
Reforming the European deep-sea fishing regulation

A net win for the UK

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INTRODUCTION

The deep-sea areas off the British Isles, though cold, dark and remote from land, are teeming with unique life: cold-water corals, sponge fields, and a large variety of unique underwater habitats and species. Some have been discovered only recently by scientists, and it is likely that many more are yet to be found¹.



The Anton Dohrn seamount in the NE Atlantic. © JNCC 2009

It is unlikely that UK citizens would tolerate the clearcutting of forests simply to put a few rabbits on the dinner table. It would be even more unlikely if those forests had taken thousands of years to grow and harboured biodiversity found nowhere else on Earth.

Yet something very similar is happening in the largest habitat on Earth – the deep sea, including in UK waters. Deep-sea fishing fleets using bottom trawl gear are severely damaging vast expanses of an environment so fragile that it may never recover, and they are doing so in pursuit of only a few fish species and for very little, if any, economic gain.

The European Union has one of the world's largest deep-sea fishing fleets, operating both within EU waters and on the high seas. Although UK fishing vessels do not target deep-sea species, some fish with bottom trawl gear in deep-sea waters.

However, the vast majority of deep-sea fishing in UK waters and on the UK's legal continental shelf² is carried out by French and Spanish deep-sea bottom trawl vessels.

More than 100 scientific reports and papers have clearly established that deepwater bottom trawl fisheries are unsustainable, unselective and highly damaging to deep-seabed ecosystems. This method of fishing causes the depletion of many more species than are actually targeted, due to the resulting high rates of bycatch and habitat destruction.

The current EU deep-sea fisheries regulation for the northeast Atlantic, which has been in place since 2002, has failed to secure sustainable deep-sea fisheries and leaves the majority of the deepwater seabed in this area unprotected from highly destructive bottom trawl fishing methods. Reform is urgently needed. In 2012, the European Commission issued a proposal for a new regulation that would phase out destructive fishing practices, such as the use of bottom trawl gear and bottom gillnet gear to fish for deep-sea species. This proposal is now being negotiated by the UK and other EU Member States in the Council of Fisheries Ministers.

The UK government is in a strong position to take the lead in stopping the ongoing devastation of the deep sea, should it choose to do so.

“Our oceans are often called Earth's final frontier and these new species prove just how much we still have to learn about this rich marine habitat. Scottish waters cover an area around five times bigger than our land mass and are miles deep in places, and these hidden gems offer a fascinating glimpse of the treasures that still await discovery under the waves.” Richard Lochhead, Cabinet Secretary for Rural Affairs and the Environment, announcing the discovery of four new deep-sea species by Marine Scotland in Scottish waters, 28 December 2013³.

1 See for example: *Deep sea creatures found off Rockall 'new to science'*, BBC News, 28 December 2013 (<http://www.bbc.com/news/uk-scotland-high-lands-islands-25528522>); *UK's deep sea mountain life filmed*, BBC News, 4 August 2014 (<http://www.bbc.com/news/28583945>).

2 The area of the seabed extending beyond the 200 nautical mile limit over which the UK has jurisdiction under the United Nations Law of the Sea.

3 <http://scottishgovernment.presscentre.com/News/Deep-sea-secrets-uncovered-7c8.aspx>

DEEP-SEA BOTTOM TRAWLING: A THREAT TO THE OCEAN'S BIODIVERSITY

The deep sea provides vital ecosystem services essential to the entire planet, but it remains largely unprotected and its exploitation is poorly regulated. Bottom trawling is widely recognised as the most serious direct threat to vulnerable deep-sea ecosystems and long-lived, low-resilience species such as cold-water corals and sponges⁴. However, it is becoming increasingly evident that damage to deep-sea areas from bottom trawling is far more wide-reaching. A scientific study published in May 2014 shows that intensive and persistent bottom trawling on deep-sea sediments greatly decreases both the biodiversity of these areas and their capacity to store carbon (i.e. to act as CO₂ sinks) and transforms “large portions of the continental slope into faunal deserts”. The study concluded that bottom trawling “represents a major threat to the deep seafloor ecosystem at the global scale”⁵. In June 2014, a study led by researchers at the University of Southampton⁶ estimated that deep-sea fish off the coasts of the UK and Ireland remove and store more than one million tonnes of CO₂ every year.

