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2009 - 2014

Committee on Fisheries

2012/0179(COD)

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DRAFT REPORT

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)0371 – C7-0196/2012 – 2012/0179(COD))

Committee on Fisheries

Rapporteur: Kriton Arsenis

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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)0371 – C7-0196/2012 – 2012/0179(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2012)0371),
 - having regard to Article 294(2) and Article 43(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0196/2012),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 13 February 2013¹,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Fisheries and the opinion of the Committee on the Environment, Public Health and Food Safety (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1 **Proposal for a regulation** **Recital 11**

Text proposed by the Commission

(11) Vessels targeting deep-sea species with other bottom gear should not extend ***their*** range of operation ***according to*** their

Amendment

(11) Vessels targeting deep-sea species with other bottom gear should not extend ***the*** range of operation ***specified in*** their

¹ Not yet published in the Official Journal.

authorisation within Union waters, unless ***expansion can be assessed as not carrying*** a significant risk of negative impact on vulnerable marine ecosystems.

authorisation within Union waters, unless, ***following an assessment in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas, the extension is proven not to carry*** a significant risk of negative impact on vulnerable marine ecosystems.

Or. en

Amendment 2
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order to allow sufficient time for those engaged in fishing deep sea species to comply with new rules, the requirement that all fishing authorisations allowing the use of bottom gears in fishing activities targeting deep-sea species should require a prior impact assessment, conducted in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas for the issuing or renewal of the fishing authorisation, should apply only after a an adjustment period of two years from the entry into force of this Regulation..

Or. en

Amendment 3
Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) Scientific advice further indicates that fishing effort limits are an appropriate instrument for fixing fishing

(13) The vulnerability of deep-sea species to exploitation makes it necessary to implement complementary management

opportunities for deep-sea fisheries. In view of the large variety of gears and fishing patterns present in deep-sea fisheries, and the need to develop accompanying measures tackling the environmentally weak points of the fisheries individually, fishing effort limits should only replace catch limits when it can be ensured that they are adapted to specific fisheries.

measures. Wherever possible, catch limits should be combined with effort limits which reduce impacts on non-target species and vulnerable marine ecosystems.

Or. en

Amendment 4
Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant conservation measures.

Amendment

(17) Holders of a fishing authorisation allowing for the catch of deep-sea species should lose their authorisation as far as the catching of deep-sea species is concerned if they do not comply with relevant **management and** conservation measures **or with the data collection and reporting obligations.**

Or. en

Amendment 5
Proposal for a regulation
Article 1 – paragraph 1 – point a

Text proposed by the Commission

(a) to ensure the sustainable **exploitation of** deep-sea species while minimising the impact of deep-sea fishing activities on the marine environment;

Amendment

(a) to ensure the **conservation and the sustainable management of target and non-target** deep-sea species while **preventing, and where possible eliminating,** the impact of deep-sea fishing activities on the marine environment, **and in particular on vulnerable marine ecosystems, by**

applying the precautionary and ecosystem approaches to fisheries management;

Or. en

Amendment 6
Proposal for a regulation
Article 1 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) to ensure that the Union measures aimed at the protection of vulnerable marine ecosystems and the sustainable management of deep-sea fish stocks are consistent with United Nations resolutions adopted by the General Assembly, in particular Resolutions 61/105 and 64/72.

Or. en

Amendment 7
Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 and Article 2 of Council Regulation (EC) No 734/2008 shall apply.

1. For the purposes of this Regulation, the definitions laid down in Article 3 of Regulation (EC) No 2371/2002 and **paragraphs (a) and (d) of** Article 2 of Council Regulation (EC) No 734/2008 shall apply.

Or. en

Amendment 8
Proposal for a regulation
Article 3 – paragraph 2 – point e

Text proposed by the Commission

(e) ‘most vulnerable species’ means the deep-sea species indicated in the third column ‘Most vulnerable (x)’ of the table in Annex I;

Amendment

(e) ‘most vulnerable species’ means the ***non-exhaustive list of*** deep-sea species indicated in the third column ‘Most vulnerable (x)’ of the table in Annex I; ;

Or. en

Amendment 9
Proposal for a regulation
Article 3 – paragraph 2 – point i

Text proposed by the Commission

(i) ‘scientific advisory body’ means an international fisheries ***scientific*** body that meets international standards for research-based scientific advice.

Amendment

(i) ‘scientific advisory body’ means an international fisheries scientific body ***which has as its primary purpose the giving of scientific advice and*** that meets international standards for research-based scientific advice;

Or. en

Amendment 10
Proposal for a regulation
Article 3 – paragraph 2 – point j

Text proposed by the Commission

(j) ‘maximum sustainable yield’ means the ***maximum*** catch that may be taken from a ***fish stock indefinitely***.

Amendment

(j) ‘maximum sustainable yield’ means the ***largest long-term average catch or yield*** that may be taken from a ***stock under prevailing ecological and environmental conditions***.

Or. en

Amendment 11
Proposal for a regulation
Article 3 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(j a) 'fishing capacity' means the ability of a vessel to catch fish, measured in terms of vessel characteristics, including a vessel's tonnage in GT (Gross Tonnage), its power in kW (Kilowatt) as defined in Articles 4 and 5 of Council Regulation (EEC) No 2930/86 of 22 September 1986 defining characteristics for fishing vessels¹, as well as the characteristics and size of its fishing gears and any other parameter that affects its ability to catch fish;

¹ OJ L 274, 25.9.1986, p. 1.

