

# Public consultation on the evaluation of Deep-sea Access Regulation

Fields marked with \* are mandatory.

## Introduction

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### Background to the public consultation

Deep-sea fish stocks are highly vulnerable to fishing pressure due to their slow growth and scientific information on these stocks is particularly difficult to collect due to information gaps. Fishing for deep-sea species can have important impacts on the stocks and habitats as it occurs on deep-water slopes, ridges and seamounts with gears that may touch the bottom of the seabed. Assemblages of deep-sea corals reefs and garden, sponges, anemones and sea pens constituting Vulnerable Marine Ecosystems (VMEs) are considered as particularly at risk.

To reduce the environmental impacts of deep-sea fisheries, improve our knowledge of deep-sea fish stocks and ecosystems and protect VMEs along the lines promoted by the United Nations, the EU adopted the Deep-Sea Access Regulation [\(EU\) 2016/2336](#).

### Purpose of the public consultation

This public consultation is part of the evaluation of the Deep-Sea Access Regulation that the European Commission has to complete next January 2021. The evaluation aims to assess the measures established for the reduction of environmental impacts of deep-sea fisheries, the prevention of adverse impacts on VMEs and the improvement of scientific knowledge, ultimately leading to make deep-sea fisheries sustainable.

The answers you provide as part of the consultation will form an important part of the Commission's evidence basis for the evaluation. The results of this consultation and the evaluation study may be used to inform decisions on whether the Deep-Sea Access Regulation need to be reviewed.

### Scope of the consultation

This Public Consultation aims to gather input from all the stakeholders to evaluate the measures for the protection of the deep-sea environment under the Deep-Sea Access Regulation of 2016. It forms part of a wider consultation strategy for the evaluation that also includes targeted stakeholder consultations and review of technical and scientific literature that will gather more detailed evidence.

This questionnaire takes about 15 minutes to complete. You will also be able to provide any other relevant information or comments at the end.

## About you

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\* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority

- Trade union
- Other

\* First name

Christine

\* Surname

Gaebel

\* Email (this won't be published)

Christine.Gaebel@ed.ac.uk

\* Organisation name

*255 character(s) maximum*

The EU Horizon 2020 ATLAS (<https://www.eu-atlas.org/>) & iAtlantic (<https://www.iatlantic.eu/>) Projects  
(Grant No. 678760 & 818123, respectively)

Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

\* Country of origin

Please add your country of origin, or that of your organisation.

- |                                      |  |                                     |  |
|--------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan    | <input type="radio"/> Djibouti           | <input type="radio"/> Libya         | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands  | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania        | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania     | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria        | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg    | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt              | <input type="radio"/> Macau         | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra        | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar    | <input type="radio"/> São Tomé and Príncipe            |

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- Bermuda
- Bhutan
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- Eritrea
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- Somalia
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- South Korea
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- Sudan
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- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
  
- Burkina Faso
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- Cambodia
  
- Cameroon
  
- Canada
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- Cayman Islands
  
- Central African Republic
- Chad
- Chile
- China
  
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
  
- Colombia
  
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
  
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- Heard Island and McDonald Islands
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- Hong Kong
  
- Hungary
  
- Iceland
  
- India
- Indonesia
- Iran
  
- Iraq
  
- Ireland
- Isle of Man
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- Netherlands
- New Caledonia
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- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
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- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

**\* Publication privacy settings**

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

**Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

**Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

**\* Organisation size**

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)

- Large (250 or more)

\* Type of organisation: *(please select the answer that fits best)*

- Private enterprise
- Professional consultancy, law firm, self-employed consultant
- Trade, business or professional association
- Non-governmental organisation, platform or network
- Research and academia
- Regional or local authority (public or mixed)
- International or national public authority
- Other

\* What is the main field of activity of your company / organisation? *(choose only one)*

- fishery
- aquaculture
- environment
- other

I agree with the [personal data protection provisions](#)

\* How would you **best** describe the nature of your understanding and involvement in matters related to deep-sea fishing and the Deep-sea Access Regulation?

- I work for a state agency responsible for implementing the Deep-sea Access Regulation
- I am a fisher involved in deep-sea fishing
- I represent an international organisation with an interest in the management of deep-sea fisheries
- I work for an environmental organisation with an interest in the management of deep-sea fisheries
- I work for a research institution with an interest in deep-sea fish stocks and /or deep-sea ecosystems
- I have a general interest in matters concerning fisheries in the EU
- Other

General Questions

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To what extent do you agree or disagree with the following statements?