In 2010, a study published as part of the EU's HERMIONE deep-sea research project estimated that the cumulative area of deep seabed (defined as areas more than 200 metres deep) impacted by bottom trawling on only the Hatton and Rockall Banks in the northeast Atlantic was far higher than the impact on the deep seabed of all other human activities put together (shipping, oil and gas industry, laying cables, etc.)⁷.

4 ICES Advice 2008, Book 9. NEAFC requests to evaluate the use and quality of VMS data (in relation to deep-sea fisheries), p. 76. See also Hogg M.M. *et al.*, Deep-sea Sponge Grounds: Reservoirs of Biodiversity, UNEP-WCMC Biodiversity Series No. 32, UNEP-WCMC, Cambridge, UK (2010), p. 28: “Mobile fishing gear that contacts the seabed, particularly trawling, is the fishing apparatus that poses the greatest threat to deep-water sponge grounds.” And Freiwald A. *et al.*, Cold-water coral reefs UNEP-WCMC, Cambridge, UK (2004), p. 37: “Active gear that comes into contact with the sea floor is considered the greatest threat to cold-water coral reefs and includes bottom trawls and dredges.”

5 Pusceddu A. *et al.*, Chronic and intensive bottom trawling impairs deep-sea biodiversity and ecosystem functioning. Proceedings of the National Academy of Sciences of the United States of America, PNAS May 19, 2014.

6 <http://rspb.royalsocietypublishing.org/content/281/1787/20140669>

7 Benn A.R., Weaver P.P., Billett D.S.M., van den Hove S., Murdock A.P., Doneghan G.B. & Le Bas T. (2010) Human Activities on the Deep Seafloor in the North East Atlantic: An Assessment of Spatial Extent. PLoS ONE, 5(9): e12730. doi:10.1371/journal.pone.0012730

To stress just how much more destructive bottom trawling is compared with other fishing methods, a 2014 study calculated that the impact on deep-sea corals from bottom trawling is 296 to 1,719 times greater than that of bottom longlines (lines with baited hooks set on the bottom of the ocean)⁸.

Studies such as these led the International Council for the Exploration of the Sea (ICES), the principal marine scientific advisory body to governments in the northeast Atlantic, to conclude that while any fishing gear that has contact with the ocean bottom in the deep sea can cause damage, bottom trawling has by far the greatest impact because it causes the destruction of vulnerable habitats, the disturbance of deep-sea sediment structure, and the re-suspension of chemicals and sediments into the water column⁹.

Yet, even though these ecosystems are vitally important and there is clear evidence of the severe damage caused by deep-sea bottom trawling, UK researchers concluded that the deep-sea areas currently closed to bottom trawl fishing in UK waters together make-up only a fraction of the areas where vulnerable deep-sea ecosystems are likely to occur¹⁰.



Ghost net off Ireland at 1000m depth. © Jason Hall-Spencer

8 Pham C.K., Diogo H., Menezes G., Porteiro F., Braga-Henriques A., Vandepierre F. & Morato T. (2014) Deep-water longline fishing has reduced impact on Vulnerable Marine Ecosystems, Nature, Article number: 4837.

9 NEAFC request on identification of vulnerable marine ecosystems, including definitions and assessment of fishing activities that may cause significant adverse impacts on such ecosystems; ICES Advice, Book 9. 2008.

10 Ross and Howell (2012). *Use of predictive habitat modelling to assess the distribution and extent of the current protection of 'listed' deep-sea habitats*. Diversity and Distributions, (Diversity Distrib.) (2012) 1–13. The authors estimated, based on Habitat Suitability Modelling, that in UK and Irish waters only approximately 23% of cold-water coral reefs formed by *Lophelia pertusa* are currently located within closed bottom fishing areas; only 2% of sponge communities dominated by *Pheronema carpensteri* are in closed areas; and only 6% of xenophyophore communities are within closed areas.

DEEP-SEA BOTTOM TRAWLING: DEPLETING DEEP-SEA SPECIES

Deep-sea species are far more vulnerable to overfishing than shallow-water species. As a result of the dark, cold, hostile conditions in which they live, deep-sea species are generally much longer lived and slower growing, they mature later and have lower fecundity (i.e. they spawn fewer young than most pelagic fish species such as tuna, cod, and mackerel). There is growing evidence that many deep-sea fish stocks in the northeast Atlantic have already been significantly – and potentially irreversibly – depleted.