Or. en

Amendment 12
Proposal for a regulation
Article 3 – paragraph 2 – point j b (new)

Text proposed by the Commission

Amendment

(j b) 'vulnerable marine ecosystems' means any marine ecosystem that is characterised by uniqueness or rarity, fragility, high diversity or structural complexity, that is of functional significance as a habitat or component species of which make recovery difficult due to characteristics such as long life expectancies, slow growth rates, late maturity, low or unpredictable recruitment;

Or. en

Amendment 13
Proposal for a regulation
Article 3 – paragraph 2 – point j c (new)

Text proposed by the Commission

Amendment

(j c) 'precautionary approach to fisheries management' means an approach whereby the absence of adequate scientific information does not justify the postponement or failure to take management measures to conserve target species, associated or dependent species and non target species and their environment;

Or. en

Amendment 14
Proposal for a regulation
Article 3 – paragraph 2 – point j d (new)

Text proposed by the Commission

Amendment

(j d) 'ecosystem-based approach to fisheries management' means an approach that considers all the pressures on marine biological resources that exist, ensuring that the benefits derived from marine ecosystems and marine biological resources are high while the direct and indirect impacts of fishing operations on marine ecosystems are low and not detrimental to the future functioning, diversity and integrity of those ecosystems;

Or. en

Amendment 15
Proposal for a regulation
Article 3 – paragraph 2 – point j e (new)

Text proposed by the Commission

Amendment

(j e) 'sustainable management' means the exploitation of a stock or group of fish

stocks in a way that restores and maintains populations of fish stocks above levels capable of producing maximum sustainable yield, displays a healthy population age and size distribution and does not have a negative impact on the marine ecosystems;

Or. en

Amendment 16
Proposal for a regulation
Article 3 – paragraph 2 – point j f (new)

Text proposed by the Commission

Amendment

(j f) 'significant adverse impacts', means the impacts that compromise the integrity of the ecosystem in a manner that impairs the ability of affected populations to reproduce, degrades the long-term natural productivity of habitats, or causes significant loss of species richness, habitat or community types, as described in paragraphs 17-20 of the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries;

Or. en

Amendment 17
Proposal for a regulation
Article 3 – paragraph 2 – point j g (new)

Text proposed by the Commission

Amendment

(j g) 'deep-sea fishing authorisation' means a special fishing permit for deep-sea species issued in accordance with Article 7 of Council Regulation (EC) No 1627/94 of 27 June 1994 laying down general provisions concerning special fishing permits¹;

¹ OJ L 171, 6.7.1994, p. 7.

Or. en

Amendment 18
Proposal for a regulation
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

***Transparency, public participation and
access to justice***

1. For the implementation of this Regulation, the provisions of Directive 2003/4/EC¹ and Regulations 1049/2001/EC² and 1367/2006/EC³ concerning access to environmental information shall apply.

2. The Commission, and Member States, shall ensure that all data-handling and decision-making under this Regulation is conducted in full compliance with the Convention of the United Nations Economic Commission for Europe on access to information, public participation in decision-making and access to justice in environmental matters ('the Aarhus Convention', approved on behalf of the Union by Council Decision 2005/370/EC⁴).

¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information (OJ L 41, 14.2.2003, p. 26).

² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

³ *Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).*

⁴ *OJ L 124, 17.5.2005, p. 1.*

Or. en

Amendment 19
Proposal for a regulation
Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

Identification of deep-sea species and most vulnerable species

1. By ...* and every two years thereafter, the Commission shall review the list of deep-sea species in Annex I, including the designation of most vulnerable species., .

2. The Commission shall be empowered to adopt delegated acts in accordance with Article 20 amending the list of deep-sea species in Annex 1, including the designation of most vulnerable species, to incorporate new scientific information from Member States, from the scientific advisory body and from other relevant sources of information, including the IUCN Red List Assessments. In adopting such delegated acts, the Commission shall, in particular, take account of the IUCN Red List Criteria, the rarity of the species, its vulnerability to exploitation and whether the scientific advisory body has recommended a zero by-catch.

** OJ please insert the date of entry into force of this Regulation*

Or. en

Amendment 20
Proposal for a regulation
Article 3 c (new)

Text proposed by the Commission

Amendment

Article 3c

Identification and protection of vulnerable marine ecosystems

1. By ...*, on the basis of the best scientific and technical information available and after consulting the scientific advisory body, the Commission shall adopt delegated acts, in accordance with Article 20, establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur. That list shall indicate whether such areas overlap with any areas and depths where fisheries targeting deep-sea species are authorised.

3. The Commission shall review the list referred to in paragraph 1 annually on the basis of advice received from the scientific advisory body.

The Commission shall be empowered to adopt delegated acts, in accordance with Article 20, amending, where necessary, that list.

4. Fishing with bottom gears shall be prohibited in the areas in the list referred to in paragraph 1

5. By way of derogation from paragraph 4, if the Commission, based on an impact assessment and after consulting the scientific advisory body, decides that there is sufficient evidence that vulnerable marine ecosystems are not present in a

particular area in the list referred to in paragraph 1, or that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems in that area are prevented, it may reopen that area to fishing with bottom gears.

** OJ please insert the date one year from the entry into force of this Regulation.*

Or. en

Amendment 21
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. Fishing activities targeting deep-sea species carried out by a Union fishing vessel, shall be subject to a fishing authorisation, which shall indicate deep-sea species as the target species.

Amendment

1. Fishing activities targeting deep-sea species carried out by a Union fishing vessel, shall be subject to a fishing authorisation, ***issued by the flag Member State***, which shall indicate deep-sea species as the target species.

Or. en

Amendment 22
Proposal for a regulation
Article 4 – paragraph 2 – point c

Text proposed by the Commission

(c) the vessel's ***master*** records ***in the logbook*** a percentage of deep-sea species equal or superior to 10 % of the overall catch weight in the ***fishing day concerned***.

Amendment

(c) the vessel's ***logbook*** records a percentage of deep-sea species equal or superior to 10 % of the overall catch weight ***during any fishing day*** in the ***previous calendar year***.

Or. en

Amendment 23
Proposal for a regulation
Article 4 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(c a) the vessel deploys bottom gears at depths of or below 400 meters.

