

# Report in support of score increase for P.I. 2.4.2 Habitats Management Strategy in the Irish Nephrops Area 7 Trawl FIP.

## Summary

- The 2017 pre-assessment for the Area 7 Nephrops trawl fishery scored PI 2.4.2 Habitats Management Strategy at <60 as the assessor felt that the measures in place to protect habitats could not be said to be likely to work.
- Since 2017 there have been significant developments both at European and national level in relation to management of interactions between Nephrops fisheries and habitats.
- These developments are summarised below and the conclusion of this report is that vulnerable habitats where they overlap with Nephrops fisheries are subject to additional management measures that were not in place in 2017 such as the closure of Nephrops fishing areas in FU16.
- Furthermore the designation process for protected areas continues to evolve in Irish waters and includes habitats considered subject to disturbance due to Nephrops fishing.
- The developments outlined in this report supports the improvement of the score for P.I. 2.4.2 Habitats Management Strategy from <60 to 60-79.

## Background

In the 2017 pre-assessment PI 2.4.2 Habitats Management Strategy was scored at <60 as the assessor felt that the measures in place to protect habitats could not be said to be likely to work. It is worth noting that for the UK Nephrops FIP, which overlaps with the Irish fishery in some Functional Units and is directly comparable in terms of habitats and fishing gears used, the same PI was scored at 60-79.

In the period since 2017 there have been significant developments in the management of fisheries and habitat interactions in the UoAs. The Irish Area 7 Nephrops FIP coordinators have collated information on these initiatives in this report which is an element of Action 4 of the FIP workplan, Habitat Impact of the Fishery.

## Update on developments since 2017.

In 2022 the European Commission published a new Regulation, (EU) 2022/1614, determining existing deep-sea fishing areas and establishing a list of areas where vulnerable marine ecosystems are known to occur or are likely to occur. This regulation applies to fishing at depths of 400 to 800m. Official Journal of the European Union L242, 1–141.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022R1614>

Under this regulation and EU Regulation 2016/2336 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic EU Member states have been required to submit data on VMEs and fishing areas in their territorial waters. ICES, at the request of the EU Commission, conducted an assessment of these interactions and a report, updated with the most recently submitted data, was published in 2024. ICES. 2023. Advice on areas where Vulnerable Marine Ecosystems (VMEs) are known to occur or are likely to occur in EU waters. In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, vme.eu <https://doi.org/10.17895/ices.advice.22643356>.

This regulation and the ICES report has resulted in the closure of significant areas of FU16 to fishing on the basis of protection of vulnerable habitats, specifically sea pens in the case of the FU16 closures.

It is also worth noting that a specific post within the Irish Marine Institute has been created and filled in 2024 titled *Scientific & Technical Officer (STO) - Vulnerable Marine Ecosystems and Nephrops Assessment*. The general responsibilities of this scientific post are given below, as per the post advertisement, and are evidently highly relevant to the implementation of EU regulation 2022/1614:

*“The aim of this new post is to build capacity and improve the knowledge base on the presence of vulnerable marine ecosystems (VMEs) in Irish waters and the impact of fishing activity on potentially sensitive species and habitats. This is on foot of obligations under the EU Deep Sea Fisheries Access regulation 2016/2336 requiring member states to collect information on the presence of VMEs and to make information available in a way that can facilitate designation of spatial closures to*

*protect these taxa. This process will take place parallel to national initiatives set out in the Programme for Government to designate Marine Protected Areas (MPAs). The position further focuses on assessment of Nephrops stocks around Ireland owing to close linkage in data gathering processes using Underwater TV”.*

*"(<https://www.marine.ie/sites/default/files/MIFiles/Docs/HR/FINAL%20Job%20Description%20-%20FEAS%20-%20STO%20Assessment%20-%20Jun%202024.pdf>)*

The 2017 pre-assessment mentioned that at the time the only overlap between the UoAs and Special Areas of Conservation (SAC) designated on the basis of a protected habitat under the EU Habitats Directive was in Functional Unit 19 which overlaps with the Kenmare River SAC. Further information on the Kenmare River SAC including Qualifying Interests and Conservation Objectives can be found at <https://www.npws.ie/protected-sites/sac/002158>.

In 2024 the designation of this site was formally legalised through the publication of a Statutory Instrument by the Minister for Housing, Local Government and Heritage (<https://www.irishstatutebook.ie/eli/2024/si/143/made/en/pdf>). The publication of this legal designation indicates that the site will be subject to an Appropriate Assessment as required for SACs under EU and Irish legislation. The Appropriate Assessment will, *inter alia*, assess whether fishing activity constitutes a risk to the VMEs identified in the area. The Statutory Instrument also lists Activities Requiring Consent (ARCs) within the area and fishing is not listed as an ARC.