Deepwater surveys conducted between 1997 and 2002 off the coast of Ireland concluded that populations of more than 70 species of deep-sea fish had declined by an average of 69% over the previous 10 to 15 years as a result of deep-sea bottom trawling. Among the species affected were deep-sea sharks, several of which are considered ‘endangered’ or ‘critically endangered’ in the northeast Atlantic by the International Union for the Conservation of Nature (IUCN) Shark Specialist Group¹¹. Furthermore, ICES has reached the alarming conclusion that deep-sea bottom trawl fisheries have depleted whole communities of deep-sea species – and most of these were not even targeted by those fisheries¹².

While data on the catch of the Spanish deep-sea trawl fishery off Scotland is limited, a recent report by the French Research Institute for Exploitation of the Sea, IFREMER, indicates that at least 99 species of fish were caught in the French deepwater trawl fishery off Scotland and Ireland in 2012 (the latest year for which information is available). Among these were more than 200 tonnes of a variety of deep-sea shark species¹³.

11 Gibson C., Valenti S.V., Fordham S.V., & Fowler S.L. [2008]. The conservation of Northeast Atlantic chondrichthyans: report of the IUCN shark specialist group Northeast Atlantic red list workshop, IUCN Species Survival Commission Shark Specialist Group, Newbury, UK.

12 ICES. Report of the Working Group on the Biology and Assessment of Deep-Sea Fisheries Resources (WGDEEP) (2008). Copenhagen, ICES Headquarters. ICES CM 2008/ACOM:14. 531 pp. Pp. 70–71.

13 Analyse des captures du métier ‘Chalutiers à espèces profondes en Ouest Ecosse, Mars 2014, IFREMER. <http://archimer.ifremer.fr/doc/00198/30936/29313.pdf>

DEEP-SEA BOTTOM TRAWLING: AN ECONOMIC AND ENVIRONMENTAL WASTE

Deep-sea bottom trawling is highly detrimental not only to deep-sea ecosystems and the wider environment, as outlined above, but also to economies and societies.

Deep-sea fishing began in Europe in the 1980s as a direct result of the depletion of fisheries in shallower waters. The expansion of this far more capital and fuel-intensive, inefficient fishing method relied heavily on direct public subsidies (e.g. aid for construction and modernisation) and continuing indirect subsidies such as fuel tax breaks.

The New Economics Foundation (nef) has calculated that each tonne of fish caught by deep-sea bottom trawling represents a cost to society of between €388 and €494, and that other methods, such as bottom longlining which has a far less detrimental impact on deep-sea ecosystems, could sustain six times as many jobs¹⁴.

Deep-sea bottom trawling causes significant, potentially irreversible, environmental damage and fails to make a positive economic return – indeed, this destructive form of fishing is effectively being paid for by EU taxpayers. EU authorities now have a chance to end this senseless waste of economic, environmental and social resources.

A phase-out of deep-sea bottom trawling is a rational and eminently sensible step that would release EU fisheries and public finances from an economic and ecological drain.



Spanish deep-sea bottom trawler *Muxia* fishing 170km off the coast of Ireland, in the NE Atlantic ocean. © Greenpeace

14 “Deep Trouble”, nef, Nov. 2013, http://s.bsd.net/nefoundation/default/page/-/publications/Deep_Trouble_ENGLISH.PDF

THE EUROPEAN COMMISSION PROPOSAL TO PROTECT THE DEEP SEA: WHERE DOES IT STAND IN 2014?

Reforming the EU deep-sea fisheries management regime is a matter of urgency if we are to ensure that fish populations recover from alarming depletion and that vulnerable deep-sea ecosystems are protected.

In July 2012, the European Commission (EC) issued a ground-breaking proposal to reform the management of deep-sea fisheries in the northeast Atlantic, including: provisions for managing more of the species being fished; a new system of authorisation for deep-sea fishing; impact assessments for deep-sea fisheries in new areas; and insistence on a clear scientific basis for setting fishing limits. Crucially, the EC also proposed to phase-out the use of bottom trawls and bottom gillnets to 'target' deep-sea species, which would serve to eliminate the most highly damaging methods of fishing altogether.

In order to become law, the text of a new regulation based on this EC proposal must be agreed by both the European Parliament and the EU Council of Fisheries Ministers.

The European Parliament began looking at the proposal in November 2011, but progress in the Parliament's Fisheries Committee was slow and had to contend with an aggressive campaign by certain sectors of the fishing industry and their supporters.

Finally, the full plenary of the Parliament voted on the proposal in December 2013. The text adopted by the Parliament strengthened the original EC proposal in many areas and includes provisions requiring impact assessments for all deep-sea bottom fisheries as well as a process for identifying areas where vulnerable marine ecosystems are known to or are likely to occur and then closing them to bottom fishing. These additional measures are consistent with global commitments negotiated by the UN General Assembly and the UN FAO in recent years.