Or. en

Amendment 24
Proposal for a regulation
Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Fishing activities ***not targeting deep-sea species but catching deep-sea species as a by-catch, carried out by a Union fishing vessel***, shall be subject to a fishing authorisation, which shall indicate deep-sea species as by-catch.

3. Fishing activities ***carried out by a Union fishing vessel that is not deemed to target deep-sea species in accordance with paragraph 2 above, but that catches them as by-catch*** shall be subject to a fishing authorisation ***issued by the flag Member State***, which shall indicate deep-sea species as by-catch.

Or. en

Amendment 25
Proposal for a regulation
Article 4 – paragraph 5

Text proposed by the Commission

Amendment

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip.

5. Notwithstanding paragraphs 1 and 3, fishing vessels may catch, retain on board, tranship or land any quantity of deep-sea species without a fishing authorisation, if that quantity is below a threshold set at 100 kg of any mixture of deep-sea species per fishing trip. ***Details of all such catches, including species composition, weight and***

sizes, shall be recorded in the vessel's logbook and reported to the competent authorities.

Or. en

Amendment 26
Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

The aggregate fishing capacity *measured in gross tonnage and in kilowatt* of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during *any of the two calendar years preceding the entry into force of this Regulation, whichever year provides the higher figure.*

Amendment

The aggregate fishing capacity of all fishing vessels holding a fishing authorisation issued by a Member State, allowing the catch of deep-sea species, whether as target or by-catch species, shall at no time exceed the aggregate fishing capacity of vessels of that Member State which have landed 10 tonnes or more of deep-sea species during **2009-2011**

Or. en

Amendment 27
Proposal for a regulation
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In order to achieve the objective set out in paragraph 1, Member States shall conduct annual capacity assessments and transmit the results to the Commission by 30 May of each year. Capacity assessments shall include an analysis of the total fleet capacity per fishery and per fleet segment at the time of assessment, and its impact on stocks and the wider marine ecosystem. They shall also include

an analysis of the long-term profitability of the fleet. In order to ensure a common approach across the Union, Member States shall carry out their capacity assessments in accordance with the Commission's "Guidelines for an improved analysis of the balance between fleet capacity and fishing opportunities" and shall also take into consideration the profitability of the fleet. Those capacity assessments shall be made publicly available.

Or. en

Amendment 28
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type of gears, the depth range at which the activities will be deployed, **and of** the individual species targeted.

Amendment

Each application for a fishing authorisation allowing for the catch of deep-sea species whether as target or by-catch species, and for its **annual** renewal shall be accompanied by a description of the area where it is intended to conduct fishing activities, the type **and the quantity** of gears, the depth range at which the activities will be deployed, the individual species targeted **and the potential by-catch species, as well as the intended frequency and duration of the fishing activity. This information shall be made publicly available.**

Or. en

Amendment 29
Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Any application for a fishing authorisation shall provide a record of the concerned fishing vessels' catches of deep-sea species in the area for which an application is sought for 2009-2011.

Or. en

Amendment 30
Proposal for a regulation
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation for targeted deep sea fisheries, as referred to in Article 4(1), that allows the use of bottom gears in Union waters as referred to in Article 2(a), shall be accompanied by a detailed fishing plan specifying:

1. In addition to the requirements set out in Article 6, each application for a fishing authorisation for targeted deep sea fisheries, as referred to in Article 4(1), that allows the use of bottom gears in Union waters as referred to in Article 2(a), shall be accompanied by a ***publicly available*** detailed fishing plan specifying:

Or. en

Amendment 31
Proposal for a regulation
Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the locations, if any, of activities in the deep-sea métier during ***the last three full calendar years***. Those location(s) shall be defined by coordinates in accordance with the World Geodetic System of 1984 and ***they*** shall circumscribe the fishing activities as closely as possible.

(b) the locations, if any, of activities in the deep-sea métier during ***2009-2011***. Those location(s) shall be defined by coordinates in accordance with the World Geodetic System of 1984 and shall circumscribe the fishing activities as closely as possible.

Or. en

Amendment 32
Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. Any fishing authorisation issued on the basis of an application made in accordance with paragraph 1 shall specify the bottom gear to be used and limit the fishing activities authorised to the area in which the intended fishing activity, as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on scientific advice, that such extension would not have significant adverse impacts on vulnerable marine *ecosystems*.

Amendment

2. Any fishing authorisation issued on the basis of an application made in accordance with paragraph 1 shall specify the ***characteristics, type and dimensions of the*** bottom gear to be used and limit the fishing activities authorised to the area in which the intended fishing activity, as set out in paragraph 1(a), and the existing fishing activity, as set out in paragraph 1(b), overlap. However, the area of the intended fishing activity can be extended beyond the area of the existing fishing activity if the Member State has assessed and documented, based on ***best available*** scientific advice, that such extension would not have significant adverse impacts on vulnerable marine *ecosystems*. ***This assessment shall be conducted in accordance with Annex IIa and the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas and shall be made publicly available.***

Or. en

Amendment 33
Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Before ...*, no fishing authorisation targeting deep-sea species, including in areas defined in Article 7(1)(b), shall be issued or renewed unless the Member State has assessed and documented, based on best available scientific advice, that the

fishing activities concerned would not have a significant adverse impact on the marine ecosystem. That assessment shall be conducted in accordance with the 2008 FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas including as set out in Annex IIa and shall be made publicly available.

** OJ please insert the date two years after the entry into force of this Regulation.*

Or. en

Amendment 34
Proposal for a regulation
Article 7 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall apply the precautionary approach when carrying out their impact assessments. In case of doubt as to whether the likely adverse impacts resulting from the scientific advice provided are significant, they shall be presumed to be so.

