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REPORT

on the proposal for a Council regulation on establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks

(COM(2002) 108 – C5-0135/2002 – 2002/0053(CNS))

Committee on Fisheries

Rapporteur: Michael John Holmes

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 21 March 2002 the Council consulted Parliament, pursuant to Article 37 of the EC Treaty on the proposal for a Council regulation on establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (COM(2002) 108 – 2002/0053(CNS)).

At the sitting of 8 April 2002 the President of Parliament announced that he had referred this proposal to the Committee on Fisheries as the committee responsible (C5-0135/2002).

The Committee on Fisheries appointed Michael John Holmes rapporteur at its meeting of 27 March 2002.

It considered the Commission proposal and the draft report at its meetings of 26 March, 22 May, 9 July and 11 September 2002.

At the latter meeting it adopted the draft legislative resolution by 14 votes to 5, with 0 abstentions.

The following were present for the vote: Struan Stevenson, chairman; Brigitte Langenhagen, Hugues Martin and Rosa Miguélez Ramos, vice-chairmen; Dominique F.C. Souchet (for Michael John Holmes), rapporteur; Elspeth Attwooll, Yves Butel, Brian Crowley (for Nello Musumeci), Arlindo Cunha, Nigel Paul Farage, Giovanni Claudio Fava (for Vincenzo Lavarra), Ilda Figueiredo, Ian Stewart Hudghton, Salvador Jové Peres, Heinz Kindermann, Carlos Lage, Albert Jan Maat (for Giorgio Lisi), Ioannis Marinos, James Nicholson, Seán Ó Neachtain, Neil Parish, Manuel Pérez Álvarez, Bernard Poignant, Daniel Varela Suanzes-Carpegna and Herman Vermeer (for Niels Busk).

The report was tabled on 13 September 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

European Parliament legislative resolution on the proposal for a Council regulation on establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks (COM(2002) 108 – C5-0135/2002 – 2002/0053(CNS))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal to the Council (COM(2002) 108¹),
 - having been consulted by the Council pursuant to Article 37 of the EC Treaty (C5-0135/2002),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries (A5-0307/2002),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 3. Calls on the Council to notify Parliament should it intend to depart from the text approved by Parliament;
 4. Asks to be consulted again if the Council intends to amend the Commission proposal substantially;
 5. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Article 3, paragraph 2

2. It shall be prohibited to catch, retain on board, tranship or to land any aggregate quantity of the deep-sea species ***other than ling or tusk*** in excess of 50 Kg, ***or any aggregate quantity of ling and tusk in excess of 1 tonne***, unless the vessel in question holds a deep-sea fishing permit.

2. It shall be prohibited to catch, retain on board, tranship or to land any aggregate quantity of the deep-sea species in excess of 50 Kg unless the vessel in question holds a deep-sea fishing permit.

¹ OJ C 151E of 25.6.2002, p. 184.

Justification

These two species are caught on the continental shelf, not in deep water, and consequently they cannot be affected by this regulation.

Amendment 2

Article 4, paragraph 1, subparagraph 1

1. Member States shall calculate the aggregate power and the aggregate capacity of its vessels which, in any one of the years 1998, 1999 or 2000, have landed more than 10 tonnes of any mixture of the deep-sea species with the exception of ling and tusk, ***or more than 100 tonnes of any mixture of ling and tusk.***

1. Member States shall calculate the aggregate power and the aggregate capacity of its vessels which, in any one of the years 1998, 1999 or 2000, have landed more than 10 tonnes of any mixture of the deep-sea species with the exception of ling and tusk.

Justification

These two species are caught on the continental shelf, not in deep water, and consequently they cannot be affected by this regulation.

Amendment 3

Article 6

Vessel monitoring system

deleted

1. By derogation from Article 6(2) of Regulation (EC) N° 1489/97⁸, in the event of technical failure or non-function of the satellite tracking device fitted on board a fishing vessel, the master of the vessel shall stop fishing activities without delay and steam directly to the nearest of the designated ports referred to in Article 7 and shall have the device repaired or replaced.

2. The vessel cannot leave the designated port until the satellite tracking device is functioning to the satisfaction of the competent authorities.

3. The flag Member State shall withdraw the deep-sea fishing permit of a vessel which does not comply with its obligations under paragraphs 1 and 2.