Disappointingly, however, the Parliament narrowly rejected (by 342 to 326) the Commission's proposal to phase-out bottom trawling for deep-sea species in favour of a weak 'compromise' negotiated in the

Parliament's Fisheries Committee. This was despite the Environment Committee overwhelmingly supporting stronger measures, including a phase-out of bottom trawling below a depth of 200m and backing by several parliamentary groups for an amendment that would have required a phase-out of bottom trawling below 600m. This outcome was also contrary to the recommendations of more than 300 international scientists, who in September 2013 had formally called on EU policymakers to support the phase-out of bottom trawling¹⁵.

In the days immediately following the Parliament vote, 20 MEPs registered a correction to their votes. Although this does not change the official outcome, had they recorded their votes correctly, the phase-out would have been adopted.

In January 2014, the EU Council of Fisheries Ministers began considering the Commission's proposal and the amendments adopted by the European Parliament. Negotiations to craft a common position of the Council, in which the UK will play a critical role, are now underway.

A PRACTICAL SOLUTION: WHERE TO DRAW THE LINE?

The European Commission's proposal included phasing-out the use of bottom trawls and bottom gillnets to target deep-sea species. Targeted deep-sea fisheries are defined as fisheries where the catch of deep-sea species is greater than a certain percentage of the total catch per day. Amendments debated, but not ultimately passed, in the European Parliament's first reading instead proposed that bottom trawling and gillnetting would be phased-out below a depth of 600m.

A depth-based approach has several advantages to one based on the percentage of deep-sea species in the catch. For example, depth-based gear restrictions are already a common feature of deep-sea fisheries management¹⁶, while a phase-out based on depth

¹⁵ <http://www.bloomassociation.org/en/declaration-of-support-protect-the-deep-sea-from-destructive-fishing>

¹⁶ As examples: Council Regulation No. 43/2009 prohibited the use of bottom gillnets below 600m depth in EU waters west of Scotland and Ireland adjacent to the NEAFC Regulatory area. Council Regulation No. 1568/2005 prohibits the use of bottom trawl and bottom gillnets below 200m in EU waters around the Madeira, Azores and Canary Islands. NEAFC bans the use of gillnets below 200m depth. The RFMOs in the South Pacific, southeast Atlantic and around Antarctica (South Pacific Regional Fisheries Management

is far easier to monitor and enforce (through the use of VMS tracking¹⁷ coupled with bathymetric information) than one based on percentage of catch; it would be much more difficult to monitor, in real time, when a vessel catches more than, say, 10% of deep-sea species in a fishing day. Moreover, a depth-based phase-out at 600m would avoid impacting vessels fishing in shallower waters (including vessels under 10m) that may inadvertently catch more than a proscribed percentage of deep-sea species. Finally, and equally importantly, a depth-based phase-out of bottom trawling would be consistent with the ban already in place for the use of bottom gillnets below 600m in EU waters west of Scotland and Ireland (which is, for all practical purposes, an area closure, with the depth [600m] serving as the boundary), providing a clear line for fishers, managers and enforcement officials.

THE NEW EU DEEP-SEA FISHERIES REGULATION: WHAT WOULD THIS MEAN FOR THE UK?

What the EC proposal for a new regulation would, and would not, do

This reform would provide a crucial opportunity to transform highly destructive and unsustainable fisheries into sustainably managed, low-impact fisheries. The proposal would not put an end to all deep-sea fishing but rather would require the phase-out of the most destructive fishing practices and ensure the selective and sustainable exploitation of deep-sea fish stocks.

How much deep-sea fish is caught in UK waters?

The total UK catch of fish in the northeast Atlantic ranged between 550,000 and 600,000 tonnes per year over the past several years, according to Eurostat¹⁸. However, based on a review of the UK

catch of deep-sea species (excluding ling, tusk and conger eel)¹⁹ in both EU waters and the international waters of the northeast Atlantic – the areas that would be covered by the new EU deep-sea fisheries regulation – fallen from a peak catch of over 19,000 tonnes in the year 2001 to less than 1,000 tonnes per year in 2011 and 2012²⁰. Thus, deep-sea species currently constitute only a small fraction of one percent of the overall catch by the UK fishing fleet.

