

# EUROPEAN PARLIAMENT

2004



2009

---

*Committee on the Environment, Public Health and Food Safety*

**2007/0224(CNS)**

7.4.2008

## **OPINION**

of the Committee on the Environment, Public Health and Food Safety

for the Committee on Fisheries

on the proposal for a Council regulation on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (COM(2007)0605 – C6-0453/2007 – 2007/0224(CNS))

Draftsman: Marios Matsakis

PA\_Legam

## SHORT JUSTIFICATION

### Background information:

The proposed Regulation would apply only to EU vessels operating in the high seas using bottom gear in areas that are not subject to regulation by a Regional Fisheries Management Organisation (RFMO).

### The draft opinion of the Environment Committee:

The rapporteur considers the proposal to be a good first step towards the protection of deep sea biodiversity in the high seas and the enhancement of deep sea fisheries management. However, the rapporteur proposes a small number of amendments, taking into consideration the work done by different marine NGOs, which suggest that there is an urgent need for stricter measures for the protection of the marine ecosystem.

Protection of many deep-water fish species, which are highly vulnerable to over-fishing because of their unique biology and adaptation to deep-sea environments, should be strengthened with this proposal. Although not enough is known about the recovery of these populations, it would be wise that the Precautionary Principle should apply.

These amendments are made having in mind the suggestions made by both the environment non-governmental organisations and the fishing sector.

## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Fisheries, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission <sup>1</sup>	Amendments by Parliament
(10) The identification of vulnerable marine ecosystems in areas not regulated by a regional fisheries management organisation is a work in progress and there is relatively limited scientific information in this respect. <b><i>A depth limit for the deployment of bottom gears provides a precautionary protected</i></b>	Amendment 1 Recital 10  (10) The identification of vulnerable marine ecosystems in areas not regulated by a regional fisheries management organisation is a work in progress and there is relatively limited scientific information in this respect. <b><i>There is still much to be learned about deep sea ecosystems and dedicated research is</i></b>

<sup>1</sup> OJ C ... /Not yet published in OJ.

*boundary for deep water corals and sponges within the water column. A depth of 1 000 m represents a reasonable choice providing a suitable degree of protection while compatible with the continuation of bottom fisheries for demersal species generally found at shallower depths such as hake and squid. This depth restriction is also compatible with the progressive development, under this regulation, of area-based measures to fully protect sites where vulnerable ecosystems are known or likely to occur.*

*underway, including scientific study efforts under EU auspices. It is well known that certain deep sea ecosystems may constitute true "hot spots" of marine biodiversity. It is also known that these ecosystems are extremely vulnerable because of the low growth rates that characterise life at great depths. Fishing with bottom gears can be extremely detrimental to the integrity of these ecosystems, as has been demonstrated by a growing body of scientific evidence. Observed and potential sources of damage include bottom trawls, dredges, bottom-set gillnets, bottom-set longlines, pots and traps<sup>1</sup>. Therefore a depth of 1000 m does not truly and accurately represent a scientific or reasonable choice for providing a suitable degree of protection to vulnerable marine ecosystems.*

---

<sup>1</sup> *Communication from the Commission to the Council and the European Parliament, Destructive fishing practices in the high seas and the protection of vulnerable deep sea ecosystems (COM(2007) 604).*

#### Amendment 2

##### Article 1, paragraph 2, point (a)

(a) Under the responsibility of a regional fisheries management organisation *of arrangement* with competence to regulate such fishing activities;

(a) Under the responsibility of a regional fisheries management organisation with *the legal* competence to regulate such fishing activities;

#### Amendment 3

##### Article 1, paragraph 2, point (b)

(b) For which a process for the establishment of a regional fisheries management organisation is underway; where the participants in such process have agreed on interim measures to protect vulnerable marine ecosystems from destructive impacts resulting from the use of

(b) For which a process for the establishment of a regional fisheries management organisation is underway *and* where the participants in such process have agreed on interim measures to protect vulnerable marine ecosystems from destructive impacts resulting from the use of

bottom gears.

bottom gears.

Amendment 4  
Article 4, paragraph 1, point (d a) (new)

***(da) the duration.***

Amendment 5  
Article 4, paragraph 2

2. The competent authorities shall issue a special fishing permit after having carried out an assessment on the potential impacts of the vessel's intended fishing activities and concluded that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems.

2. The competent authorities shall issue a special fishing permit after having carried out an assessment on the potential impacts of the vessel's intended fishing activities and concluded that such activities are not likely to have significant adverse impacts on vulnerable marine ecosystems. ***The duration of the fishing permit shall not be longer than the fishing plan.***

Amendment 6  
Article 4, paragraph 3 a (new)

***3a. The assessments referred to in paragraph 2 shall be based on criteria harmonised at Community level and shall be reviewed by the Commission.***

*Justification*

*More Commission guidance and examination is necessary in order to ensure a harmonised application of the provisions contained in Article 4.*

Amendment 7  
Article 6

The use of bottom gears at depths beyond ***1 000 m*** of depth shall be prohibited.

The use of bottom gears at depths beyond ***800 m*** of depth shall be prohibited.

