



## **Recommendations for a Council Regulation fixing for 2011 and 2012 the fishing opportunities for EU fishing vessels for certain deep-sea fish stocks (COM(2010)545 final)**

**November 2010**

Fisheries Ministers have a major opportunity to take decisive action at the 29-30 November meeting of Council to bring the management of deep-sea fisheries in the Northeast Atlantic into line with EU and international commitments. To do so, Council must agree to substantial reductions in the quotas for deep-sea species, including the phase out of deep-sea fisheries where sustainability cannot be ensured. The Council decision on TACs and Quotas for deep-sea species will represent a test case for the commitment of EU Member States to sustainability, the conservation and protection of biodiversity in the deep-sea, effective reform of the Common Fisheries Policy, and the implementation of UN General Assembly resolutions and international law, in particular the UN Fish Stocks Agreement. The UN General Assembly in 2011 will review the actions taken by the EU, including the decision by Council in November 2010, and other States in response to a series of resolutions adopted by the General Assembly committing all high seas fishing nations to ensure the long-term sustainability of deep-sea fisheries on the high seas and the protection of vulnerable marine ecosystems in the deep-sea.

### **Proposal from the Commission**

The Commission proposal for 2011 and 2012 fishing opportunities for EU vessels for certain deep-sea fish stocks (COM(2010) 545 Final) was released on 6 October 2010.<sup>1</sup> The undersigned NGOs welcome the proposal for no directed orange roughy fisheries (TACs set at zero), which was also the case in 2010. We further welcome the proposal to set Total Allowable Catches (TACs) at zero for deep-sea sharks without bycatch allowance given their high vulnerability to depletion and the inclusion of four additional shark species (frilled shark, Six-gilled shark, Sailfin roughshark (Sharpback shark), and Knifetooth dogfish) in the regulation. However, we would note that it is important to prevent the catch of deep-sea sharks, in particular endangered species of sharks. At least three species in the Northeast Atlantic, the leafscale gulper shark, the gulper shark, and the Portuguese spiny dogfish, which are caught in deep-sea bottom fisheries, are listed as Endangered or

---

<sup>1</sup> Proposal for a Council Regulation fixing for 2011 and 2012 the fishing opportunities for EU fishing vessels for certain deep-sea fish stocks (COM(2010) 545 final). 6 October 2010

Critically Endangered by IUCN.<sup>2</sup> Eliminating the quotas for sharks provides an important disincentive to vessels fishing in areas where the catch of sharks may be high but will not altogether prevent the catch of deep-sea sharks in the mixed species fisheries, in particular the bottom trawl fisheries. More stringent action is required.

For or all other deep-sea stocks, NGOs **find the Commission proposal to be highly inconsistent with the best available scientific information on the status of deep-sea species, and the analysis, advice and recommendations provided by ICES and STECF, as well as the commitments made by the EU to implement UN General Assembly resolutions 61/105 and 64/72 and the UN FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas.** The Commission's proposals to either maintain Total Allowable Catch (TAC) at current levels or limit the reduction of TACs by a maximum of 15% of the previous year do not go far enough. The regulation of deep-sea fisheries needs to be more cautious when information is uncertain, unreliable or inadequate (Article 6.2 of the 1995 UN Fish Stocks Agreement), and, **as stated in the Commission proposal, "there are insufficient data to demonstrate the sustainability of the fisheries"**. Full compliance with the precautionary approach would require the setting of much lower TACs than proposed by the Commission or even the closure of deep-sea fisheries, at least temporarily, until sufficient information is available to allow for the regulation of these fisheries for long-term sustainability.

### **Recommendations to Ministers**

To ensure the long-term sustainability of deep-sea fish stocks, the undersigned NGOs urge Fisheries Ministers at the November meeting of Council to take the following action in setting TACs for deep-sea species in the Northeast Atlantic for 2011 and 2012:

- TACs for all deep-sea species should be phased out (i.e. TACs set at zero) until reliable stock assessments have been conducted to determine the long-term sustainability of the stocks and the catch of these species can be regulated consistent with EU commitments.
- TACs should be set at zero for all deep-sea sharks, including the four additional species for which catch limits have not previously been established, as proposed by the Commission.
- Bycatch allowance should be set at zero for deep-sea sharks, as proposed by the Commission.
- TACs should be set at zero for the remaining deep-sea species listed in EC Council Regulation 2347/2002<sup>3</sup> for which catch limits have not been established in this proposal, until reliable stock assessments have been conducted to determine the long-term sustainability of the stocks and the catch of these species can be regulated consistent with EU commitments to the UN General Assembly through resolution 64/72 in regards to the management of deep-sea fisheries.
- To the extent that subsidies have been provided to this sector of the EU fleet, they should be redirected to a reduction of capacity and phase-out of unsustainable deep-sea fishing.