Most of the targeted fishing for deep-sea species in UK waters is carried out by French and Spanish fleets. These fleets are primarily fishing in UK and Irish waters and on the UK's legal continental shelf in the international waters off Scotland. France reported a catch of 6,219 tonnes of deep-sea species in 2011, most of which was caught in UK and Irish waters. Spain reported a catch of 5,610 tonnes of deep-sea species in 2011 off Ireland and Scotland, including on the high seas immediately adjacent to UK waters²¹. The UK is suffering greatly from the damage caused by this form of fishing, while gaining very little.

Do Scottish ports depend on landings of deep-sea fish?

Main deep-sea species landed by Scottish vessels

The data published by Marine Scotland lists three main deep-sea species landed by Scottish vessels – black scabbardfish, blue ling and Greenland halibut. In 2012 landings by Scottish vessels in Scottish ports of these three species amounted to 149 tonnes. No landings of these species were reported by other UK vessels in Scottish ports nor did Scottish vessels land any of these species in any other ports in the UK or ports in other countries. In comparison, the total amount of fish landed in Scottish ports in 2012 by Scottish and other UK vessels was 246,537 tonnes. Thus, the landings of the three deep-sea species accounted for approximately 0.06% of the landings by all UK vessels into Scottish ports in 2012.

The total landings of fish by Scottish vessels in all ports, in Scotland and elsewhere, in 2012 amounted to

Organisation [SPRFMO], South East Atlantic Fisheries Organisation [SEAFO], and the Commission for the Conservation of Antarctic Marine Living Resources [CCAMLR] have all banned bottom gillnet fishing. CCAMLR has banned bottom trawl fishing in all high seas areas. The General Fisheries Commission of the Mediterranean (GFCM) has banned bottom trawling below 1,000m depth. The Northwest Atlantic Fisheries Organization (NAFO) has banned bottom fishing on seamounts on the high seas of the northwest Atlantic.

¹⁷ Vessel Monitoring System; effectively satellite monitoring.

¹⁸ http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=fish_ca_at-1272&lang=en

¹⁹ See Endnote. The European Parliament proposed removing these species from the list of 'deep-sea' species in the proposed regulation.

²⁰ ICES reports that the UK catch in 2011 and 2012 of the deep-sea species listed in the Annex to the European Commission proposal but removing ling, tusk and conger eel from the list, as the European Parliament has done in its amendments of December 2013 and excluding the catch of Greenland halibut from Greenland waters (which would not be covered by the new regulation), gives a total UK catch of 677 tonnes of deep-sea species in 2011 and 512 tonnes in 2012.

²¹ See Endnote.

364,796 tonnes with a value of £465.5 million. The value of the Scottish landings of the three deep-sea species at £313,000 equalled approximately 0.07% of this total²².

Main deep-sea species landed by foreign vessels in Scottish ports

The data from Marine Scotland indicates that most of the deep-sea species landed in Scottish ports are landed by foreign (non-UK) vessels. In Scottish ports in 2012, 3,737 tonnes of the three deep-sea fish species were landed by all vessels combined. Of this, 94% of the landings were by foreign vessels, predominantly French and Spanish. Most of this fish is transported to continental Europe for processing and sale in Spanish and French markets rather than processed and marketed in Scotland or elsewhere in the UK.

Other deep-sea species landed in Scottish ports

Marine Scotland reports a total of 5,933 tonnes of deep-sea species landed by vessels of all nationalities in Scottish ports in 2012²³ but does not distinguish between landings by Scottish vessels and landings by other UK or foreign vessels for the other species. Nonetheless, assuming that 94% of the landings of deep-sea species other than black scabbardfish, blue ling and Greenland halibut are also from foreign vessels, the landings of all deep-sea species by Scottish vessels into Scottish ports would amount to approximately 250 tonnes.

These figures clearly indicate that deep-sea species are a minor portion of the catch and landing by Scottish vessels in Scottish, and other, ports.

Will monkfish fleets be impacted by a phase-out of deep-sea bottom trawling?

Historically, monkfish was an unimportant component of the demersal catch around Scotland and was often discarded, but as traditional whitefish stocks declined, monkfish became increasingly important²⁴. The fishery for monkfish by Scottish vessels is mainly concentrated on the shelf around Shetland, the shelf edge to the

west and northwest of Scotland, and at Rockall^{25 26}. The monkfish stock status is poorly known and landings data are unreliable, but it would appear that little bottom trawl fishing for monkfish occurs at great depths.

What would be the impact of phasing-out of bottom trawling below 600 metres?