⁸ OJ L 202, 30.7.1997, p. 18

Justification

The master of a vessel cannot be asked to stop fishing as soon as the failure of the device has been noticed.

Amendment 4 Article 7, paragraphs 1 and 2

1. It shall be prohibited to land any quantity of any mixture of deep-sea species ***other than ling and tusk*** in excess of 50 Kg ***or any aggregate quantity of ling and tusk in excess of 1 tonne*** at any place other than the ports which have been designated for landing deep-sea species.

2. Each Member State shall designate ports into which any landing of deep-sea species ***other than ling and tusk*** in excess of 50 Kg ***and any landing of any mixture of ling and tusk in excess of 1 tonne*** shall take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of deep-sea species within each landing.

1. It shall be prohibited to land any quantity of any mixture of deep-sea species in excess of 50 Kg at any place other than the ports which have been designated for landing deep-sea species.

2. Each Member State shall designate ports into which any landing of deep-sea species in excess of 50 Kg shall take place and shall determine the associated inspection and surveillance procedures, including the terms and conditions for recording and reporting the quantities of deep-sea species within each landing.

Justification

These two species are caught on the continental shelf, not in deep water, and consequently they cannot be affected by this regulation.

Amendment 5 Article 9

In addition to the obligations laid down in Articles 15 and 19i of Regulation (EEC) No. 2847/93, Member States, on the basis

In addition to the obligations laid down in Articles 15 and 19i of Regulation (EEC) No. 2847/93, Member States, on the basis

of the information recorded in logbooks and reports presented by the scientific observers, shall communicate for each half calendar year within three months of the expiry of that half calendar year to the Commission the information about catches of deep-sea species and fishing effort deployed, expressed as ***kilowatt-fishing days***, broken down by ***quarter of the year, by type of gear, by species and by ICES statistical rectangle or CECAF subdivision***.

of the information recorded in logbooks, ***including full records of fishing days out of port*** and reports presented by the scientific observers, shall communicate for each half calendar year within three months of the expiry of that half calendar year to the Commission the information about catches of deep-sea species and fishing effort deployed, expressed as ***fishing days out of port***, broken down by ***catch area and identification of vessel concerned***.

Justification

Kilowatt days are based on a complicated formula that is distorted by misreporting of engine horse power and previous effort. Fishing days out of port are less open to abuse and easier to enforce.

Amendment 6 Article 9 (a) (New)

Revision

A general review of the progress made in achieving the aims of this Regulation shall be undertaken, in the light of the latest available scientific evidence, no later than 3 years after its entry into force.

Justification

Given the lack of available scientific data in relation to deep-sea species and their habitats, it is appropriate that the Regulation should be revised on a regular basis so as to incorporate the latest and best available scientific advice.

Amendment 7 Annex I

List of deep-sea species

List of deep-sea species

Scientific name

Common name

Scientific name

Common name

PE 309.212

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Aphanopus carbo	Black scabbardfish	Aphanopus carbo	Black scabbardfish
Apristuris spp.	Iceland catshark	Apristuris spp.	Iceland catshark
Argentina silus	Greater silver smelt	Argentina silus	Greater silver smelt
Beryx spp.	Alfonsinos	Beryx spp.	Alfonsinos
Brosme brosme	Tusk	deleted	deleted
Centrophorus granulosus	Gulper shark	Centrophorus granulosus	Gulper shark
Centrophorus squamosus	Leafscale gulper shark	Centrophorus squamosus	Leafscale gulper shark
Centroscyllum fabricii	Black dogfish	Centroscyllum fabricii	Black dogfish
Centroscymnus coelolepis	Portuguese dogfish	Centroscymnus coelolepis	Portuguese dogfish
Coryphaenoides rupestris	Roundnose grenadier	Coryphaenoides rupestris	Roundnose grenadier
Dalatias licha	Kitefin shark	Dalatias licha	Kitefin shark
Deania calceus	Birdbeak dogfish	Deania calceus	Birdbeak dogfish
Etmopterus princeps	Greater lanternshark	Etmopterus princeps	Greater lanternshark
Etmopterus spinax	Velvet belly	Etmopterus spinax	Velvet belly
Galeus melastomus	Blackmouth dogfish	Galeus melastomus	Blackmouth dogfish
Galeus murinus	Mouse catshark	Galeus murinus	Mouse catshark
Hoplostethus atlanticus	Orange roughy	Hoplostethus atlanticus	Orange roughy
Molva dypterygia	Blue ling	Molva dypterygia	Blue ling
Molva molva	Ling		
Pagellus bogaraveo	Red Seabream	Pagellus bogaraveo	Red Seabream
Phycis spp.	Forkbeards	Phycis spp.	Forkbeards

Justification

These two species are caught on the continental shelf, not in deep water, and consequently they cannot be affected by this regulation.