### **The difficulty of managing deep-sea fisheries**

<sup>2</sup> Gibson, C., Valenti, S.V., Fordham, S.V. and Fowler, S.L.. 2008. The Conservation of Northeast Atlantic Chondrichthyans: Report of the IUCN Shark Specialist Group Northeast Atlantic Red List Workshop. IUCN Species Survival Commission Shark Specialist Group. Newbury, UK. viii + 76pp.

<sup>3</sup> Council Regulation (EC) No 2347/2002 of 16 December 2002 establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks. OJ L 351/6, 28.12.2002

There are numerous problems with the management of deep-sea fisheries, including the sustainability of deep-sea fish stocks (both target and bycatch species) and the ecosystem impacts of deep-sea fisheries in the Northeast Atlantic. While the issue of managing these fisheries to prevent significant adverse impacts to vulnerable marine ecosystems will need to be dealt with in the review of the access regime for fishing for deep-sea fish stocks in 2011, the issue of the sustainability of deep-sea fish stocks is central to deciding on TACs and quotas this year. In this regard, amongst the most significant issues in relation to the Council decision in November 2010 to set TACs and quotas for deep-sea species are the following:

1. **Unlike many shallow water species, there is insufficient scientific information to determine sustainable levels of catch.** There is a serious lack of scientific information on the stock structure, stock size, age structure of the stocks, recruitment, the status of the stocks, population size and the range or distribution of the stocks of deep-sea species in the Northeast Atlantic managed under EU regulations.<sup>4</sup> This lack of information is a major impediment to managing these fisheries sustainably.<sup>5</sup>
2. **All catch of deep-sea species is Outside Safe Biological Limits.** In spite of the lack of scientific information, ICES estimates that 100% of the catch of all deep-sea fish stocks is outside safe biological limits, compared to an estimated 20% of the catch of overall stocks managed by the EU.<sup>6</sup>
3. **There are no catch limits for most of the 22 deep-sea species on Annex II of Council Regulation (EC) No 2347/2002,** in spite of the fact that many of these species are reported caught in large quantities in mixed species deep-sea fisheries.<sup>7</sup> The catch of these species is essentially unregulated. Moreover, some seventy species altogether are reportedly taken in the deep-sea fisheries in the Northeast Atlantic.<sup>8</sup> The Commission proposal would set catch limits for only 24 species.
4. **Bycatch rates are high in the mixed species deep-sea trawl fisheries causing broad adverse impacts on whole communities of deep-sea species.** ICES sums up the concerns in this regard as follows: "At depths between about 400 and 1,500 m there may be between 40 and 50 demersal species present in [the catch] depending on gear type. Maximum species

---

<sup>4</sup> "Available information on deep-sea stocks does not allow scientists to fully assess the stock status, neither in terms of population size nor fishing mortality. There are several reasons for this, which hamper progress permanently: These species are often very long-lived and slow-growing, making it impossible to structure the stock into age classes and to assess the effect of fishing on the stock through changes in the length or age structure of catches. The frequency of recruitment of young fish to the stocks is not known. The stocks are widely distributed in depths that are difficult to examine for practical reasons. Data from scientific surveys are often not available due to the reduced commercial importance of these stocks, or do not cover the whole distribution area. Fishing activities are only partly focusing on these species and some have a relatively short history." From: Proposal for a Council Regulation fixing for 2011 and 2012 the fishing opportunities for EU fishing vessels for certain deep-sea fish stocks (COM(2010) 545 final). 6 October 2010

<sup>5</sup> *Assessments and advice for deep-water fisheries*. ICES Advice 2010, Book 9: 9.3.1.2 ECOREGION: Widely distributed and migratory stocks. June 2010

<sup>6</sup> Indicator: status of fish stocks managed by the Community in the North-East Atlantic. ICES Advice 2008, Book 1: 1.5.1.1.