	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree	don't know
Stocks of deep-sea species are very vulnerable to overfishing	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Deep-sea vulnerable marine ecosystems should be protected from damages caused by fishing gear	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is not enough scientific knowledge on deep-sea species and their habitats	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

To what extent do you agree or disagree with the following statements?

	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree	don't know
An EU regulatory framework is essential to ensure consistency in the protection of the deep-sea environment by different national governments.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Discontinuation of the Deep-sea Access Regulation would have an adverse effect on the protection of the deep-sea environment.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Do you consider that deep-sea fish stocks and deep-sea vulnerable marine ecosystems are adequately protected from impacts of fishing activities?

- Yes
- No
- No opinion

Please describe how better protection of deep-sea fish stocks and deep-sea vulnerable marine ecosystems could be ensured:



The protection of Vulnerable Marine Ecosystems (VMEs) is a major element of this regulation (e.g. Articles 1 and 9). However, it has not yet been implemented. There are no areas where vulnerable habitats/VMEs are known or likely to occur that have been closed since the regulation entered into force. Yet, there have been many scientific reports indicating widespread presence of deep-water corals, sponge fields and other types of ecosystems that are vulnerable to the impacts of bottom fishing in EU waters. In response to a request from the Commission, ICES identified a total of 1,943 areas where VMEs are known or likely to occur in the North East Atlantic in October 2019 in its advice to the Commission.

Furthermore, improvement of the move-on rule (Article 9) is required. There are shortfalls regarding the detection of VMEs during fishing operations and the setting of fishing restrictions in the area, which should be addressed to provide the level of precaution needed for the conservation of deep-sea ecosystems. For example, thresholds to identify VME encounters should be set according to scientific advice based on an understanding of the interaction between VMEs and various types of gears and methods of bottom fishing. In addition, mechanisms to report VME encounters should be established and enforced.

Lastly, improvement of the criteria for identifying deep-sea fishing activity and for granting fishing authorisations is required. This could be achieved by:

- Assessing whether the catch thresholds that are used to define deep-sea fisheries in the regulation are appropriate;
- Assessing whether there is a need to expand the list of deep-sea fish species and VME indicator species to more accurately reflect the species that are likely to be caught below 400m and the types of VMEs that are potentially impacted at these depths;
- Recognising that the regulation is largely designed to manage fisheries to prevent damage to deep-sea ecosystems and should apply to any bottom contact fisheries operating below 400m irrespective of the catch.

*You have reached the end of the general part of the questionnaire. The next questions require more specialised knowledge of the Deep-Sea Access Regulation and of the various conservation and management measures implemented through it.*

Would you want to proceed to these more specialised questions?

- Yes  
 No

## Specialised Questions

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*The legal framework relating to deep-sea fishing known as the Deep-sea Access Regulation aims to address a number of stated objectives listed in Article 1 of the Deep-Sea Access Regulation, which describes the objectives of the intervention as follows:*

“The Regulation shall contribute to the achievements of the objectives listed in Article 2 of the [Common Fisheries Policy] Regulation as far as deep-sea species and habitats are concerned. In addition, it shall aim at:

- a) improving scientific knowledge on deep-sea species and their habitats
- b) preventing significant adverse impacts on VMEs within the framework of deep-sea fishing and ensuring the long-term conservation of deep-sea fish stocks
- c) ensuring that Union measures for the purpose of sustainable management of deep-sea fish stocks are consistent with the Resolutions adopted by the General Assembly of the United Nations, in particular resolutions 61/105 and 64/72”

To what extent do you agree or disagree that each of the needs that underpinned the adoption of the Deep-Sea Access Regulation remains relevant today?

	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree	don't know
There is still a need to prevent significant impacts on vulnerable marine ecosystems and to ensure the long-term conservation of deep-sea stocks	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is still a need to improve scientific knowledge on deep-sea species and their habitats	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

*One of the stated objectives of the Deep-Sea Access Regulation is to prevent significant adverse impacts on Vulnerable Marine Ecosystems and to ensure the long-term conservation of deep-sea fish stocks. The Regulation includes several measures to support this objective.*

Please indicate the extent to which the following measures of the Regulation are relevant to achieve these objectives:

	to a great extent	to some extent	no opinion	to a small extent	not at all	don't know
Maintaining fishing capacity exploiting deep-sea stocks below 2009-2011 levels	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Limiting exploitation of deep-sea stocks to areas already fished in 2009-2011	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ban on fishing with bottom trawls at depths below 800 m	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Closure of areas containing Vulnerable Marine Ecosystems below 400 m to any type of bottom fishing	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligation for fishing vessels to report encounters with Vulnerable Marine Ecosystems and to move away to other areas if they do so	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Stricter control provisions applying to fishing vessels authorised to catch deep-sea species, including:

	to a great extent	to some extent	no opinion	to a small extent	not at all	don't know
Restricting landings of deep-sea species to certain ports designated by Member States	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Reporting deep-sea fishing activities on a haul-by-haul basis rather than on a daily basis	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligation for Member States to apply administrative sanctions such as withdrawal of fishing authorisations to vessels not complying with the rules of the Deep-Sea Access Regulation	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Can you think of any additional measures that would have been relevant to prevent significant adverse impacts on Vulnerable Marine Ecosystems and to ensure the long-term conservation of deep-sea fish stocks?

