities are to be fixed at exploitation rates for deep-sea species that are consistent with maximum sustainable yield. Various measures are put forward to ensure this sustainability. Firstly, a system of fishing authorisations is to be established whereby each operator will have to identify one or more species as their target catch from among the species on the established lists. The EESC notes that the lists in this proposal, which come from agreements under the North East Atlantic Fisheries Commission (NEAFC), are much longer than the current lists, and include fisheries not previously mentioned in the regulation on deep-sea fishing. Secondly, it emphasises the importance of scientific data, although it should be noted that most Member States have scientific bodies and organisations that have carried out exemplary work which is used for sustainable fishing.

3.4.2 Fishing authorisations are a requirement for deep-sea fishing, with a ban on the use of fishing gears (bottom trawls and bottom-set gillnets) set to come into force after a two-year transitional period. Vessels that target other species can enter these zones with fishing authorisations that mention deep-sea species as by-catches, below a certain threshold.

3.4.3 At present, bottom trawling is the only viable way to fish for certain species (e.g. megrim and the Norway lobster). If it is banned at short notice and without previously negotiating with the interested parties, revenues and jobs could be lost in this sector. The EESC believes that better scientific knowledge and controlled fishing of these species, combined with other technical and support measures, would allow the sustainable exploitation of fisheries resources from an environmental, social and economic perspective. As a result, the dissemination of new trawl designs that offer technical solutions should be supported so that the bottom trawls currently used can be replaced by other deep-sea fishing methods.

3.5 Science base

3.5.1 This objective cuts permanently across the entire CFP. Without scientific knowledge of the marine environment and its habitats it is impossible to identify exploitation rates that are consistent with their sustainable use. Fishing has to be managed on the basis of exploitation rates identified for maximum sustainable yield.

3.5.2 In its opinion on the Green Paper, as well as previous opinions, the EESC argued in favour of improving our scientific knowledge of the marine environment and the state of stocks, suggesting that it is the regional fisheries management organisations which should be responsible for coordinating research and data collection.

3.5.3 Furthermore, the EESC stands by the proposal it made in its opinion on the funding of the CFP ⁽³⁾, to the effect that this activity should be carried out by independent scientific bodies alongside fishing operators or their organisations. In the same spirit, we reiterate the need for lifelong learning to promote human capital, in particular by attracting young scientists to marine research.

3.6 Technical measures on fisheries management

3.6.1 According to the proposal, fishing opportunities that are currently established in terms of both fishing effort limits and catch limits will be established by means of fishing effort limits only. In this regard, the EESC reiterates its opinion that all limits must be science-based.

3.6.2 Member States are to establish measures to avoid an increase in the catching capacity and by-catches of vulnerable species, as well as to prevent discards.

3.6.3 In order to prevent discrimination against EU fishing operators, who are subject to catch and effort limitations while their non-EU competitors can fish without restrictions, the EESC expects a sustained effort from the Commission to conclude regional agreements on resource conservation that are binding upon all parties.

4. Specific comments

4.1 The EESC agrees with the Commission's proposal on the following points:

— Deep-sea ecosystems and species are particularly vulnerable to human activity.

— Fishing operators already cooperate in scientific research activities on deep-sea ecosystems and species. In fact, it is already common for scientists to be regularly included in fishing fleets.

— The proposal's main objective must be to ensure the sustainable exploitation of deep-sea stocks while reducing the environmental impact of these fisheries, which means improving the information base for scientific assessment and the legislative provisions to be adopted on the use of these waters.

— A licensing regime for deep-sea fishing is the appropriate instrument for controlling access to these fisheries.

4.2 The EESC also recognises that bottom trawls may not just be a threat to deep-sea species but also to the sea bottom in vulnerable areas. However, this type of gear cannot be demonised because when properly used it is the only way to exploit other fisheries without compromising their sustainability. The EESC advocates establishing scientific criteria for deciding the restrictions on its use.

4.3 Finally, the EESC believes that the Communication is on the right track but needs to strike the right balance between the protection of vulnerable habitats and species and the economically, socially and environmentally sustainable exploitation of resources. This is why it thinks that banning bottom gears (bottom trawls and bottom-set gillnets) could prove disproportionate unless due consideration is given to scientific assessments.

4.4 As an alternative to a ban, the EESC advocates the application of the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, which has been assessed positively by the UN at the international level, and especially throughout the EU. At the same time, it welcomes the Commission's recognition of the need to provide financial support for vessels that have to change fishing gears and for training crews. This assistance should be adapted to the circumstances of the economic and social crisis facing Europe.

Brussels, 13 February 2013.

The President
of the European Economic and Social Committee
Staffan NILSSON

⁽³⁾ OJ C 299, 4.10.2012, p. 133-140.