<sup>7</sup> Consultation and reflection document: Review of Council Regulation (EC No 2347/2002) establishing specific access requirements and associated conditions applicable to fishing for deep-sea stocks. DG MARE/C2 December 2009. Annexes III-IV. See also EU reported catch of deep-sea species to the North-East Atlantic Fisheries Commission (NEAFC) between 2004-2008 at [www.neafc.org/catch](http://www.neafc.org/catch)

<sup>8</sup> Bensch A, Gianni M, Greboval D, Sanders J, Hjort A (2008) Worldwide review of bottom fisheries in the high seas. FAO Fisheries and Aquaculture Technical paper. No 522, FAO (Food and Agriculture Organization of the United Nations), Rome

diversity occurs between 1,000–1,500m before declining markedly with depth. Deep water species are typically slow growing, long lived, late maturing and have low fecundity. Fishing has a greater effect on species with such life history traits (Jennings *et al.*, 1998; Jennings *et al.*, 1999), making them particularly vulnerable to overexploitation. This applies to both the target and non-target species. A large proportion of deep-water trawl catches (upwards of 50%) can consist of unpalatable species and numerous small species, including juveniles of the target species, which are usually discarded (Allain *et al.*, 2003). The main species in the discards of the trawl fishery is by far the ~~Barramouthhead~~ *Barramouthhead* (*Alepocephalus bairdii*), however, a large number of other non marketable benthopelagic species are discarded. The survival of these discards is unknown, but believed to be virtually zero due to fragility of these species and the effects of pressure changes during retrieval (Gordon, 2001). Therefore such fisheries tend to deplete the whole fish community biomass.”<sup>9</sup> This was reinforced by a study published in 2009 which concluded that deep-sea fisheries in the Northeast Atlantic off the coast of Ireland have substantially depleted communities of deep-sea fish stocks and populations, including species of no commercial value, as deep as 2,500 metres - well below the lowest depths of approximately 1,600 metres at which bottom fishing actually occurs.<sup>10</sup>

### **Grounds for Recommendations**

The European Union has committed to protect deep-sea stocks from overfishing and minimise adverse impacts on deep-sea ecosystems based on the best scientific information available and the precautionary approach. Similarly, as indicated in the Commission proposal, fishing opportunities for Community vessels should be set in accordance with international agreements, *inter alia* the 1995 United Nations Fish Stocks Agreement and the measures agreed in the 2009 UN General Assembly resolution 64/72 (in particular paragraphs 119 and 120 of the resolution) and the UN FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas (see Appendix). These measures, which establish a detailed set of international actions for deep-sea fisheries management, are applicable to deep-sea stocks which straddle EU waters and the high seas. Conservation and management measures that are not based on the best scientific advice available and the precautionary approach are inconsistent with international commitments and law.

With the exception of deep-sea sharks and orange roughy, the Commission proposes TACs for 18 zones. Of these, insubstantial reductions in TACs are proposed for eight zones and unchanged TACs for seven zones compared with 2010 levels<sup>11</sup>, in spite of clear scientific evidence from ICES that deep-sea stocks are outside safe biological limits and further threatened by discarding, misreporting and non-reporting by EU fishing fleets.<sup>12</sup> In our view, the Commission’s principle of “gradual adjustment and limitation of annual changes in fishery possibilities” and the fact that “no changes are proposed that would show an annual increase or decrease of fishing opportunities of more than

<sup>9</sup> From: *Report of the Working Group on the Biology and Assessment of Deep-Sea Fisheries Resources (WGDEEP)*. 3–10 March 2008. Copenhagen, ICES Headquarters. ICES CM 2008/ACOM:14. 531 pp. Pages 70-71.

<sup>10</sup> Bailey, DM et al. (2009) Long-term changes in deep-water fish populations in the northeast Atlantic: a deeper reaching effect of fisheries? *Proceedings of the Royal Society B*, published online 11 March 2009

<sup>11</sup> Rearrangement of TAC zones for roundnose grenadier and blue ling means direct comparisons of TACs with the previous year are not possible for three of 18 zones.

<sup>12</sup> NEAFC request to evaluate the use and quality of VMS data and records of catch and effort for providing information on the spatial and temporal extent of current deepwater fisheries in the NE Atlantic. ICES Advice 2009, Book 9: 9.3.2.2

15% vis-à-vis the status quo situation of 2010”, is simply business as usual, plus or minus 15%, and will not ensure the long-term sustainability of target and bycatch deep-sea species as called for in paragraph 119(d) of UN General Assembly resolution 64/72.