Or. en

Amendment 35
Proposal for a regulation
Article 7 – paragraph 2 c (new)

Text proposed by the Commission

Amendment

2 c. In areas where no impact assessment has been carried out or where the impact assessment was not conducted in accordance with 2008 FAO Guidelines, the use of bottom gears shall be prohibited.

Amendment 36
Proposal for a regulation
Article 7 – paragraph 2 d (new)

Text proposed by the Commission

Amendment

2d. No fishing authorisations under Article 4 shall be issued for areas where vulnerable marine ecosystems are known to occur or are likely to occur, unless the Commission, after consulting the scientific advisory body determines that there is sufficient evidence that appropriate conservation and management measures have been adopted which ensure that significant adverse impacts on vulnerable marine ecosystems are prevented..

Or. en

Amendment 37
Proposal for a regulation
Article 8 – paragraph -1 (new)

Text proposed by the Commission

Amendment

Member States shall implement measures to ensure that all vessels that catch deep-sea species, whether or not in accordance with a fishing authorisation issued under Article 4, record all of their catches of such species and report them to the relevant competent authority.

Or. en

Amendment 38
Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall put in place the necessary systems to ensure that, wherever possible, data collected is reported to the relevant competent authorities as it is generated, in order to reduce risks to vulnerable marine ecosystems, minimise by-catch, and allow better fishing management through "real-time monitoring".

Or. en

Amendment 39
Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The relevant data to be recorded and reported in accordance with this Article shall as a minimum include the weight and species composition of all deep-sea catches.

Or. en

Amendment 40
Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Fishing opportunities shall be fixed ***at a rate of exploitation of the deep-sea species concerned that is consistent with*** maximum sustainable yield.

1. ***Subject to Article 10a, by 2015, fishing opportunities for deep-sea species shall be fixed in accordance with fishing mortality rates that:***

(a) allow stocks to recover, as soon as biologically possible and, by 2020 at the latest, above levels that are capable of producing the maximum sustainable yield; and allow all healthy and recovered stocks

to be maintained at these levels;
(b) contribute to achieving and maintaining a good environmental status in the Union's marine environment by 2020.

Or. en

Amendment 41
Proposal for a regulation
Article 10 – paragraph 2 – introductory part

Text proposed by the Commission

2. Where, based on best scientific information available, it is not possible to identify *exploitation* rates *consistent with* maximum sustainable yield, the fishing opportunities shall be fixed as follows:

Amendment

2. Where, based on best scientific information available, it is not possible to identify *fishing mortality* rates *that maintain or restore populations of deep-sea species above levels which can produce the* maximum sustainable yield *in accordance with paragraph 1*, the fishing opportunities shall be fixed as follows:

Or. en

Amendment 42
Proposal for a regulation
Article 10 – paragraph 2 – point a

Text proposed by the Commission

a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period *may* not be fixed higher than those rates;

Amendment

(a) where the best scientific information available identifies exploitation rates corresponding to the precautionary approach to fisheries management, the fishing opportunities for the relevant fishing management period *shall* not be fixed higher than those rates;

Or. en

Amendment 43
Proposal for a regulation
Article 10 – paragraph 2 – point b

Text proposed by the Commission

b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities *may* be allocated for the fisheries concerned.

Amendment

(b) where the best scientific information available does not identify exploitation rates corresponding to the precautionary approach to fisheries management due to lack of sufficient data concerning a certain stock or species, no fishing opportunities *shall* be allocated for the fisheries concerned.

Or. en

Amendment 44
Proposal for a regulation
Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a) No fishing opportunities shall be allocated for those deep-sea species identified as being most vulnerable, in accordance with Annex I, whether those species are targeted or caught as by-catch;

Or. en

Amendment 45
Proposal for a regulation
Article 10 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b) Management measures, including the fixing of fishing opportunities for target and by-catch species in mixed species fisheries, area and seasonal closures, and the use of selective gears, shall be designed and established to minimise by-

catch of deep-sea species, in particular by-catch of the most vulnerable species, and to ensure the long-term sustainability of all species adversely affected by the fishery.

Or. en

Amendment 46
Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Conservation Measures

1. Member States shall apply the precautionary and ecosystem approaches to their fisheries management and shall adopt measures to ensure the long-term conservation and sustainable management of deep-sea fish stocks and non-target species. Those measures shall aim to rebuild depleted stocks, to minimise, prevent and, where possible, to eliminate by-catch, to protect spawning aggregations and to ensure the adequate protection and prevention of significant adverse impacts on vulnerable marine ecosystems. Such measures may include real time, seasonal or permanent prohibitions of certain fishing activities or gears in certain areas

2. This Regulation shall contribute to the implementation of Directive 92/43/EEC and Directive 2009/147/EC and to the achievement and maintenance of good environmental status by 2020 at the latest as set out in Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive)¹, including in particular that all stocks of harvested species exhibit a population age

and size distribution that is indicative of a healthy stock, and descriptors 1, 2, 3, 4, 6, 9, and 10.

¹ *OJ L 164, 25.6.2008, p. 19.*

Or. en

Amendment 47
Proposal for a regulation
Chapter 3 – section 2 – title

Text proposed by the Commission

Amendment

Management by fishing effort limits

Management by ***catch limits and*** fishing effort limits

Or. en

Amendment 48
Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Fishing opportunities by means of fishing effort limits ***only***

Fishing opportunities by means of ***catch limits and*** fishing effort limits

Or. en

Amendment 49
Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. The Council, acting in accordance with the Treaty, may decide to ***switch from the fixing of*** annual fishing opportunities for deep-sea species in terms of both fishing

1. ***Subject to Article 10,*** the Council, acting in accordance with the Treaty, may decide to ***fix*** annual fishing opportunities for deep-sea species in terms of both fishing

effort limits and catch limits *to the fixing of only fishing effort limits for specific fisheries*.

effort limits and catch limits.