## Justification

Vulnerable species like cold- water corals and other fish are found in 800 meters depth so the suggested ban from the Council does not provide a sufficient degree of protection. For example in a bottom trawl fishery for grenadier, orange roughy and deep water sharks operating 840 and 1300 meters depth along the continental slop west of Ireland, carbon 14 dating revealed that the cold water coral "matrix" taken as bycatch in this fishery was at least 4550 years old.<sup>1</sup>

---

<sup>1</sup> Matthew Gianni , High seas bottom trawl fisheries and their impacts on the biodiversity of vulnerable deep-sea ecosystems: Options for international action, <http://www.greenpeace.org/raw/content/new-zealand/press/reports/high-seas-bottom-trawl-fisher.pdf>

### Amendment 8 Article 7, paragraph 1

1. Where, in the course of fishing operations, a fishing vessel encounters a vulnerable marine ecosystem, it shall immediately cease fishing, or refrain from engaging in fishing in the site concerned. ***It shall resume operations only when it has reached an alternative site at a minimum distance of 5 nautical miles from the site of the encounter within the area foreseen in its fishing plan provided for in Article 4(1).***

1. Where, in the course of fishing operations, a fishing vessel encounters a vulnerable marine ecosystem, it shall immediately cease fishing, or refrain from engaging in fishing in the site concerned.

### Amendment 9 Article 7, paragraph 2

***2. If a new encounter takes place in the alternative site referred to in paragraph 1, the vessel shall keep relocating in accordance with the rules set out in that paragraph until a site where no vulnerable marine ecosystems are found is reached.***

*deleted*

### Amendment 10 Article 7, paragraph 2 a (new)

**2a. If there is substantial uncertainty about the presence of a vulnerable marine ecosystem, the area should be designated as a vulnerable marine ecosystem until there is sufficient evidence to the contrary.**

*Justification*

*The identification of a VME is based on the precautionary criterion which demands the proactive introduction of protective measures in the face of possible risks.*

Amendment 11  
Article 7, paragraph 3

3. The fishing vessel shall report **each** encounter to the competent authorities **without delay**, providing precise information on the nature, location, time and any other relevant circumstances of the encounter.

3. The fishing vessel shall report **any such** encounter **without delay** to the competent authorities, **which shall, in turn, report to the Commission and the Member States as soon as possible**, providing precise information on the nature, location, time and any other relevant circumstances of the encounter.

*Justification*

*Reporting to the Commission and the Member States immediately after discovering a VME will ensure that states benefit from the information on the location of such ecosystems and will avoid these areas. It will also reduce the costs and efforts of carrying out an assessment for fishing permit if the site in question is already known as containing a VME.*

Amendment 12  
Article 7, paragraph 3 a (new)

**3a. The unforeseen encounters shall be registered on an electronic online mapping scheme in order to build up a permanent database of vulnerable marine ecosystems.**

*Justification*

*See justification of amendment 5 on article 7, par.3*

Amendment 13  
Article 8, paragraph 1

1. On the basis of the best scientific information available on the occurrence or on the likelihood of occurrence of vulnerable marine ecosystems in the region where their fishing vessels operate, Member States shall identify areas that shall be closed to **fishing with bottom gears**. Member States shall implement these closures without delay in respect of their vessels and submit a report to the Commission in accordance with Article 13.

1. On the basis of the best scientific information available on the occurrence or on the likelihood of occurrence of vulnerable marine ecosystems in the region where their fishing vessels operate, Member States shall identify areas that shall be closed to **all fishing activities**. Member States shall implement these closures without delay in respect of their vessels and submit a report to the Commission in accordance with Article 13.

*Justification*

*It should be closed to all fishing activities not only to fishing with bottom gears because it is difficult to have possible control in those areas and distinguish the practise of fishing with bottom gears from other fishing practises.*

Amendment 14  
Article 8, paragraph 2 a (new)

***2a. The Commission shall establish a list of areas for closure, indicating both confirmed sites and areas which are likely to contain VMEs, by the end of 2008.***

*Justification*

*Paragraphs 83, 85 and 86 of UNGA Resolution 61/105 require States and RFMOs to identify VMEs and prohibit bottom fishing after 31 December 2008 in areas where VMEs are known to occur or are likely to occur based on the best scientific information.*

Amendment 15  
Article 12, paragraph 3, point (e a) (new)



*(ea) a non-EU citizen.*

Amendment 16  
Article 12, paragraph 3 a (new)

***3a. All observers shall be independent of the vessels/companies which they will be observing, and shall have no financial or beneficial interests in those vessels/companies. Observers shall have no record of serious criminal offences, and must have a sufficient level of knowledge on deep sea fishing methods and on the target species and ecosystems.***

Amendment 17  
Article 14, title

***Follow-up***

***Review of the Regulation***

## PROCEDURE

<b>Title</b>	Protection of vulnerable marine ecosystems
<b>References</b>	COM(2007)0605 – C6-0453/2007 – 2007/0224(CNS)
<b>Committee responsible</b>	PECH
<b>Opinion by</b> Date announced in plenary	ENVI 11.12.2007
<b>Drafts(wo)man</b> Date appointed	Marios Matsakis 19.12.2007
<b>Discussed in committee</b>	26.2.2008
<b>Date adopted</b>	2.4.2008
<b>Result of final vote</b>	+: 39 –: 0 0: 0
<b>Members present for the final vote</b>	Adamos Adamou, Georgs Andrejevs, Johannes Blokland, John Bowis, Frieda Brepoels, Martin Callanan, Chris Davies, Avril Doyle, Edite Estrela, Jill Evans, Anne Ferreira, Karl-Heinz Florenz, Matthias Groote, Françoise Grossetête, Satu Hassi, Gyula Hegyi, Jens Holm, Marie Anne Isler Béguin, Caroline Jackson, Dan Jørgensen, Christa Kläß, Eija-Riitta Korhola, Urszula Krupa, Jules Maaten, Marios Matsakis, Roberto Musacchio, Riitta Myller, Vladko Todorov Panayotov, Vittorio Prodi, Guido Sacconi, Richard Seeber, Kathy Sinnott, Boguslaw Sonik, Thomas Ulmer, Marcello Vernola, Anja Weisgerber
<b>Substitute(s) present for the final vote</b>	Christofer Fjellner, Johannes Lebech, Bart Staes