- Yes
- No
- No opinion

Please describe the additional measure(s) below:

Measures requiring better scientific assessment of the status of target and bycatch species in deep-sea fisheries and their impacts on VMEs as tools for more effective management.

*Another stated objective of the Deep-Sea Access Regulation is to improve scientific knowledge on deep-sea species and their habitats.*

Please indicate the extent to which the following measures are relevant to achieve this objective:

	to a great extent	to some extent	no opinion	to a small extent	not at all	don't know
Obligation to deploy scientific observers to ensure a 20% coverage of activities by fishing vessels targeting deep-sea species	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Obligation to deploy scientific observers to ensure a 10% coverage of activities by fishing vessels catching deep-sea species as bycatches	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Definition of specific data collection and reporting requirements to include species belonging to the deep-sea ecosystem such as deep-waters corals, sponges or other organisms belonging to the same ecosystem.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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Can you think of any additional measures that would have been relevant to improve knowledge on deep-sea species and their habitats?

- Yes
- No
- No opinion

Please describe the additional measure(s) below:

Further restrictions in the use of fishing gears which have a negative impact on unwanted species and VMEs should be established (e.g. a ban of bottom trawling where VMEs occur in depths shallower than 400 metres). In addition, measures should require more robust scientific assessment and monitoring of the impacts of various gear types on both VMEs and bycatch species (e.g. deep-water sharks) for the use of bottom longlining gear. Impact assessments should be required for all deep-sea fisheries, whether in areas that are currently fished or in new areas, within a specific timeframe, as a condition for granting a fishing authorisation. Specific provisions related to the setting of fishing opportunities (i.e. in terms of catch limits and /or effort restrictions) should be tailored to scientific uncertainties and the life history characteristics of deep-sea species (e.g. late age at maturity, long lived, low fecundity, episodic recruitment). Moreover, explicit requirements to assess, minimize and prevent bycatch and other impacts on non-target deep-sea species, and the vulnerability of the habitats where the species live are important to for the long-term conservation of deep-sea stocks. Fishing opportunities should respect the scientific advice, but also ensure that no fishing opportunities should be set for vulnerable or endangered species or when insufficient scientific information is available on the status of the fish stock.

These types of measures could be developed and implemented as part of the action plan to conserve fisheries resources and protect marine ecosystems of the biodiversity strategy envisioned in the Communication from the Commission - EU Biodiversity Strategy for 2030, 20 May 2020.

To what extent do you agree that the following main achievements have been met in relation to stated objectives of the Deep-Sea Access Regulation?

	strongly agree	agree	neither agree nor disagree	disagree	strongly disagree	don't know
Stocks of deep-sea fish species are exploited sustainably	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

Deep-sea ecosystems, and in particular Vulnerable Marine Ecosystems, are adequately protected from adverse impacts generated by bottom fishing activities.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Scientific knowledge on deep-sea species and on their habitats has improved	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

If you would like to elaborate on your answers given above, please do so here:

VMEs are not adequately protected as VME areas have not yet been closed under the regulation. However, the prohibition on bottom trawling below 800m in the regulation is likely to have been effective in protecting VMEs below this depth, assuming that good compliance with this measure has been achieved.

Knowledge of deep-sea species and their habitats and VMEs have improved considerably through the work of the ATLAS and iAtlantic Projects, as well as through other projects such as the SponGES Project. Considerable improvements in our knowledge of VMEs in the North East Atlantic has occurred as a result of the independent scientific research, at sea surveys and expeditions, conducted by the ATLAS Project, including focussed areas of research on VMEs and VME dynamics at specific locations, including Rockall Bank, and potential impacts on VMEs and several species of deep-sea fish under various climate change scenarios.