Altogether, there are more than 5,000 fishing vessels registered to the UK (excluding overseas territories). Between 75% and 80% are relatively small-scale vessels (under 10 metres in length)²⁷. In 2011, only 56 vessels fished at depths below 600m according to figures provided by Defra in July 2014 in answer to a Parliamentary question from Zac Goldsmith MP to George Eustice, UK Parliamentary Under Secretary of State for Farming, Food and Marine Environment²⁸. However it was not clear from the information provided by Defra at the time how many of these vessels were UK or foreign vessels and how many were fishing using bottom trawl gear as opposed to using other gears such as bottom longlines, pots, or mid-water trawl gear – fishing methods recognized to be much less damaging to deep-sea ecosystems and which would not be subject to a phase-out.

In response to follow-up questions, Defra provided further clarification on the number of vessels engaged in bottom trawling within UK waters below 600 metres in 2011²⁹. Defra indicated that of the 56 vessels fishing below 600 metres in UK waters, only 33 used bottom trawl gear. Moreover, only 12 of these 33 vessels were UK vessels; the other 21 were foreign vessels deep-sea trawling in UK waters. Defra did not specify how much fish the 12 UK vessels caught below 600 metres using bottom-trawl gear compared to the catch by the same vessels in shallower depths or using other fishing gears. Nonetheless it is clear from the information provided that only a very small number of UK vessels would be impacted by a phase-out of the use of bottom trawl gear below 600 metres in UK waters. Even the

25 Laurenson C.H., Dobby H., McLay H.A. & Leslie B. (2008). Biological features of the *Lophius piscatorius* catch in Scottish waters. ICES Journal of Marine Science, 65: 1281–1290.

26 ICES Advice 2013, Book 5. Anglerfish (*Lophius piscatorius* and *L. budegassa*) in Division IIIa and Subareas IV and VI. <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2013/2013/ang-ivvi.pdf>

27 <https://www.gov.uk/government/collections/uk-vessel-lists>

28 Parliamentary reply from George Eustice to Zac Goldsmith on 16 July 2014. <http://www.publications.parliament.uk/pa/cm201415/cmhansrd/cm140716/text/140716w0001.htm#14071680000048>

29 Letter from George Eustice MP, Parliamentary Under Secretary of State for Farming, Food and Marine Environment to Zac Goldsmith MP. 1 October 2014.

22 <http://www.scotland.gov.uk/Topics/Statistics/Browse/Agriculture-Fisheries/PubFisheries/LandingsTables2012>

23 *Ibid*. This figure includes landings of argentine, black scabbardfish, blue ling, bluemouth, common mora, dogfish, forkbeard, Greenland halibut, Portuguese dogfish, rabbitfish, red crab and roundnose grenadier but excludes conger eel, ling, redfish and tusk. Table 1.7 Quantity and value of all landings into Scotland: all Scottish ports by main species: 2008 to 2012.

24 Dobby H., Allan L., Harding M., Laurenson C.H. & McLay H.A. (2008). Improving the quality of information on Scottish monkfish fisheries: making use of fishers' data. ICES Journal of Marine Science, 65: 1334–1345.

12 vessels that would be affected would be able to continue fishing at shallower depths and, as well, would be able to continue fishing in depths greater than 600 metres by using other, less harmful and lower impact, fishing gears.

What could the UK gain by a phase-out of deep-sea bottom trawling in UK and EU waters?

Supporting the EU phase-out of deep-sea bottom trawling would bring multiple benefits to the UK, including:

- Protecting its outstanding marine heritage and deep-sea biodiversity from unnecessary destruction;
- Protecting species such as deepwater sharks from extinction;
- Helping the EU steer clear of costly fishing techniques with a high carbon footprint;
- Maintaining the capacity of deep-sea species and deep-sea sediments in UK waters to act as CO₂ sinks;
- Preserving opportunities to find unique genetic material in deep-sea species that could be used to develop new medicines or industrial products;
- Ensuring long-term benefits for future generations by making marine ecosystems productive and resilient in the face of global climate change;
- Maintaining its international reputation as a forward-thinking nation with regards to responding to marine challenges of the 21st Century;
- Joining the scientific mobilisation in favour of the phase-out of deep-sea bottom trawling; and
- Simply doing the right thing... for its fishing communities, for the UK and EU economies, for the health and productivity of its waters, and for natural ecosystems.

What does the UK stand to lose by allowing deep-sea bottom trawling in UK waters?