In other designated SACs in Ireland fishing activity has been subject to restrictions and enhanced management. A good example of this is the Dundalk Bay SAC and SPA for which a fisheries management plan for cockles and razor clams had to be developed on the basis of an appropriate assessment by the Marine Institute, (<http://www.fishingnet.ie/media/fishingnet/content/fisheriesinnaturaareas/siteassessments/dundalkbay/2AppropriateAssessmentReportDundalk2021Final260721.pdf>)

The fishery management plan, available at <http://www.fishingnet.ie/media/fishingnet/content/fisheriesinnaturaareas/siteassess>

[ments/dundalkbay/APP21FinalisedDundalkBayFisheriesPlanforCockle202120252607](https://www.dundalkbay.gov.ie/APP21FinalisedDundalkBayFisheriesPlanforCockle202120252607)

[21.pdf](#) includes a list of rules and measures which are:

1. Harvest rates,
2. Minimum legal landing size,
3. In-season depletion of catch,
4. Seasonal closures to protect waterbirds and allow recovery of habitats,
5. Daily catch allowances to ensure equitable distribution of catch,
6. Gear specifications,
7. Days per week and time restrictions,
8. Access and Fisheries Natura Permits,
9. Vessel monitoring.

The existence of the Dundalk Bay fisheries plan is evidence that the process to mitigate fishery impacts on VMEs within sites designated on the basis of VMEs is likely to work.

In Ireland over the past two years a process to publish a Marine Protected Areas Bill has been ongoing. Details on the bill and a summary of relevant actions can be found at <https://www.housing.gov.ie/water/marine-environment/marine-protected-areas/marine-protected-areas>

The general scheme of the Bill was published in 2022

<https://www.gov.ie/en/publication/2fd71-general-scheme-of-marine-protected-areas-bill-2022/> . The bill was expected to be published by the end of 2024 but this is now expected in early 2025. Publication of the Bill was a commitment given in the Program for Government.

MPA Bill actions relevant to this report include Ecological Sensitivity Analyses for the Irish Sea and the Celtic Sea. These analyses were conducted in 2023 and 2024 and collated information on, *inter alia*, data regarding presence of VMEs and intensity of fishing activity. It is not fully clear how this process will impact on fisheries habitats interactions but the fact that assessments of their overlap is being conducted

indicates that there will be additional consideration of these interactions when the MPA Bill is published. The proportion of Ireland's waters covered by biodiversity protections has increased from 2.4% to 10% between 2020 and 2024 and it is aimed to increase this to 30% by 2030 in line with the stated goal of the EU Biodiversity Strategy.

It is also worth noting that a project associated with the MPA Bill, MPA Life, has received EU funding of €25 million with the aim of developing a network of Marine Protected Areas in Ireland and achieving the 30 by 2030 target of 30% of Ireland's maritime area would be protected by 2030.

<https://webgate.ec.europa.eu/life/publicWebsite/project/LIFE22-IPE-IE-MPA-LIFE-IRELAND-101103680/mpa-life-ireland>

Due to the requirements of recent EU and national legislative developments the collection of data on VMEs in Irish waters has been significantly enhanced since the 2017 pre-assessment for the Irish Nephrops FIP was conducted. Although this data collection may be more directly relevant to PI 2.4.3 Habitat Information it also underpins the prospects for successful implementation of habitat management, PI 2.4.2.

Significant areas where habitat data collection has improved include:

- The Infomar survey which is an ongoing project to map the Irish seabed (<https://www.infomar.ie/> & <https://www.infomar.ie/rd-and-education/case-studies/deep-water-coral-reefs>)
- Collection of habitat and VME information as a routine part of Ireland's fishery surveys under the Irish Work Plan for Data Collection in the Fisheries and Aquaculture sectors 2022-2027. ([https://www.dcmapp-ireland.ie/sites/default/files/DCMAP\\_Files/Ireland\\_WP\\_2022-2027\\_Text\\_20221012.pdf](https://www.dcmapp-ireland.ie/sites/default/files/DCMAP_Files/Ireland_WP_2022-2027_Text_20221012.pdf))

## Conclusion

- The conclusion of this report based on the information presented above is that vulnerable habitats where they overlap with Nephrops fisheries are subject to additional management measures that were not in place in 2017 such as the closure of Nephrops fishing areas in FU16.
- Furthermore the designation process for protected areas continues to evolve in Irish waters and includes habitats considered subject to disturbance due to Nephrops fishing.
- In other words VMEs in Irish waters that overlap with nephrops fisheries are either protected or in the process of being protected.
- The developments outlined in this report supports the improvement of the score for P.I. 2.4.2 Habitats Management Strategy from <60 to 60-79.