*Protection of Vulnerable Marine Ecosystems has been established as a global priority by the United Nations. The UN General Assembly adopted several recommendations on measures to address the impacts of destructive fishing practices that have adverse impacts on Vulnerable Marine Ecosystems, and to ensure compliance with such measures. Alignment with international commitments was also a stated objective of the Deep-Sea Access Regulation. In particular through UN Resolutions [61/105](#) and [64/72](#) (click on the links to access the Resolutions)*

Please assess the extent to which the EU Deep-Sea Access Regulation takes onboard UN recommendations:

- I don't know
- Yes, the Deep-Sea Access Regulation fully takes onboard UN recommendations on protection of Vulnerable Marine Ecosystems
- No, the Deep-Sea Access Regulation does not sufficiently take onboard UN recommendations on protection of Vulnerable Marine Ecosystems

If you would like to elaborate on your answer, please do so here:

The Deep-Sea Access Regulation does take on-board many key UN recommendations on the protection of VMEs. The recommendations contained in UNGA resolutions represent global commitments, adopted by consensus, to take specific actions for the management of deep-sea fisheries on the high seas, incorporating the 2008 International Guidelines for the Management of Deep-Sea Fisheries in the High Seas adopted by the Food and Agriculture Organisation.

However, there are additional elements of the UNGA resolutions that have been adopted since 2006 such as:

- Conducting cumulative impact assessments on VMEs (UNGA Resolutions 66/68; 71/123);
- Taking action to protect VMEs from significant adverse impacts of activities other than fishing (UNGA Resolution 71/123);
- Taking into account potential impacts of climate change and ocean acidification in managing bottom fisheries to prevent significant adverse impacts on VMEs (UNGA Resolution 71/123).

Notably, the ATLAS Project has conducted scientific research relevant to all of the above issues, which could contribute to the further implementation of the Deep-Sea Access Regulation. For example, regarding potential impacts of climate change, ATLAS has undertaken considerable research on the impacts on VMEs in the North Atlantic, such as cold-water corals, under different future climate scenario predictions. The preliminary results of the research were presented to the Seminar on Fisheries Science 2019: Science and Research for the Next Decade, organised by the European Commission in September 2019.

One area where the EU Deep Sea Access Regulation anticipated future elements of the UNGA resolutions is in its reference to the importance of using biogeographic information to identify areas where VMEs are likely to occur. UNGA Resolution 71/123, adopted in December 2016, calls for the use of similar tools, such as benthic ecosystem modelling, comparative benthic studies and predictive modelling, to identify areas where VMEs were likely to occur. The ATLAS Project has undertaken habitat suitability modelling for VMEs in the North Atlantic and our researchers have contributed to the work done by ICES in order to respond to requests from the Commission for scientific advice related to the implementation of the Deep Sea Access Regulation.

## Document upload and final comments

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Should you wish to provide additional information (e.g. a position paper, report) or raise specific points not covered by the questionnaire, you can upload your document here. Please note that the uploaded document will be published alongside your response to the questionnaire, which is the essential input to this public consultation. Any documents uploaded are optional and will be used as additional background information to better understand your position.

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

If you wish to add further information — within the scope of this questionnaire — please feel free to do so here:

The ATLAS Project will provide a detailed report to the Commission of the outcomes of the Project at the conclusion of the ATLAS Project in October 2020, including outcomes relevant to the evaluation of the implementation of the Deep-Sea Access Regulation.

Moreover, the iAtlantic Project, which runs from 2019-2023, is building on the work of the ATLAS Project in the North Atlantic as well as conducting research on VMEs and deep-sea and open-ocean ecosystems in the South Atlantic. The iAtlantic Project will produce science-based results of relevance to the future implementation of the EU Deep-Sea Access Regulation as well as other regulations for the management of deep-sea fisheries on the high seas, including Regulation (EC) 734/2008 which is applicable to bottom fisheries by vessels flagged to EU Member States in the Southwest Atlantic. The iAtlantic Project should also make science-based contributions to consideration of management measures established, or to be further adopted, by regional fisheries management bodies and organisations in the Atlantic, of which the EU is a member of, including the South East Atlantic Fisheries Organisation (SEAFO), the Fishery Committee for the Eastern Central Atlantic (CECAF), the Western Central Atlantic Fisheries Commission (WECAFC), the Northwest Atlantic Fisheries organization (NAFO) and the Northeast Atlantic Fisheries Commission (NEAFC).

In addition, the outputs of both the ATLAS Project and, depending on the timing, the iAtlantic Project, should provide science-based information on VMEs and deep-sea ecosystem dynamics of relevance to the EU and other Atlantic States for the UN General Assembly review of the implementation of the UNGA resolutions related to deep-sea fisheries in areas beyond national jurisdiction (scheduled to take place in 2021), and any further initiatives that may occur under the auspices of the United Nations Food and Agriculture Organisation and the Convention on Biological Diversity regarding VMEs and the conservation and sustainable management of deep-sea fisheries.

## Contact

MARE-C1@ec.europa.eu