



**EUROPÊCHE RESPONSE TO THE EUROPEAN COMMISSION'S STAKEHOLDER CONSULTATION  
ON SEABED MINING**

## **1. About Europêche**

Europêche, the Association of National Organisations of Fishery Enterprises in the European Union, was founded in 1962 and is regarded as the most important EU-wide representative of the catching sector. Europêche is the European organisation of shipowners, fishermen and employers that today counts 16 member organisations from 10 European countries. Europêche aims to improve the competitiveness of EU fishing enterprises, the development of responsible and sustainable fishing activity and the promotion of training, health and safety at sea and fight against illegal fishing.

## **2. Introduction**

In March 2014 the European Commission launched a **stakeholder consultation on seabed mining**. It comes as part of its Blue Growth strategy to support sustainable growth in the marine and maritime sectors as a whole.

This consultation builds on the **need to explore possible ways forward to promote, enhance and regulate the seabed mining industry at EU level**. The introduction of this strategy is, to a certain extent challenging for the EU fishing industry, which is concerned with the practical implementation and future developments of such a new EU approach.

**Seabed mining has been identified amongst the priority areas for investments at EU level** in view of their potential contribution to the objectives of growth and creation of jobs within the blue economy. The Commission aims at ensuring an adequate mineral supply to the EU market while preventing shortages or excessive dependence on 3<sup>rd</sup> countries. This will help develop a future European strategy towards appropriate mineral supply autonomy.

Europêche had the opportunity to **denounce the approach taken by the Commission which does not include the fishing sector amongst the foundations for a dynamic marine and maritime agenda for growth and jobs**, with a focus on the blue economy.<sup>1</sup>

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<sup>1</sup> EP(12)172 EU/FISHERIES: EU Social Partners disappointed over fisheries absence in future EU maritime strategy

### 3. Background

Mining operations are currently mostly located under the Exclusive Economic Zones (EEZ) and the continental shelf of the Member States (MS). However the European operators and the Commission have identified **new opportunities outside jurisdictional waters**. We refer to deep-sea mining whose depth can reach up to 6,000 m.

For decades, deep-sea mining activity was impracticable given that reserves were excessively costly to exploit and technologically out of reach. However, **up-to-date technologies, the rising price of some of the minerals as well as concerns over security of supply** have encouraged the European Commission to consider proposing an EU Framework to regulate and promote these activities.

### 4. Legal situation

Since most of the potentially exploitable resources identified by the Commission lie within the EEZ of non-European countries or in international waters, it is of **utmost importance to develop legislation to regulate the mining industry based on sound science**. In the light of this situation, we have to bear in mind the existence of 3 different legal regimes:

1. Concerning the legal regime of the seabed and ocean floor beyond the limits of national jurisdiction, i.e. **international waters, the International Seabed Authority (ISA)** is the UN agency in charge of organising and controlling activities in “The Area” (non-jurisdictional waters), focusing on the adequate administration of the mineral resources. To date, the ISA has implemented three sets of regulations relating to exploration activities in the Area. The complete set of these regulations will form part of the future Mining Code. Concerning the contracts for exploration, the ISA has concluded 15 so far. In addition, the International Marine Minerals Society has adopted a voluntary Code for Environmental Management of Marine Mining in 2001.
2. At a **regional level**, the European Union may decide to regulate in the future possible mining activities within the jurisdictional waters of the MS by issuing codes of conduct.
3. Finally, at **national level**, Member States are absolutely sovereign and responsible for granting licenses within its EEZ in accordance with the United Nations Convention on the Law of the Sea (UNCLOS).

### 5. Seabed mining impact

In this section, we would like to analyse some of the worrying quotes included in a study funded by the EU<sup>2</sup>:

- *“The impact of the plumes produced during the extraction process, and the effects of mining manganese crusts and massive polymetallic sulphide deposits **have been not investigated.**”*  
To date most exploration activities has concentrated on manganese nodules (4,000-6,000 m deep), yet its environmental impact is largely unknown. Furthermore, mining activity will not

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<sup>2</sup> European Commission DG ENVI The Deep-Sea Frontier - Science challenges for a sustainable future, page 33

only affect the seabed and subsoil but also the water column. Accordingly, Europêche calls upon the Commission to further investigate the impacts of mining on the marine environment and deep-sea ecosystem as it has been done in recent years with the deep-sea fisheries (DEEPFISHMAN, HERMIONE or Coral FISH).

