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Time to Protect the Dogger Bank Summary for Policymakers

Report to inform appropriate assessment of
fishing operations on the Dogger Bank SACs

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Photo credit: Dutch Maritime Productions

1. Story of the Dogger Bank

The Dogger Bank, often described as the ecological heart of the North Sea, is a shallow underwater sandbank that hosts a wide variety of marine life, ranging from soft corals to sharks and rays. It is a breeding ground for whiting, cod and sand eel, and an essential foraging area for seabirds, seals and marine mammals, such as the harbour porpoise, white-beaked dolphin and the minke whale.

In the North Sea, the Dogger Bank has been central to northern European life for millennia: it was home to humans when a land bridge connected Britain to the continent; it held huge oyster and mussel beds and it was a nursery area for the North Sea fishery which was the economic engine for the European banking sector; and settling disputes over its fishery formed the basis of the international law of the sea still in use today. It is intimately connected with the development of Northern Europe. Protecting the Dogger Bank, with its unique biodiversity and heritage is a key test for European civilisation.

The UK, the Netherlands and Germany have long agreed that the Dogger Bank is in poor biodiversity condition after centuries of degradation, and that it must be protected and restored. Since 2007, the initial steps to protect the Dogger Bank we taken by designating it as three Natura 2000 marine protected areas.

The creation of the Dogger Bank MPAs has been celebrated by European Member States, the UK and the European Union as way to show that they are meeting their international commitments under the Convention on Biological Diversity and our shared global responsibility to address the threats to critically endangered species such as the angel shark and the common skate, which used to be abundant in the Dogger Bank.

The European Commission, in its EU Biodiversity Strategy for 2030, has highlighted the vital importance of well managed marine protected areas to halting biodiversity loss and in particular the need to address the impacts of fishing with bottom-contacting gear, which is described as *“the most damaging activity to the seabed.”* The Strategy has also made perfectly clear that *“fisheries management measures must be established in all marine protected areas according to clearly defined conservation objectives and on the basis of the best available scientific advice.”*

Yet, the situation on the ground provides a stark contrast to these commitments. Despite legal complaints from European environmental groups, there are no conservation measures in place to address the impacts of destructive fishing. The only proposal that has emerged so far from the UK, Germany and the Netherlands would protect only 5% of the Dogger Bank sites against all bottom-towed fishing gears and only for three years.

In the meantime, the quality of the sandbank habitat of the Dogger Bank, which has already suffered critical levels of degradation, continues to decline precipitously - this trend has been worse since 2006 due to the increasing damage caused by bottom-impacting fisheries.

Our report finds that the Dogger Bank should be closed as soon as possible to damaging bottom-towed commercial fishing gears. These fishing gears scrape the surface of the seabed, destroy much in their path and only robust, highly mobile, or short lived marine species survive. Other types of fishing could be permitted to continue, but only after demonstrating they are not destructive and can be effectively controlled and monitored.

2. The Path Forward

The need to highly protect marine biodiversity hotspots such as the Dogger Bank is well known. They are vital for ensuring healthy seas in Europe and supporting sustainable fishing by providing nursery areas that enable fish stocks to recover. The Dogger Bank, despite being legally protected for over ten years, has no management measures in place to address the impacts of intensive commercial fishing. As a result, the Dogger Bank has become an emblematic “paper park”, signifying the failure of the European Union to protect its most precious offshore marine sites.

Under the EU Habitats Directive, the Dogger Bank should have been legally protected for over ten years. However, no protective action has been taken and Germany, the Netherlands, and the UK have clearly breached the following legal obligations under the Directive:

