

# Procedure file

Basic information	
CNS - Consultation procedure Regulation	2002/0053(CNS) Procedure completed
Conservation of resources: specific access requirements to fishing for deep-sea stocks	
Repealed by <a href="#">2012/0179(COD)</a> Amended by <a href="#">2013/0436(COD)</a>	
Subject 3.15.01 Fish stocks, conservation of fishery resources 3.15.07 Fisheries inspectorate, surveillance of fishing vessels and areas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>PECH</b> Fisheries	NI <a href="#">HOLMES Michael John</a>	27/03/2002
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Agriculture and Fisheries</a>	<a href="#">2476</a>	16/12/2002
	Fisheries	<a href="#">2435</a>	11/06/2002
European Commission	Commission DG	Commissioner	
	<a href="#">Maritime Affairs and Fisheries</a>		

Key events			
01/03/2002	Legislative proposal published	<a href="#">COM(2002)0108</a>	Summary
08/04/2002	Committee referral announced in Parliament		
11/06/2002	Debate in Council	<a href="#">2435</a>	Summary
11/09/2002	Vote in committee		Summary
11/09/2002	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A5-0307/2002</a>	
09/10/2002	Debate in Parliament		
10/10/2002	Decision by Parliament	<a href="#">T5-0465/2002</a>	Summary
16/12/2002	Act adopted by Council after consultation of Parliament		
16/12/2002	End of procedure in Parliament		
28/12/2002	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0053(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealed by <a href="#">2012/0179(COD)</a> Amended by <a href="#">2013/0436(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 037
Stage reached in procedure	Procedure completed
Committee dossier	PECH/5/15971

Documentation gateway					
Document attached to the procedure		<a href="#">SEC(2002)0133</a>	01/02/2002	EC	Summary
Legislative proposal		<a href="#">COM(2002)0108</a> <a href="#">OJ C 151 25.06.2002, p. 0184 E</a>	01/03/2002	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0307/2002</a>	11/09/2002	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0465/2002</a> <a href="#">OJ C 279 20.11.2003, p. 0022-0123 E</a>	10/10/2002	EP	Summary

Additional information	
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2002/2347</a> <a href="#">OJ L 351 28.12.2002, p. 0006-0011</a> Summary

## Conservation of resources: specific access requirements to fishing for deep-sea stocks

In a Commission working paper, the sub-group "fisheries and environment" (SGFEN) of the scientific, technical and economic committee for fisheries examined the problems with deep-sea fishing. The report concerns the following points : 1. reviews and identifies appropriate stock units for management of deep-sea fisheries; 2. describes Community fisheries for deep-sea species in the Mediterranean and Antarctic and in the North East Atlantic areas where new information is available; 3. compiles and updates available data on species landings, species, catch rates, discard rates and species and size composition of deep water fisheries. Temporal trends by area and by species should be reported; 4. identifying sensitive marine habitats that might be affected by deep-sea fisheries. In light of existing scientific evaluations indicate appropriated conservation measures for each stock until in terms of: - restrictions on use of fishing gear (trawl, static gear, type of gear, gear specifications, areas, seasons, etc); - effort restrictions, with appropriate considerations of control measures; - appropriate catch levels. 5. Identify technical interactions between fisheries for deep-sea species and species more traditionally fished on the continental shelf or on the upper part of the slope; 6. Indicate future needs. The NE Atlantic and the Mediterranean differ fundamentally both regarding deep-water/shelf areas and their fisheries. Also regarding the management of problems and approaches to these the two sea areas differ very much. There are therefore treated separately in this report. Due to the lack of experts on EU fisheries in Antarctic waters, these fisheries are not dealt with in this report.?

## Conservation of resources: specific access requirements to fishing for deep-sea stocks

PURPOSE : to establish specific access requirements and associated conditions applicable to fishing for deep-sea stocks. CONTENT : deep-sea stocks are fish stocks caught in waters beyond the main fishing grounds of continental shelves. They are distributed on the continental slopes or around sea mounts. These species are slow-growing and particularly vulnerable to overexploitation. As fisheries for these species have developed in recent years, it is necessary to establish a management system to ensure that their exploitation is sustainable.