The EU catching sector would like to point out that the deep-sea fishing activities are performed in areas made up of sand or mud without affecting coral reefs and sponge gardens. Regarding the mining activity, there is still an imperative need to carry out **sound-scientific studies in order to identify which areas need absolute protection and what areas can be exploited in a sustainable way.**

- *“New technological solutions for exploitation of **non-renewable resources** are becoming available”.* Europêche must emphasise that while the fishing industry is a strategic sector which supplies sustainable high-quality food to EU citizens, the mining industry will exploit finite resources. The European Commission must take this key factor into account if it finally decides to regulate the latter industry.
- *“**Impact studies on the biodiversity and deep-sea are urgently needed.**”* As stated above, further studies are needed to evaluate how deep-sea mining will affect and interact with the environment. Furthermore, impact assessments shall be carried out not only to analyse the impact in the environment and fish stocks, but also to **assess the socio-economic impact that it could pose to other economic sectors such as the fishing industry.** We must not forget that many coastal communities have been relying on deep-sea fishing activities for decades.

## 6. Socio-economic facts and figures

Europêche had the opportunity to analyse the **employment figures used by the European Commission** in the blue growth Communication<sup>3</sup>. In terms of employment, the mining sector barely approximates 5% of the employment figures represented by the fishing sector without forgetting that one single job at sea (fisherman) represents 3.2 jobs onshore (processors). It is particularly worth noting that deep-sea fishing generates growth and development to coastal communities, some of which are exclusively dependent on this activity.

The European Commission intends to promote deep-sea mining under the pretext that it will create long term jobs and great economic benefit for the EU and its citizens. But since **the mining industry exploits non-renewable resources and is greatly automatised, the argument is self-contradictory.**

As an example, the Namibian Government has recently banned the deep-sea phosphate exploration. The Minister of Fisheries and Marine Resources of Namibia, Mr. Bernhard Esau, declared that he does not want ecological disasters as in the Gulf of Mexico. In addition, in terms of employment,

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<sup>3</sup> COM(2012)494final Commission’s Communication - Blue Growth opportunities for marine and maritime sustainable growth, page 3

phosphate mining is insignificant versus the fishing industry given the 13,000 jobs the industry creates compared to 300, mostly foreign, that the phosphate mining is expected to create.”<sup>4</sup>

## 7. Minimising the ecosystem impact

Europêche believes that any economic activity must **strike the right balance between the protection of vulnerable habitats and species and the socio-economic sustainable exploitation of available resources**. Huge efforts have been made by the fishing industry during the past years to develop high-tech fishing methods and gears in order to minimise any possible impact on the environment.

Having said that, the European Commission has proposed a new regulation<sup>5</sup> that bans some deep-sea fishing methods under the pretext of the risk of destroying irreplaceable and vulnerable marine ecosystems; regardless the fishing industry steps forward to preserve and protect these habitats and ecosystems. In fact, **major areas have been closed to fishing for reasons of environmental protection**.

Against this background, Europêche urges the European Commission **to apply at least the same strict and restrictive environmental standards to the mining industry**<sup>6</sup>. Those standards shall be fully respected and enforced not only for the extraction but for the exploration of possible mining grounds. With this purpose, those areas closed to fishing should also be closed to other economic activities such as oil, gas and seabed mining exploitations.

**The European Commission shall grant an equal treatment to all maritime economic activities avoiding double standards**. Further, the Commission shall ensure for the sake of transparency and peaceful co-existence of the economic activities:

- The creation of integrated management tools in line with the framework for maritime spatial planning and integrated coastal management<sup>7</sup>;
- The design of interinstitutional bridges between the Commission, Regional fisheries management organisations (RMFOs) and the International Seabed Authority (ISA);
- The communication to the fishermen associations concerned of the deep-sea mining licenses adopted which could interfere with the fishing activity.

### 1. Conclusion

Europêche has no objection to other economic activities taking place in European or international waters, such as deep-sea mining. However, the EU must ensure that high environmental, legal and security standards are upheld. Furthermore, **EU fishermen should be an integral part of the consultation, monitoring and evaluation of all environment assessments on this issue since they will be adversely affected mainly due to loss of fishing stocks, fishing grounds and increased safety risks**.

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<sup>4</sup> <http://www.worldfishing.net/news101/Comment/ben-yami/between-the-devil-and-the-deep-blue-sea>

<sup>5</sup> Regulation establishing specific conditions to fishing for deep-sea stocks in the North-East Atlantic and provisions for fishing in international waters of the North-East Atlantic COM(2012) 371 final

<sup>6</sup> Europêche acknowledges that the EU has a shared competence on environment and energy (Article 4 of the TFEU), while on fisheries is exclusive (Article 3 of the TFEU)

<sup>7</sup> 2013/0074(COD)

The Commission must **fully acknowledge the strategic role played by the fishing industry securing food supply to EU citizens**. Therefore, the fishing sector should not be discriminated against by other economic activities, such as **deep-sea mining, whose environmental and socio-economic impact is yet unknown**.

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