RE.: Request for industry consultation on the deep-sea regulation implementing act

Dear Commissioner Sinkevičius,

The Deep-sea Access Regulation\(^1\) introduced unprecedented conservation and management measures with the aim to protect deep-sea species and their habitats. The evaluation carried by the European Commission showed that the Regulation has been effective in protecting deep-sea fish, helped improved scientific knowledge and triggered a drop in bycatches of deep-sea sharks. Data indicates that management measures have led to a significant reduction of fishing effort.

The evaluation also highlighted that the Regulation, however, has not yet been fully implemented due to important data gaps leading to delays in scientific advice. In this context, the European Commission report underlines the need to adopt measures via EU implementing acts for the purpose of establishing a list of areas where vulnerable marine ecosystems (VMEs) are known to occur or are likely to occur.

The ICES advice was finally issued on 5 January 2021. It is EBFA’s understanding that based on the advice, the Commission will shortly adopt area closures to all bottom gears below 400 meter in many parts of the European seas.

EBFA notes however the lack of consultation of the Advisory Councils, in general, and dialogue with the sector, in particular. The measures introduced are bound to have a significant impact on the fleet’s operations whose socio-economic impact has not been assessed by the responsible Commission services.

Furthermore, EBFA strongly warns that prohibiting fishing in areas with a ‘likely presence’ of VMEs beyond 400m will negatively impact fleets that do not fish deep-sea species (e.g. Grand Sole), and that a traffic light system should be put in place in consultation with stakeholders to create maps that show the probability of VME presence and define adequate protection measures.

It is severely deficient in scientific terms to base overall restrictions only on the expert opinion that there is an event ‘likely to occur’. Proportionality is the fundamental principle that regulates how the European Union exercises its powers. In this context, EBFA is of the opinion that general restrictions below 400m based on assumptions are absolutely unnecessary and disproportionate. Additionally, we

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are facing a global crisis of food supply. Every restriction that reduces the possibilities to gain valuable food has to be even more justified.

Finally, the sector has continuously argued that the 800m depth ban was arbitrary, has no scientific basis and negatively impacted scientific knowledge on deep-sea species. A depth ban stops fishing activities in many areas that do not have VMEs and increases fishing pressure in other areas through the displacement of vessels into less fished areas. In this context, EBFA supports the deletion of the 800m depth limitation. The sector also request that the list of species must be reconsidered.

Finally, the sector cannot accept general bans of fishing activities based on water depth criteria (800 or 400 m). There must be proof of the existence of natural capital (e.g. habitats or populations) worthy of protection and it has to be shown that a restriction of human activities will have a relevant positive impact on the protected natural resources.

In light of the above, EBFA truly believes that a consultation and open dialogue with sector must be a precondition before adopting any proposal impacting the fleet in line with article 44 of the CFP.

Yours sincerely,

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