Scientific advice from ICES (International Council for the Exploration of the Sea) and endorsed by STECF (Scientific, Technical and Economic Committee for Fisheries) indicates that the most appropriate conservation measures for these species would be based on effort limitation and, in certain cases, reduction. This proposal introduces elements of a system for the management of fishing effort directed at deep-sea species. It also includes elements for the collection of data in support of scientific assessment and appropriate management. Under this proposal, fishing effort will be limited to recent levels and improved data will be made available for scientific assessment. The Commission intends to propose further elements of an effort management system as required by scientific advice in due course. The proposal is complemented by a separate Commission proposal to restrict catches by means of quota management. At the Fisheries Council of 14-15 December 2000, the Council and the Commission adopted a declaration whereby the Commission was invited to propose catch limitations for these stocks and also other measures as appropriate. Member States also undertook appropriate steps to stabilise fishing effort on deep-water species to no more than the level of recent years. The proposed measures are consistent with those commitments. As is the case for the imposition of TACs and quotas and due to the urgent requirements for conservation of these species it is desirable that the Community implement these measures unilaterally whilst seeking agreement on harmonised measures within the relevant regional fisheries organisation (the North-East Atlantic Fisheries Commission). The measures in this proposed regulation cover a greater range of species and a wider geographic area than the measures envisaged in the existing arrangements for the management of fishing effort (Council Regulations 685/95 and 2027/95). At a later stage, the Commission may present a proposal to revise the limitations on fishing effort directed at deep-sea species in those regulations.?

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The Council reached a majority political agreement on the "TACs (total allowable catch) and quotas" proposal and a general approach on the "licences" proposal, on the basis of a compromise presented by the presidency with which the Commission associated itself. The two proposals will be adopted simultaneously at a forthcoming meeting of the Council, following adoption and examination of the European Parliament's Opinion on the "licences" proposal. A joint statement by the Council and the Commission on the "TAC and quotas" proposal and two statements by the Commission on the licences proposal, formed part of the compromise. The compromise contains the following elements: - the "TACs and quotas" are established for 2003 and 2004 (with an annual revision clause) on the basis of revised statistical data, but not for 2002. Three species are deleted from the lists drawn up for the TACs (deep-sea sharks, alfonso and forkbeards); the compromise therefore provides for 8 species with TACs instead of the 11 initially stipulated. On the other hand, 46 species are included in the "licences" proposal instead of 21; - the TACs are set in Community waters, and in international waters to the extent that scientific opinions indicate the need to reduce catches. The joint statement by the Council and the Commission provides that the Commission will ask for a scientific opinion from the ICES in 2003 at the latest; - the fishing effort limitation scheme laid down in the "licences" proposal will in future exclude ling, tusk and red sea bream; however, these species are included will be covered either by a system of "licences" (fishing effort limitation) or by the "TACs and quotas" or by both; - a general quota ("pool") for by-catches is established to replace the 10 tonne quotas for each country with fishing activities in a particular zone; the quotas for black scabbardfish, roundnose grenadier, red sea bream, orange roughy and ling have increased in certain fishing zones; - fishing effort is regulated by Regulation 2027/95; - an alternative to satellite-based vessel system (VMS) is introduced on the "licences" compromise; in the case of a technical malfunction in the system, a report indicating the location of the vessel is to be transmitted every two hours to the coastal Member States; - a general review clause is laid down in the "licences" compromise, allowing the Commission to present a report on management of deep sea species to the Council and the European Parliament before 30 June 2005; in the meantime, scientific information will be collected so as to determine the future development of the TACs, including for artisanal fishing; - both proposals will be adopted and implemented simultaneously, taking effect from 1 January 2003.?