Or. en

Amendment 50
Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during *the previous two calendar years*.

Amendment

2. For the purposes of paragraph 1, the fishing effort levels for each deep-sea métier that shall be used as a baseline for any adjustments required in order to follow the principles set out in Article 10 shall be the fishing effort levels assessed, based on scientific information, as consistent with the catches made by the relevant deep-sea métiers during **2009-2011**.

Or. en

Amendment 51
Proposal for a regulation
Article 11 – paragraph 3 – point a

Text proposed by the Commission

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated gear, the species targeted and the ICES zones or CECAF areas within which the allowed effort may be deployed; **and**

Amendment

(a) the specific deep-sea métier to which the fishing effort limit applies by reference to the regulated **type and amount of** gear, the species targeted, **the depth**, and the ICES zones or CECAF areas within which the allowed effort may be deployed;

Or. en

Amendment 52
Proposal for a regulation
Article 11 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) the method for the monitoring and reporting of effort levels.

Or. en

Amendment 53
Proposal for a regulation
Article 11 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. Assessment of fishing effort levels by Member States shall be reviewed annually by the Commission, after consulting the scientific advisory body in order to ensure the effective implementation of fishing effort limits.

Or. en

Amendment 54
Proposal for a regulation
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Where annual fishing effort limits have ***replaced catch limits*** in accordance with Article 11(1), Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

1. Where annual fishing effort limits have ***been established*** in accordance with Article 11(1), Member States shall maintain or put in place, in respect of their flagged vessels the following accompanying measures:

Or. en

Amendment 55
Proposal for a regulation
Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) measures to **avoid an increase of the overall catching capacity of the vessels concerned by the effort limits.**

Amendment

(a) measures to **prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort secure the long-term sustainability of deep-sea fish stocks.**

Or. en

Amendment 56
Proposal for a regulation
Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) measures to **avoid an increase in** by-catches **of** most vulnerable species; and

Amendment

(b) measures to **prevent, minimise and where possible eliminate** by-catches, **particularly by-catches of** the most vulnerable species, **including modifications to gear, or real-time closures of areas with high by-catch rates;** and

Or. en

Amendment 57
Proposal for a regulation
Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) conditions for effective discard prevention. Those conditions shall **aim at landing** all fish taken on board, unless this would be contrary to the rules in force under the Common Fisheries Policy.

Amendment

(c) conditions for effective discard prevention. Those conditions shall **require** all fish taken on board **to be landed**, unless this would be contrary to the rules in force under the Common Fisheries Policy **or if the species have a proven high long-term survival rate after discarding;**

Amendment 58
Proposal for a regulation
Article 12 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) measures to prevent, deter and eliminate illegal, unregulated and unreported fishing in the deep-sea métier.

Or. en

Amendment 59
Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in **paragraphs 1(a), (b) and (c)**.

2. The measures shall remain in force for as long as the need remains to prevent or mitigate the risks identified in **paragraph 1**.

Or. en

Amendment 60
Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. Member States shall, without delay, notify the Commission of the measures adopted in accordance with paragraph 1.

Or. en

Amendment 61
Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption.

Amendment

3. The Commission shall assess the effectiveness of the accompanying measures adopted by Member States upon their adoption ***and annually thereafter***.

Or. en

Amendment 62
Proposal for a regulation
Article 15 – paragraph -1 (new)

Text proposed by the Commission

Amendment

1. Member States shall designate the ports in which any landing or transshipment of deep-sea species in excess of 100 kg is to take place. By ...*, Member States shall transmit to the Commission the list of these designated ports.

****OJ please insert the date 60 days after the entry into force of this Regulation.***

Or. en

Amendment 63
Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated ***for landing deep-sea species***.

Amendment

2. No quantity of any mixture of deep-sea species in excess of 100 kg may be landed at any place other than the ports which have been designated ***by Member States pursuant to paragraph 1***.

Amendment 64
Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

3. To improve coherence and coordination across the Union, the Commission shall establish measures for vessels, designated ports and relevant competent authorities regarding the inspection and surveillance procedures necessary for the landing or transshipment of deep-sea species and for recording and reporting landing or transshipment data, including as a minimum the weight and species composition.

Or. en

Amendment 65
Proposal for a regulation
Article 15 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

4. Vessels that land or tranship deep-sea species shall adhere to the terms and conditions for recording and reporting the weight and composition of deep-sea species landed or transhipped, and shall comply with all inspection and surveillance procedures relating to the landing or transshipping of deep-sea species.

Or. en

Amendment 66
Proposal for a regulation
Article 15 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts, in accordance with Article 20, laying down rules for the inspection and surveillance of landing or transshipment of deep-sea species and the recording and reporting of landing or transshipment data in accordance with the paragraphs above.

Or. en

Amendment 67
Proposal for a regulation
Article 16

Text proposed by the Commission

Amendment

By way of derogation of Article 17 of Regulation (EC) No 1224/2009, the masters of all Union fishing vessels intending to land 100 kg or more of deep-sea species, *whichever their length*, shall be required to notify *their flag Member State's* competent authority of that intention.

The masters of all Union fishing vessels, ***regardless of their length***, intending to land ***or tranship***100 kg or more of deep-sea species, shall be required to notify ***the*** competent authority ***of their flag Member State, as well as the port state authority***, of that intention. ***The master or any other person responsible for the operation of vessels of 12 meters in length or more shall notify the competent authorities at least four hours before the estimated time of arrival at port, in accordance with Article 17 of Regulation (EC) No 1224/2009.***

Or. en

Amendment 68
Proposal for a regulation
Article 18 – paragraph 1 – point a

Text proposed by the Commission

a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation ***or, as appropriate***, catch or effort limits on the species whose targeting is allowed; or

Amendment

(a) failure to conform to the conditions set in the fishing authorisation with regard to limits on the use of gears, allowed areas of operation, ***and*** catch or effort limits on the species whose targeting is allowed; or

Or. en

Amendment 69
Proposal for a regulation
Article 18 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

ba) failure to collect, record and report data in accordance with Article 8;

Or. en

Amendment 70
Proposal for a regulation
Article 18 – paragraph 1 – point b b (new)

Text proposed by the Commission

Amendment

bb) failure to comply with the requirements of the Common Fisheries Policy;

Or. en

Amendment 71
Proposal for a regulation
Article 18 – paragraph 1 – point b c (new)

Text proposed by the Commission

Amendment

bc) any of the cases specified in Council

Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing¹, particularly under the provisions of Chapters VII-IX.