- Loss of deep-sea habitats important to the productivity of deep-sea fish stocks;
- Loss of deep-sea biodiversity – the UK's natural heritage;
- Potential loss of species before they have been discovered;
- Potential loss of opportunities to find unique genetic material in deep-sea species that could be used to develop new medicines or industrial products;

- Loss of the ecosystem services that deep-sea fish species and ecosystems provide, such as carbon sequestration;
- Loss of future, but as yet unknown, benefits to the people of the UK.

THE ROLE OF THE UK IN THE PROTECTION OF THE DEEP SEA

The UK: A leader in the defence of vulnerable marine habitats?

Given its size and influence on the European Council, the UK is in a unique position to assert global leadership in Europe and to protect the vulnerable deep-sea species and ecosystems of its national waters from the harmful impacts of deep-sea bottom trawling.

The UK's international marine legacy

The UK was a driving force in the European Council negotiations on the unsustainable practice of shark finning, a strong advocate for a far-reaching and bold reform of the Common Fisheries Policy, and a leading advocate (both within the EU and globally) for the protection of high seas biodiversity from the harmful impacts of deep-sea fisheries, in particular bottom trawling, during negotiations at the UN General Assembly in 2006.

Royal Commission calls for a ban on deep-sea bottom trawling

Finally, it is worth noting that the call for action by the UK Government on deep-sea trawling is not new. In 2004, the Royal Commission on Environmental Pollution published a major review of fisheries, recommending that:

- “the UK Government should immediately halt any deep-sea trawling taking place in UK waters or being carried out by UK vessels”; and
- “the UK Government should press the European Commission to ban bottom trawling, gillnetting and long-lining for deep-sea species in EU waters”³⁰.

³⁰ Recommendations 11.40 and 11.41 of the Royal Commission on Environmental Pollution. The 25th report: *Turning the Tide: Addressing the Impact of Fisheries on the Marine Environment*. Presented to Parliament December 2004. <http://webarchive.nationalarchives.gov.uk/20110322143804/http://www.rcep.org.uk/reports/index.htm>

RECOMMENDATIONS FOR THE UK GOVERNMENT

The UK Government has stated that it agrees with the need to ensure sustainability in fisheries for deep-sea species and to minimise the environmental impacts of these fisheries in order to protect vulnerable deep-sea ecosystems. However, the Government has expressed reservations about several positive aspects of both the Commission proposal and the improvements to it made by the European Parliament. In particular, the UK has so far opposed proposals to phase-out the most destructive deep-sea fishing practices: bottom trawling and gillnetting.

We welcome the UK Government's support for measures that would:

- Ensure that **adverse impacts on vulnerable deep-sea ecosystems** such as coral, sponge, and seamount ecosystems are prevented through appropriate management of all deep-sea fisheries, including closing areas to deep-sea bottom fishing where vulnerable marine ecosystems are known to or are likely to occur;
- Require **impact assessments** for all deep-sea fisheries (as opposed to only 'new' fishing areas).

However, we ask the UK Government to go further and fully support measures which would:

- **End deep-sea overfishing** by ensuring that the catch of all deep-sea species is regulated and that fishing is only permitted if the catch, including of bycatch species, can be limited to sustainable levels based on a clear scientific understanding of the status of deep-sea stocks and associated precautionary science-based management;
- Ensure that deep-sea fisheries are managed to **minimise and, where possible eliminate, the bycatch of non-target species and prevent the catch of the most vulnerable species.**

Finally, we strongly urge the UK Government to support the original intent of the EC's proposal to phase-out deep-sea bottom trawling and bottom gillnetting and, in particular, to support amendments which would:

- End destructive fishing practices through a **phase-out of bottom trawling and bottom gillnet fishing** for deep-sea species below 600m.



Underwater life at the Anton Dohrn seamount in the NE Atlantic ocean. © JNCC 2009

GLOBAL MOMENTUM FOR PROTECTION

International commitment to action

The United Nations General Assembly has adopted a series of resolutions (in 2004, 2006, 2009 and 2011) that commit all nations to manage deep-sea fisheries on the high seas in such a way as to prevent ecosystem damage and ensure the sustainable exploitation of deep-sea species, including bycatch. The resolutions commit high seas fishing nations and regional fisheries management organisations (RFMOs) to prevent “significant adverse impacts” on vulnerable marine ecosystems and ensure sustainable exploitation of deep-sea species through:

- Conducting prior environmental impact assessments of all deep-sea fisheries;
- Establishing precautionary area closures to bottom fishing where vulnerable deep-sea ecosystems are known to or are likely to occur;
- Ensuring the sustainability of deep-sea fish stocks, including non-target species, and the rebuilding of depleted stocks; and
- Adopting and implementing these measures or else prohibiting deep-sea fishing from taking place.

