

European Association of Fish Producers Organisations
Association Européenne des Organisations de Producteurs dans le secteur de la pêche



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**OBSERVATIONS BY THE EAPO REGARDING THE PROPOSED REGULATION
BY THE COUNCIL FOR THE PROTECTION OF VULNERABLE MARINE
ECOSYSTEMS ON THE HIGH SEAS DUE TO THE ADVERSE EFFECTS OF THE
USE OF BOTTOM CATCH METHODS (COM 2007) 605 FINAL¹**

1. The aim of the proposal for the Council Regulation is, according to the Commission, to apply the recommendations formulated by the United Nations General Assembly (UNGA), in Resolution 61/105 of 8th December 2006, regarding adopting measures to eliminate destructive fishing practices threatening vulnerable marine ecosystems on the high seas.
2. The proposal mainly affects around 20 community vessels, all belonging to a single Member State. The employment and wealth that such vessels generate is concentrated in a community region that is highly dependent on fishing.²
3. The fishery is developed in the Southwest Atlantic (SWA), where a Regional Fisheries Organization (RFO) has still not been set up due to the political conflict between the United Kingdom and Argentina over the issue of the Falkland Islands. The characteristics of this fishery are as follows:
 - It has been in existence for 25 years and is operated on in the same zones, two fisheries being superimposed: one targeting illex and loligo squid, and the other targeting hake (*Merluccius hubbsi*). These species are not catalogued as bottom species since they inhabit lesser depths³.
 - This fishery was started up due to the EU financing of experimental surveys with a view to redistributing the community fleet. These surveys were carried out with observers on board and the Commission has in-depth information on the same.

¹ Dated 17.10.2007

² The Input-Output tables on fishing-canning in Galicia, published by the Regional Government of Galicia, show that out of the 74 activities comprising the Galician economy, 61 activities depend on fishing.

³ See the Considerando (10) in the regulation proposal.

- Spain, via the Spanish Institute of Oceanography (I.E.O.), has continued over all these years with a scientific observer on board programme to keep information on the fishery up to date.
 - The species caught incidentally or as “by-catch” are very few, the two main species being golden kingclip (*Geniptyerus blacodes*) and rockcod, the latter being a non-commercial species for which attempts are currently underway to introduce it into the community market.
 - There has been a notable reduction of the fishing effort in the zone: in the early ‘90’s, around 100 community vessels were operating, whereas today there are around 20 vessels. Also, the Russian and Polish fleets have practically vanished from the zone.
 - All the community vessels are regulated by fishing licences and are controlled by satellite (VMS).
 - Both the cephalopods (*Ioligo* and *Illex* squid) and the hake fisheries also extend to the Argentina EEZ where Argentinean and third countries vessels operate, and also to the exclusive zone of the Falkland Islands where the fleet operates in these islands.
4. The EAPO understands that the proposed Regulation should take into account the characteristics of this fishery, so that it should exclude from the proposal the vessels that practice it since:
- They do not catch species in deep waters.
 - They have been operating in the same zone for 25 years in a sustainable manner, with fishing licences, observers on board and perimeter control (VMS). Numerous scientists acknowledge that it is extremely unlikely that a vulnerable ecosystem will return to the same state it was in prior to any fishing effort being applied to that ecosystem. Therefore, fishing should be allowed to continue in a sustainable manner, in the usual zone in which these vessels have been operating for the past 25 years, with the same management and control measures as are in force until now.
5. Furthermore, the EAPO considers that the field of application for the Proposed Regulation should refer to “bottom fishing methods”, as defined in the Proposal⁴, such as bottom trawl nets, dredges, bottom gillnets, bottom longlines, pots and loops. In this regard, in article 1 of the Proposal, the phrase “*with trawl methods on the high sea*” should be substituted by “with bottom fishing methods on the high sea”. In this manner, the Proposal will be coherent with Resolution 61/105 of the UNGA, which establishes bottom fishing methods as damaging.
6. Likewise, the EAPO considers that the final conclusions of the scientific experts in vulnerable ecosystems should be taken into account. In particular, in the conclusions of the meeting of experts sponsored by the FAO: “*Expert Consultation on International Guidelines on the Management of Deep-sea Fisheries in the High*

⁴ See article 2.

Seas”⁵, reference to depth is removed as it is considered to be unscientific. In its place, the fisheries to be covered are defined, such as those where species able to withstand only low exploitation ratios and tend to be long-living, slow turnover and late sexual maturation are represented in the total catch.

7. Therefore, the EAPO calls for these conclusions reached at the Bangkok meeting to be included in the Proposal and the 1,000 metre depth limit be removed⁶ for lacking sufficient scientific basis.
8. The EAPO considers that there is no scientific basis to state that, in the areas in which a sustainable, responsible fishery is normally implemented, with the relevant monitoring and over a long period of time, if fishing were banned, the possible vulnerable ecosystems that could have existed on said zones before fishing began can regenerate.

Also, CCAMLR (Commission for the Conservation of Antarctic Marine Living Resources) is recommending “freezing the imprint” in the sensitive zones where there has been fishing so that catch is not increased but neither is it banned.

For this reason, only the virgin zones and those explored for the first time should be in the demands contained in this Proposed Regulation.

9. Finally, the EAPO believes that applying the precautionary approach to the necessary protection of vulnerable ecosystems should take into account what was established in the FAO’s International Code of Conduct for Responsible Fishing of 1995, i.e., consider the socio-economic conditions as well as the environmental ones in the fisheries.⁷ This Code also refers to the fact that “*In the absence of adequate scientific information, appropriate research should be initiated as soon as possible.*”⁸ For this reason the conditions called for in the Proposed Regulation and the possible closure of areas in zones currently not regulated by any RFMO should bear in mind the socio-economic impact that may arise from such demands as well as the availability of the required budget funds to carry out, as soon as possible, the necessary scientific research in order to determine the scope and extent of the vulnerable ecosystems in the areas in question.

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⁵ Meeting held in Bangkok, from 11th to 14th September, 2007.

⁶ See article 6 of the Proposed Regulation.

⁷ Article 7.5 of the FAO Code on Responsible Fishing.

⁸ Article 12 of the FAO Code.