¹ OJ L 286, 29.10.2008, p. 1.

Or. en

Amendment 72
Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation.

Amendment

1. Member States shall collect data on each deep-sea métier in accordance with the rules on data collection and the precision levels laid down in the multiannual Community programme for collection, management and use of biological, technical, environmental, and socio-economic data adopted in accordance with Council Regulation (EC) No 199/2008¹⁸ and in other measures adopted under that Regulation. ***Member States shall ensure that the necessary systems are in place to facilitate the reporting of catches of target and by-catch species, and the reporting of evidence of any encounters with vulnerable marine ecosystems, in real-time wherever possible.***

Or. en

Amendment 73
Proposal for a regulation
Article 19 – paragraph 2

Text proposed by the Commission

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for **his** vessel, ***unless this is not possible for security reasons***. The master shall facilitate the discharging of the scientific observer's tasks.

Amendment

2. The master of a vessel, or any other person responsible for the vessel's operation, shall be required to take on board the scientific observer whom the Member State has assigned for **their** vessel, ***in accordance with the conditions specified in paragraph 3***. The master shall facilitate the discharging of the scientific observer's tasks.

Or. en

Amendment 74
Proposal for a regulation
Article 19 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(b a) be qualified to carry out their duties and tasks as scientific observers, including the ability to identify species found in deep-sea ecosystems;

Or. en

Amendment 75
Proposal for a regulation
Article 19 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

(3a) It shall be prohibited for scientific observers to be any of the following:
(i) a relative of the master of the vessel or other officer serving on the vessel to which the observer is assigned
(ii) an employee of the master of the vessel to which they are assigned
(iii) an employee of the master's

representative

(iv) an employee of a company controlled by the master or their representative

(v) a relative of the master's representative.

Or. en

Amendment 76
Proposal for a regulation
Article 19 – paragraph 6

Text proposed by the Commission

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier.

Amendment

6. Upon a request from the Commission, Member States shall submit monthly reports on of effort deployed and/or catches broken down by métier. ***These reports shall be made publicly available.***

Or. en

Amendment 77
Proposal for a regulation
Article 19 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Member States shall ensure that vessels operating outside the deep-sea metier and catching deep-sea species listed under Annex I report the catch of these species by gear type and ICES or CECAF Statistical Area.

Or. en

Amendment 78

Proposal for a regulation Chapter Va (new) - title

Text proposed by the Commission

Amendment

Chapter Va Financial assistance

Or. en

Amendment 79

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19 a

Financial Assistance for changing of fishing gear

- 1. Fishing vessels using bottom trawls or bottom-set gillnets in the deep-sea métier shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the changing of fishing gears and related vessel modifications, and for necessary know-how and training, provided that the new gear has demonstrably better size and species selectivity, a lower and limited impact on the marine environment and vulnerable marine ecosystems and does not increase the fishing capacity of the vessel, as assessed by the Commission, after consulting the appropriate independent scientific body;***
- 2. Fishing vessels shall be eligible to receive financial assistance from the European Maritime and Fisheries Fund for the purpose of minimising and, where possible, eliminating unwanted catches of deep-sea species, particularly those that are most vulnerable;***

3. Support shall not be granted more than once for the same Union fishing vessel .

4. Access to financial assistance from the European Maritime and Fisheries Fund shall be conditional upon full compliance with this Regulation, the Common Fisheries Policy and Union environmental law.

Or. en

Amendment 80
Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. ***Within six years from the entry into force of this Regulation***, the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1(a) ***and (b)*** have been achieved.

Amendment

1. ***By ...****, the Commission shall, on the basis of Member States' reports and scientific advice that it shall request to this effect, evaluate the impact of the measures laid down in this Regulation and determine to what extent the objectives referred to in Article 1 have been achieved.

**** OJ please insert the date three years from the entry into force of this Regulation.***

Or. en

Amendment 81
Proposal for a regulation
Article 21 – paragraph 2 – point a

Text proposed by the Commission

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the ***development of their***

Amendment

(a) the vessels that have changed to using gears with a reduced impact on the sea bottom, and the ***progress on the***

discard levels;

prevention, minimisation and, where possible, on the elimination of unwanted catches;

Or. en

Amendment 82
Proposal for a regulation
Article 21 – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the fisheries that are managed according to fishing effort limits only, and the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species.

(e) the effectiveness of accompanying measures to eliminate discards and reduce catches of most vulnerable species.

Or. en

Amendment 83
Proposal for a regulation
Article 21 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the quality of the impact assessments carried out pursuant to Article 7;

Or. en

Amendment 84
Proposal for a regulation
Article 21 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment

(e b) the effectiveness of measures established to ensure the long-term sustainability of deep-sea fish stocks and to prevent by-catch of non-target species, in particular by-catch of the most

vulnerable species;

Or. en

Amendment 85
Proposal for a regulation
Article 21 – paragraph 2 – point e c (new)

Text proposed by the Commission

Amendment

(e c) the extent to which vulnerable marine ecosystems have been effectively protected through area closures and/or by other measures.

Or. en

Amendment 86
Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

Amendment

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid *after 30 September 2012*.