EXPLANATORY STATEMENT

BACKGROUND

At the Fisheries Council of 14-15 December 2000, a common declaration by the Commission and the Council, invited the Commission to propose catch limitations on deep-water fisheries in 2001 at the latest and to propose the allocation of these catch restrictions among Member States.

While recognising that measures needed to be taken to protect these vulnerable stocks, the Council decided to postpone the setting of Total Allowable Catches (TACs) to the following year, so as to have additional time in which to collect more information and scientific advice. However, in order to prevent the risk of encouraging a rush to fish these stocks to set historical catch records, the Council decided that catches for 2000 and 2001 would not be taken into account for the setting of such TACs.

Deep-water fish species are thought to be slow-growing and therefore susceptible to overexploitation. The most recent scientific advice available to the Commission came from the Advisory Committee for Fisheries Management (ACFM) of the International Council for the Exploration of the Sea (ICES), issued in a report in October 2001¹ and which was subsequently endorsed by the EU Scientific, Technical and Economic Committee for Fisheries (STECF). This indicated that many of the deep-sea fish stocks are too heavily exploited and are in a state which is actually or potentially outside safe biological limits. The report recommended an immediate reduction in these fisheries unless they can be shown to be sustainable. These fisheries should be reduced, consistent with a precautionary approach and fishing should expand faster than the acquisition of information necessary to provide a basis for sustainable exploitation. It further argued that new fisheries should be permitted only when they expand very slowly, and are accompanied by programmes to collect data which allow evaluation of stock status.

As a first step, the Commission proposed, in December 2001, to set catch limitations in the form of Total Allowable Catches (TACs) and quotas for a number of deep-water fish stocks, for each of the Member States that exploit these fisheries. These fishing opportunities relate to both EU and international waters. The Commission argued that it was important to apply conservation measures unilaterally while seeking agreement for harmonised measures within the Regional Fisheries Organisation concerned, the North-East Atlantic Fisheries Commission (NEAFC).

In accordance with the Treaty rules, the European Parliament has not been consulted on this measure. However, as a second stage and in accordance with the scientific advice which it had received, the Commission announced its intention of proposing, as early as possible in 2002, a scheme to restrict fishing effort on these stocks. This is the purpose of the current proposal.

¹ Report of the working group on biology and assessment of deep-sea fisheries resources, Advisory Committee on Fisheries Management ICES CM 2001/ACFM:23

CONTENT OF THE COMMISSION PROPOSAL

The aim of the current proposal is control the amount of fishing directed at deep-water species, to collect scientific data and to establish an enforcement regime to ensure compliance with the rules.

The species concerned are:

Alfonsinos	(<i>Beryx spp.</i>)
Black scabbardfish	(<i>Aphanopus carbo</i>)
Blue ling	(<i>Molva dypterigia</i>)
Forkbeards	(<i>Phycis spp.</i>)
Greater silver smelt	(<i>Argentina silus</i>)
Ling	(<i>Molva molva</i>)
Orange roughy	(<i>Hoplostethus atlanticus</i>)
Red Seabream	(<i>Pagellus bogaraveo</i>)
Roundnose grenadier	(<i>Coryphaenoides rupestris</i>)
Tusk	(<i>Brosme brosme</i>)
Deep sea sharks (this term refers to a number of species of sharks)	

Under the proposal deep-sea fishing permits issued by the Member States would be necessary for vessels catching, retaining on board, transshipping or landing predefined quantities of the species in question. When issuing the permits the Member States would have to ensure that the power and capacity of the vessels allowed to fish these species is no greater than that of any of its vessels which in any one of the years 1998, 1999 or 2000 landed more than 10 tonnes of the species, with the exception of ling and tusk, where the limit would be 100 tonnes.

To help increase knowledge of these fisheries, additional information would have to be entered in the vessels' logbooks including details of fishing gear used and the time spent in the water. To ensure the enforcement of the measures, vessels concerned by these fisheries would have to be equipped with fully operational devices to allow for satellite monitoring. Member States would have to identify designated ports where vessels holding set quantities of deep-sea fish would have to land their catches. Member States would also have to prepare sampling plans for the deployment of scientific observers on board a number of vessels holding permits.