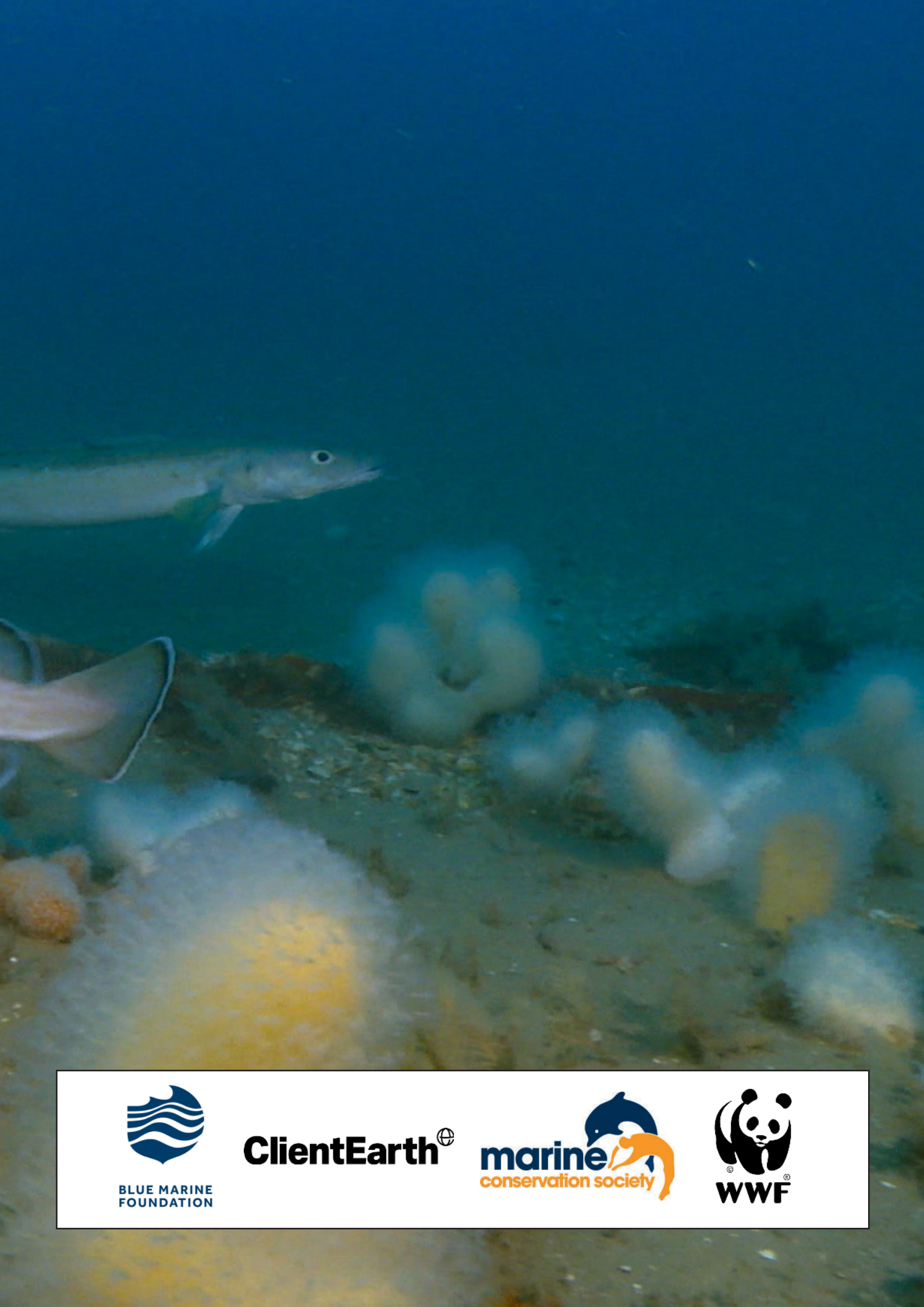
- Article 6(1) requires Member States to establish the necessary conservation measures corresponding to the ecological requirements of the Dogger Bank. To date, no conservation measures have been established to protect the Dogger Bank from the impacts of commercial fishing.
- Article 6(2) requires Member States to prevent deterioration of the Dogger Bank’s sandbank habitat. As our report shows, the commercial fishing that is currently being allowed, especially fishing with bottom-contacting gear, is having a devastating impact on the Dogger Bank ecosystem and is unequivocally causing a deterioration of its sandbank habitat, which has already been classified as having an “unfavourable” conservation status.
- Article 6(3) requires Member States to carry out “appropriate assessments” of fishing activities and only permit them if they will not adversely affect the integrity of the Dogger Bank site. To date, no proper environmental assessment has been undertaken to establish the impact of fishing activities on the Dogger Bank. If any such assessment were carried out, we believe it would likely show that bottom trawling would have an adverse effect on site integrity.

For offshore MPAs, such as the Dogger Bank, the Common Fisheries Policy (CFP) enables Member States and the UK to make a “joint recommendation” to the European Commission for fishery management measures. Under this procedure, any conservation measures established in the Dogger Bank must still be fully consistent with the Habitats Directive.

The proposal that has so far emerged from this procedure would protect only 5% of the Dogger Bank sites from fishing with bottom-contacting gear and only for a limited time. In response, we have produced this detailed report, peer reviewed by legal and scientific experts, which shows that such measures clearly contravene the Habitats Directive. Our report also sets out what needs to be done to meet binding legal obligations.

The path forward is clear: the law requires that appropriate fishery management measures be brought into the Dogger Bank as soon as possible.

- For the Netherlands, Germany and the UK, this means urgently assessing the impacts of fishing on the Dogger Bank, in line with the guidance provided in our report, and submitting a new joint recommendation under the CFP procedure.
 - For the European Commission, this means fulfilling its duty as the ‘Guardian of the Treaties’ by launching legal action against the Member States for serious and persistent breaches of Union law. Furthermore, should the Member States neglect to propose adequate management measures, the Commission must exercise its powers under the CFP to propose its own measures, in line with the commitments made under the EU Biodiversity Strategy.
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