Special fishing authorisations issued in accordance with Regulation (EC) No 2347/2002 shall remain valid until their replacement by fishing authorisations allowing the catch of deep-sea species issued in accordance with this Regulation, but shall in any case no longer be valid *by ...**.

** OJ please insert the date one year after the date of entry into force of this Regulation.*

Or. en

Amendment 87

Proposal for a regulation Annex I - table 1 - row 7a (new)

Amendment by Parliament

Scientific name	Common name	Most vulnerable (x)
<i>Centrophorus lusitanicus</i>	<i>Lowfin gulper stark</i>	X

Or. en

Amendment 88

Proposal for a regulation Annex I - table 2 - row 2

Text proposed by the Commission

<i>Conger conger</i>	<i>Conger eel</i>
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Amendment by Parliament

<i>deleted</i>	<i>deleted</i>
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Or. en

Amendment 89

Proposal for a regulation Annex I - table 2 - row 5

Text proposed by the Commission

<i>Molva molva</i>	<i>Ling</i>
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Amendment by Parliament

<i>deleted</i>	<i>deleted</i>
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Or. en

Amendment 90
Proposal for a regulation
Annex II – point 4 a (new)

Text proposed by the Commission

Amendment

4 a. The Commission shall ensure that data is collected in a timely manner , in a way that is harmonised in all Member States, and that it is accurate, reliable and comprehensive;

Or. en

Amendment 91
Proposal for a regulation
Annex II – point 4 b (new)

Text proposed by the Commission

Amendment

4 b. The Commission shall ensure safe storage of collected data, making it publicly available, save in exceptional circumstances where appropriate protection and confidentiality are required where the reasons for such restrictions is declared.

Or. en

Amendment 92
Proposal for a regulation
Annex II a (new)

Text proposed by the Commission

Amendment

Annex II a

Impact assessments referred to in Article 7(2)

The impact assessments to establish the deep-sea fishing activities referred to in Article 7(2) shall address, inter alia:

1. the type(s) of fishing conducted, including vessels and gear types, fishing

areas and the depth range at which the activities will be deployed, individual species targeted and potential by-catch species, fishing effort levels and the duration of fishing;

2. best available scientific information on the current state of fish stocks and baseline information on the ecosystems and habitats in the fishing area, against which future changes are to be compared;

3. identification, description and mapping of vulnerable marine ecosystems known or likely to occur in the fishing area;

4. data and methods used to identify, describe and assess the impact of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;

5. the identification, description and evaluation of the occurrence, scale and duration of likely impact by the fishing operations, including cumulative impacts of fishing activities, particularly on vulnerable marine ecosystems and low-productivity fishery resources in the fishing area;

6. the proposed mitigation and management measures to be used to prevent significant adverse impact on vulnerable marine ecosystems and ensure long-term conservation and sustainable management of low-productivity fishery resources, and the measures to be used to monitor effects of the fishing operations.

Or. en

EXPLANATORY STATEMENT

As demersal fish stocks on the continental shelf started declining due to overfishing and unsustainable practices, the fishing industry started looking for ways to fish further and deeper. Deep-sea fishing in the North-East Atlantic developed rapidly at the end of the 1980s, in large part due to this trend.

Deep-sea species are generally considered to be those that live at depths greater than 400 meters. Deep-sea fish stocks have distinct biological characteristics. They are typically slow growing, and long-lived, with some species living more than 100 years, they have late maturity, many of them reach 30 years of age before they can reproduce and low fecundity. These characteristics make them particularly vulnerable to fishing pressure and mean that for many stocks recovery from depletion is likely to take a very long-time or not happen at all.

The deep-sea fisheries in the North-East Atlantic is characterized by two very different fishing practices, on one hand traditional coastal fleets that employ long-lining in Portugal and on the other hand large nomadic trawlers mainly operating under French and Spanish flags. Altogether deep-sea species account for approximately 1% of landings from the North-East Atlantic.

Deep sea fishing largely developed and expanded before sufficient information was available regarding the status of deep-sea fish stocks, the level of discards and unwanted catches or the impacts on the marine ecosystem caused by this fishing activity.

Up until 2003 deep-sea fisheries were largely unregulated in the EU, without the establishment of any accompanying measures. This led to a 'race to fish' with certain deep-sea stocks being depleted after only a few years. The most infamous example being the commercial fishery for orange roughy in Ireland which began in 2000, based largely on public funding, as a non-quota fishery. The rapid boom and bust of many deep-sea fisheries was experienced as landings peaked in 2002 and most vessels went bankrupt and were forced out of the fishery by 2005 due to stock depletion. Most of Porcupine Bank orange roughy fishery has been closed since January 2005 and the total allowable catch for orange roughy is still set at zero for both EU and international waters.

In 2002, the Council adopted Regulation No 2347/2002, which establishes a specific access regime for fishing vessels engaged in the deep-sea fisheries and is made of four components: capacity restriction, data collection, effort management and control. Unfortunately the Deep-Sea Access Regulation failed to ensure both the economic and environmental sustainability of deep-sea fishing in the North-East Atlantic. As the Commission acknowledges in COM(2007)30, certain measures prescribed in the Deep-Sea Access Regulation were inadequate, namely the scope of the regulation concerned was too broad, inflexible and lacking details of guidance to control fishing activities and clear procedures for reporting data on vulnerable marine ecosystems. Furthermore, many measures were also incorrectly implemented and thus failed to protect deep-sea stocks. The Commission has also

acknowledged that “many deep-sea stocks have such low productivity that sustainable levels of exploitation are probably too low to support an economically viable fishery.”¹

In response to these shortcomings, the Commission published a proposal 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 (repealing Regulation (EC) No 2347/2002).