Finally, on the basis of the information recorded in logbooks and the reports prepared by the scientific observers, Member States would have to communicate information about catches and the fishing effort biannually to the Commission. The Commission would then pass this information on to the relevant scientific.

The Commission hopes that these measures, which would be applied both in Community waters and in international waters of the eastern Atlantic, will come into force on 1 January 2003.

ASSESSMENT OF THE COMMISSION PROPOSAL

There have been very few studies of the stock-structure of deep-water fish species in the areas

affected by the current proposal. However, it would appear that two different categories of deep-water species can be defined:

- widespread species that occur at relatively low density in almost any location. The roundnose grenadier (*C. rupestris*) is a typical species of this category;
- seamount (or other topographic or hydrographic feature) associated species that form dense aggregations in some particular habitats or at some time and have a very low density elsewhere.

The local densities of these latter species make them particularly vulnerable to fishing as high catch rates can be obtained from very small populations. Although not entirely independent, the likely low rate of exchange between these populations could explain the observed local depletion. For orange roughy, for example, the fishery collapsed in ICES Sub-area VI. For blue ling, a spawning aggregation to the south of Iceland depleted in the early 1980s showed no sign of recovery 15 years later.

In general, it may be seen that the recovery from such local depletion, if not prevented by habitat alteration, may be a long process due to low recruitment of these species and their slow growth. For these species, maintaining the productivity of the whole stock probably requires each local aggregation to be kept at a level dictated by the scientific evidence.

Similarly, there is a lack of detailed study to support conclusions with regard to the effects of deep-sea fishing on the marine environment. However, disturbance to the seabed as a result of the action of fishing gear is of increasing concern. It would seem certain that deep-sea fisheries, especially those using bottom trawls, affect the sea bottom and its animal communities, with the overall effect depending on the gear type and the type of bottom. Because of the general slow growth of the deep-sea fauna and cold-water corals and the long regeneration time of deep-water communities, the effects of fishing gears on habitats are considered to be generally the most long-lasting and irreversible of all effects of fishing on ecosystems.

Thus, given this poor state of knowledge, both with regard to stocks and to the effects on habitats, there can be no doubt that action is urgently required in order to regulate deep-sea fishing so as to avoid making the same mistakes as were made in the past through the over-fishing of traditional commercial fish stocks.

The Commission proposal is therefore to be welcomed. However, a number of specific comments should be made.

(i) Effort Restrictions:

In the context of the cod and hake recovery plan, the Commission considered that effort limitation was vital to its success and further believed that "absence from port" was the best means of administering the scheme. Here, while power and capacity limits have been proposed, no restrictions on fishing activity have been put forward.

Measures to limit fishing effort should be immediately proposed. The fact that there is a complementary TAC and quota proposal on the table is of little comfort, since it is precisely such policies which have failed to halt the decline of other species, such as

cod and hake. A mixed system of effort limitation and TAC and quota might be envisaged, but not the latter alone.

(ii) **Mixed Fisheries:**

Certain species, such as red seabream, are the subject of both demersal and deep-sea fisheries, careful consideration must be given to the list of species covered by the proposal and provision made for updating it as improved scientific and empirical evidence becomes available.

(iii) **International Waters**

Deep-sea species are fished to a large degree off the continental shelf and in international waters. By adopting unilateral measures affecting international waters, the Community, while taking a lead, would also be ignoring the potential input of vital partners, such as Norway. The North-East Atlantic Fisheries Commission¹ annual meeting took place in Bergen from 11-13 June. The Community would be well advised to take account of the outcome of this meeting in any regulations which it adopts.

CONCLUSIONS

The most striking aspect of deep-sea fisheries is the lack of sound scientific data, both with regard to specific species and to the effects of these activities on the marine environment. Although the Commission's proposal contains a welcome clause relating to the gathering of scientific information, your rapporteur believes this to be insufficient and is therefore proposing the inclusion of a specific article providing for a general revision of the Regulation before 31 December 2005.

¹ North-East Atlantic Fisheries Commission Contracting Parties are: Denmark in respect of the Faroe Islands and Greenland, the EU, Iceland, Norway, Poland and the Russian Federation