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## Conservation of resources: specific access requirements to fishing for deep-sea stocks

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The committee adopted the report by Michael HOLMES (IND, UK) broadly approving the Commission proposal, subject to a few amendments under the consultation procedure. MEPs urged that two species, ling and tusk, not be included in the proposal, arguing that they are usually caught on the continental shelf and thus do not qualify as deep-sea stocks. They also disagreed with the Commission's proposed rule requiring vessels to stop fishing and return to port if the satellite tracking equipment used to monitor their activities breaks down, arguing that it was impractical and unfair to force vessels to return home from the high seas. Lastly, an amendment called for a general revision of the Regulation no later than 3 years after its entry into force, on the grounds that, given the lack of available scientific data on deep-sea species and their habitats, the regulation should be revised on a regular basis so as to incorporate the latest and best available scientific advice. ?

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The European Parliament adopted a resolution based on the report by Michael HOLMES (IND, UK) on fishing for deep-sea stocks. Parliament made the following amendments to the Commission's proposal: -ling and tusk are not part of the proposal; -a recital is expanded to state that independent scientific observers in collaboration with the fishing industry and other interested parties must obtain information; -each year, on the basis of scientific advice and in consultation with the fishing industry, the Commission will designate areas for seasonal or full-year closures to conserve particularly vulnerable stocks; -enforcement of the designated port system will not risk the safety of vessels and their crew. Where a vessel lands deep-sea species at an undesignated port owing to safety reasons or force majeure, the master of the vessel must immediately inform the relevant authorities of the catch landed and provide justification for landing at an undesignated port; -the information to be communicated by Member States about catches and fishing effort must be expressed as fishing days out of port, broken down by catch area and identification of vessel concerned. This replaces the Commission's proposal, which states that the information is to be expressed as kilowatt-fishing days, broken down by quarter of the year, by type of gear, by species and by ICES statistical rectangle or by CECAF subdivision; -a review of progress is needed no later than three years after entry into force; -the Commission will conduct an investigation into the expected loss of revenue and effort displacement resulting from the reduction in fishing effort implied by this Regulation. Recommendations must be made to mitigate adverse impacts on conservation or the viability of affected fishing enterprises.?

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## Conservation of resources: specific access requirements to fishing for deep-sea stocks

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PURPOSE : to provide for the issuing of a special fishing permit for deep-sea fishing and to make provision for limiting the fishing effort for deep-sea stocks. COMMUNITY MEASURE : Council Regulation 2347/2002/EC establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks. CONTENT : scientific advice has indicated that certain stocks of fish found in the deep sea are vulnerable to exploitation, and that fishing opportunities for these stocks must be limited. Accordingly, this Regulation provides the following: - Member States must ensure that fishing activities which lead to catches of more than 10 tonnes each calendar year of deep-sea species by vessels flying their flag and registered in their territory are subject to a deep-sea fishing permit. It is prohibited to catch any aggregate quantity of the deep-sea species in excess of 100 kg in each sea trip, unless the vessel in question holds a deep-sea fishing permit. - Member States must calculate the aggregate power and the aggregate volume of its vessels which, in any one of the years 1998, 1999 or 2000, have landed more than 10 tonnes of any mixture of the deep-sea species. Each Member State can only issue deep-sea fishing permits to its vessels if: (a) the aggregate power of those vessels does not exceed the aggregate power mentioned above, and/or (b) the aggregate volume of those vessels does not exceed the aggregate volume determined as above. - there is an obligation on the master to record certain fishing gear characteristics and fishing operations; - in the event of technical failure or non-functioning of the satellite tracking device fitted on board a fishing vessel, the master of the vessel must report its geographical situation to the flag and coastal Member States every two hours. After the sea trip has concluded, the vessel must not leave the port until the satellite tracking device is functioning to the satisfaction of the competent authorities. - as from 1 March 2003 it is prohibited to land any quantity of any mixture of deep-sea species in excess of 100 kg at any place other than the ports which have been designated for landing deep-sea species. Each Member State must designate ports into which any landing of deep-sea species in excess of 100 kg will take place and will determine the associated inspection and surveillance procedures; - scientific observers must be assigned to the fishing vessels in accordance with a sampling plan issued in accordance with the provisions made in the Regulation; - information sent to the Commission about catches of deep-sea species and fishing effort deployed must be expressed as kilowatt-fishing days, broken down by quarter of the year, by type of gear, by species, and other information provided for. ENTRY INTO FORCE : 04/01/03. DATE OF APPLICATION : 01/01/03.?