The proposal aims to solve the **main problems of this fishery**, which are seen to be:

-the high vulnerability of deep-sea fish stocks;

- the lack of data on deep-sea fish stocks;

Poor information on deep-sea stocks does not allow scientists to assess the stocks' status, neither in terms of absolute population size nor fishing mortality. Lack of data on discards, fishing depth and longevity and low growth makes, also makes it impossible to structure the stock into age classes. However, despite the fact that most deep-sea fish stocks are still classified as "data poor", ICES states that most of the deep-sea fish stocks are considered to be harvested outside safe biological limits;

- the impact on vulnerable marine ecosystems;

Fishing with bottom trawls destroys irreplaceable benthic habitats, which in the deep-sea are primary sources of biodiversity, such as corals and sponges. The extent of destruction of such vulnerable marine ecosystems that has already occurred after decades of deep-sea bottom trawling remains largely unknown. Moreover, it is worth noting that sponge grounds have received no specific protection measures in the North East Atlantic and that while there are many observations of corals and sponges being trawled by commercial fishing operations, there are very few records with precise information on quantity. Bottom trawls are in fact only likely to retain a small fraction of corals and sponges due to their fragile nature.

- the high levels of by-catch

Trawling for deep-sea species entails medium to large levels of unwanted catches. Estimated rates of undesired catch in observed trawl fisheries are on average between 20 and 30% in weight², but can go beyond 50%.

The key elements introduced in the current Commission Proposal include:

-a clear distinction in fishing authorisations between vessels targeting deep-sea species and vessels catching deep-sea species as by-catch, in order to make sure the measures are focused on the part of the fleet most relevant to deep-sea fisheries.

-a freezing of the fishing footprint and an introduction of the obligation to conduct a scientific impact assessment indicating that there will be no significant adverse impacts on vulnerable

¹ COM(2007)30, Communication from the Commission to the Council and the European Parliament, Review of the management of deep-sea fish stocks, page 10

² ICES advice 2010 Book 9, chapter 9.4.15.2 Advice on roundnose grenadier.

marine ecosystems before an authorisation to expand fishing activities beyond the area where it currently takes place can be issued.

-a two year phase out of the gears that are the most harmful to deep sea ecosystem, namely bottom trawls and bottom set gillnets.

The rapporteur fully supports the Commission's proposal as it has the potential to ensure the sustainability of both commercially exploited deep-sea fish stocks and deep-sea species caught as by-catch and prevent significant adverse impacts on vulnerable marine ecosystems. The draft report aims at strengthening the Commission proposal in the following key areas:

-identification of deep-sea species and most vulnerable species

Given the vulnerability of deep-sea fish stock this report calls for the biannual review of the list of deep-sea species, including the designation of most-vulnerable species in order to incorporate new scientific information and make sure that measures taken are up to date and tailored towards ensuring the sustainability of these species

-identification and protection of vulnerable marine ecosystems

Given the high biodiversity importance and fragility of vulnerable marine ecosystems (VMEs) the report calls for the mapping of areas where vulnerable marine ecosystems are known to occur or likely to occur and calls for the closure of these areas to fishing with bottom gears. These areas may be reopened to fishing with bottom gears if appropriate conservation and management measures are taken to ensure that adverse impacts on VMEs are prevented or if an impact assessment proves that no VMEs are present. This measure is in line with the requirements established in UNGA Resolutions 61/105 and 64/72 as well as Council Regulation No 734/2008 and has been identified as one of the most affective measures to protect VMEs by both scientists and the fishing industry.

-a 400 meter depth definition of fishing activities deemed to target deep-sea species

This amendment aims to ensure that all areas where both aggregations of deep-sea species and deep-sea vulnerable marine ecosystems are likely to occur are indeed covered by this Regulation. This is in line with ICES as it defines the deep-sea as waters deeper than 400 meters.

- an establishment of an annual fleet capacity assessment by Member States

This is in line with the Parliament position on the Basic Regulation of the Common Fisheries Policy and is an effective way to ensure that fishing capacity is not increased.

-an obligation to record and report all catches of deep-sea species

The report introduces an obligation to report all catches of deep-sea species, in terms of species composition, weight and sizes, whether subject to a special fishing authorisation or not, in order to improve the data available on deep-sea stocks and the subsequent management measures adopted and for these to be reported in real-time where possible, to allow for improvements in real-time management.

-obligation to conduct an impact assessment prior to the issuance or renewal of fishing authorisations for bottom gears targeting deep-sea species

The report includes a phased introduction, 2 years after this Regulation enters into force, of an

obligation for Member States to assess that fishing activities do not have a significant adverse impact on the marine ecosystem before a fishing authorisation is issued or renewed. This is a vital measure given that VMEs have repeatedly been caught in areas where fishing currently takes place and these assessments are invaluable in identifying and protecting nursing, spawning and feeding areas as well as areas where these vulnerable species aggregate .

-financial assistance for a shift to more sustainable fishing gears

This report specifies that fishing vessels using bottom trawls or bottom-set gillnets should be eligible for funding through the European Maritime and Fisheries Fund for the changing or fishing gear and related vessel modification and the necessary training ICES has repeatedly stated “the impact of bottom trawl is far more detrimental to the seabed than static gear” and a recent report from IFREMER found that up to 144 species are caught in deep-sea trawl fisheries¹. The shift from bottom trawling and bottom-set gillnets to longlining, when targeting deep-sea fish stocks is a shift towards a more sustainable fishery. A more sustainable fishery economically, as deep-sea longlining appears to be more profitable and entails lower operational costs, given that bottom trawling requires a 6 times higher fuel consumption, socially, as longlining is far more labour intensive and therefore presents new job opportunities and environmentally, as longlining has a demonstrably lower impact on the marine environment.

¹ IFREMER Report, Fauconnet et al., Observations à bord des navires de pêche Bilan de l'échantillonnage 2010 Section 1.2. “CHALUTIERS À ESPÈCES PROFONDES TOUTES ZONES”, December 2001