



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/C1/MK/dsb/Ares(2022)

Subject: Reply to EAPO request for industry consultation on the deep-sea Regulation implementing act

Dear Mr Sverdrup-Jensen,

I would like to thank you for your letter dated 27 June 2022 requesting a consultation on the upcoming deep-sea implementing act, which will determine the existing deep-sea fishing areas and establish a list of areas where vulnerable marine ecosystems (VMEs) are known to occur or are likely to occur, pursuant to Regulation (EU) 2016/2336.

Concerning your statement of a lack of concertation and preparation on the proposal, I would like to recall that my services carried out an extensive stakeholder consultation with a series of meetings over the past two years, to inform Member States, Advisory Councils and stakeholders of all technicalities related to the advice.

All Advisory Councils were invited to attend the stakeholder workshop of 1-3 September 2020 to prepare the advice and they were subsequently requested by ICES to provide written feedback on their preferred management options. All Member States were invited to attend two ICES workshops to prepare the advice, in October 2019 in Copenhagen and during the stakeholder workshop of 1-3 September 2020.

In addition, Member States participated to more than five bilateral and multilateral meetings with the Commission services, dedicated to the preparation of the advice and of the Commission proposal. At each step of the way, numerous opportunities for feedback were provided and we strongly encouraged stakeholder participation directly and via the national administrations.

Finally, the Advisory Councils were briefed at an Inter-Advisory Council meeting in January 2022 about the ICES advice and the preferred management approach by the Commission. No comment or remark was expressed by any Advisory Council or by the sector at that moment.

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You mention that the fishing fleets affected by these restriction zones are the ones facing many issues due to the recent crisis, as well as that these fleets are impacted by an increasing pressure on fishing businesses regarding the maritime space, such as MPAs, offshore windfarms, Brexit etc. Let me stress that the Commission has paid particular attention to the socio-economic impact by choosing the scenario that takes into account the fishing activity and intensity, among the 4 scenarios and options advised by ICES. Indeed, scenario 2, option 1 is the scenario which *“offers VME protection at low cost for the fishers and the highest protection of VMEs in the fishing footprint”*.

The advantage of this scenario is that it does not close the highly fished zones to avoid disrupting fishing activities and thus strikes the balance between the best protection for VMEs and the least disruption of fishing.

I fully acknowledge the difficult circumstances under which the EU fishing fleet is currently operating with the high fuel prices and Brexit. Here I would like to mention the financial support we are providing, whether in the form of our structural funds, of our Brexit Adjustment Reserve, and our latest measures to cope with the high energy prices. The Commission acted swiftly with financial support to help our fishing businesses cope: on 23 March, Member States were allowed to provide state aids, on 25 March we activated the crisis mechanism of the European Maritime, Fisheries and Aquaculture Fund (EMFAF). With this mechanism Member States can grant financial compensation for your income forgone and for additional costs which you as operators of the value chain have to bear. On 13 April we adopted a proposal to introduce similar measures in the European Maritime and Fisheries Fund (EMFF). Co-legislators have reached an agreement on this file, and it is expected to be adopted by the end of July.

In relation to your view that environmental regulations set for fishing activities are much stricter than the ones needed for deep sea mining, I would like to stress that the Commission took a firm stance on deep-sea mining on 24 June in its Communication on the EU’s International Ocean Governance *“Setting the course for a sustainable blue planet”*. Its position is clear: *“Protect the seabed: Prohibit deep-sea mining until scientific gaps are properly filled, no harmful effects arise from mining and marine environment is effectively protected”*.

I agree with you that deep-sea mining must take place in the least harmful way for the environment. This is why the Commission financed research to increase knowledge about the potential effects of deep-sea mining. The EU position is that exploitation of marine minerals in the High seas should not go ahead until relevant scientific gaps are filled, that it can be demonstrated that no harmful effects arise from mining and, as required under UNCLOS, the necessary provisions in exploitation regulations for effective protection of marine environment are in place (i.e. the Mining Code, to be developed by International Seabed Authority).

I would also like to take this opportunity to inform you on the procedure for the adoption of the draft implementing act. The draft Commission proposal has been submitted to the agreement of the Committee for Fisheries and Aquaculture on 28 June, composed of representatives of each EU Member State. Following the committee vote (no opinion, meaning that the Committee is split with no majority in favour or against), the Commission is allowed to adopt the measure.

Prior to the adoption however, the Commission has to notify the draft measures to the UK in line with the TCA. This notification has taken place and the UK was given two months, until beginning September 2022, to provide comments.

Let me furthermore explain, that we are at the beginning of a process as the scientific advice by ICES will be reviewed every year. Where justified, this revision by ICES could lead to a revision of the areas closed to bottom contacting gears.

Therefore, my services have invited the Advisory Councils and other representatives of the fishing sector for a new meeting on 26 July to prepare the next ICES advice that will come in October/November 2022. I understand that you have been invited to attend this meeting. I would invite you and your members to work together with the administrations of the concerned Member States and deliver all data on where fishing activities take place. This is the best way forward for the scientific advice to be able to take such fishing activities into account with accuracy in the new advice.

We are also encouraging all relevant national administrations to provide the necessary data to ICES. It is the only way to have a fully informed advice.

Let me in the end thank you once again for having written to us and wish you a good summer break.

Yours sincerely,

Charlina VITCHEVA