Actions taken to protect deep-sea ecosystems on the high seas

Several RFMOs, which are charged with managing fisheries in different high seas regions, have introduced measures and regulations to protect the deep sea, including area closures and prohibiting trawling below certain depths. However, where high seas bottom trawl fishing is still permitted, most States and the RFMOs concerned have not demonstrated that it can be managed in a way that is consistent with the global standards and agreements adopted by the UN General Assembly.

The main exception to this is in the southwest Atlantic where Spanish vessels are permitted to bottom trawl but are restricted to trawling in depths shallower than 300–400m under Spanish and EU regulations in order to protect vulnerable deep-sea species and ecosystems from the harmful impact of bottom trawling.

Existing precedents in European Union legislation

- Council Regulation No. 1568/2005³¹, adopted in 2005, prohibits the use of bottom trawl and bottom gillnets below 200m in EU waters around Madeira, the Azores and the Canary Islands;
- Council Regulation No. 734/2008³², adopted in 2008, prohibits all bottom fishing on the high seas by EU fleets in areas not regulated by RFMOs without prior environmental impact assessments and measures in place to ensure that no “significant adverse impacts” on vulnerable marine ecosystems will occur;
- Council Regulation No. 43/2009³³ prohibits bottom gillnet fishing below 600m in EU waters to the west of Scotland and Ireland, bordering the NEAFC (North East Atlantic Fisheries Commission) Regulatory Area.

National initiatives

In May 2014, the Portuguese Government adopted a regulation prohibiting Portuguese vessels from using the most destructive fishing gears – deep-sea bottom trawling and bottom gillnetting – in an immense area, both within the 200-mile limits and on the high seas in the area surrounding the Azores and Madeira islands. This was an exceptional step for the protection of deep-sea ecosystems.

Growing public awareness and demand for improved fisheries management and sustainable seafood

Following public campaigning, the most significant French deep-sea fleet, Scapêche, owned by the Intermarché supermarket chain, agreed to end deep-sea bottom trawling deeper than 800m by 2015³⁴, and major French retailers are stopping sales of deep-sea species.

³¹ Council Regulation (EC) No. 1568/2005 of 20 September 2005 amending Regulation (EC) No. 850/98 as regards the protection of deep-water coral reefs from the effects of fishing in certain areas of the Atlantic Ocean.

³² Council Regulation (EC) No. 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears.

³³ European Council Regulation (EC) No. 43/2009 of 16 January 2009, fixing for 2009 the fishing opportunities and associated conditions for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required.

³⁴ Bloom Association announcement: <http://www.savethehighseas.org/publicdocs/CP-BLOOM-DSCC-31-Jan-2014-Eng-FINAL.pdf>

ENDNOTE

Species used as the basis for calculating the catch of deep-sea species by UK and other countries' fleets are the species listed in Annex I of the European Commission proposal of 19 July 2012 for a new deep-sea fisheries regulation³⁵, as amended by the first reading of the proposed regulation by the European Parliament on 10 December 2013³⁶. The Commission originally proposed 54 species to be listed in the Annex; the Parliament retained 51 but deleted the following three: tusk (*Brosme brosme*); ling (*Molva molva*); and conger eel (*Conger conger*). Most Member States are in agreement with the amendments to the list of deep-sea species adopted by the European Parliament in December 2013 and these are likely to be included in the final version of the regulation.

The fishing areas used in calculating the overall catch of deep-sea species consist of the EEZs of EU Member States and the international waters of the northeast Atlantic regulated by the NEAFC – the NEAFC Regulatory Area. These include the following ICES statistical areas: Divisions IIa1 and IIb1; Subareas III and IV; Subdivision Vb1a; and Subareas VI–XII. These areas fall under the scope of the new regulation proposed by the European Commission.

The catch figures were taken from ICES tables of catch per species per country and ICES areas, which can be found at <http://www.ices.dk/marine-data/dataset-collections/Pages/Fish-catch-and-stock-assessment.aspx>

35 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. Brussels, 19.7.2012. COM(2012)0371 final, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52012PC0371>

36 European Parliament legislative resolution of 10 December 2013 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)), <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP7-TA-2013-0539%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>

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