Of further concern is that proposed TAC levels do not consider other TACs assigned to stocks caught in the same mixed fishery, including highly vulnerable groups such as deep-water sharks, nor the impacts on unregulated deep-sea species.

In contradiction to the Commission’s recommendations on TACs, the Commission proposal reinforces ICES’ conclusions by stating that scientists are unable to assess the status of the stocks and that for all of the stocks covered by the proposal “there are insufficient data to demonstrate the sustainability of the fisheries”. The Commission proposal also recognises that deep-sea fisheries are mixed species fisheries, that bycatch of vulnerable and unregulated deep-sea species will occur and vulnerable deep-sea marine habitats will be impacted by continued deep-sea bottom fishing.

On the issue of bycatch, the Commission merely calls for voluntary measures by EU Member States: “The Commission is aware of the problem of by-catches in mixed fisheries and encourages Member States and fishing undertakings to develop fishing practices that reduce by-catches.” Regarding discards and the protection of vulnerable deep-sea ecosystems such as cold-water corals, the Commission offers the opinion that the management of deep-sea fisheries in the Northeast Atlantic “might thus focus in the future on keeping the fisheries stable, where possible, and develop technical measures and encourage fishing strategies that mitigate negative effects on vulnerable marine ecosystems and reduce discards.”<sup>13</sup>

On a more positive note, the Commission proposes to set TACs for deep-sea sharks without bycatch allowance and includes an additional four species in the regulation. However, as indicated previously, this may be of limited value in preventing the catch of deep-sea sharks in the mixed species fisheries.

### **The Science behind the Commission Proposal: Case studies of select deep-sea species and stocks**

The biennial mechanism for disseminating scientific advice on fishing opportunities for deep-water species in the Northeast Atlantic begins with the International Council for the Exploration of the Sea (ICES), which collates and examines fisheries and biological data for stock assessment purposes. The Scientific, Technical, and Economic Committee for Fisheries (STECF) reviews the scientific advice of ICES and reports to the Commission on the biological and technical situation of fishery resources. The latest ICES advice was given in June 2010, which was reviewed by STECF in July 2010. Once released, the Commission formulates a proposal for a Council regulation to fix fishing opportunities based on the advice. The Commission proposal for 2011 and 2012 fishing opportunities for EU vessels for certain deep-sea fish stocks (COM(2010) 545 Final) was released on 6 October 2010.

Examples of deep-sea stocks regulated by TACs are presented below. These examples highlight the many scientific uncertainties in regards to the status of the stocks and the impact of fisheries for these stocks on other species and deep-sea ecosystems. They also demonstrate the scientific basis

---

<sup>13</sup> Proposal for a Council Regulation fixing for 2011 and 2012 the fishing opportunities for EU fishing vessels for certain deep-sea fish stocks (COM(2010) 545 final). 6 October 2010

for the application of the precautionary approach. In addition, they allow for comparison between scientific advice and proposed TACs and provide a clear rationale for why the limited reductions in the Commission proposal are not sufficient to ensure sustainable catches nor to bring the management of these fisheries in line with international agreements and legal obligations.

Following the examples is a summary table covering all proposed TAC zones. This table compares the Commission proposal with current TACs and scientific advice.

### Example 1

|                               |   |
|-------------------------------|---|
| <b>Species</b>                | Black scabbardfish ( <i>Aphanopus carbo</i> )   |
| <b>TAC zone</b>               | V,VI, VII & XII (North-western waters, Mid-Atlantic)  |
| <b>Scientific Advice Area</b> | Vb, VI, VII, XIIb (Northern areas)  |
| <b>Scientific Advice</b>      | <p>ICES<sup>14</sup> Catches in 2011 should be <b>less than 2,000 t</b>.</p> <ul style="list-style-type: none"> <li>• It is not known if this catch level [over the last 10 years] is sustainable in the long term</li> <li>• The current abundance of the <b>stock is around 20% of the initial levels</b> (start of the fishery)</li> <li>• Black scabbardfish is mainly taken in mixed trawl fisheries along with <b>roundnose grenadier and sharks</b></li> <li>• Due to the mixed nature of the trawl fisheries <b>any measure taken to manage this species in these areas should take into account the advice given for other species taken in the same mixed fishery</b></li> <li>• Deep-water trawls impact ocean floor, which includes potential <b>damage to deep-water coral communities</b></li> <li>• <b>No reliable assessment can be presented for this assessment unit and fishing possibilities cannot be projected</b></li> </ul> <p>STECF<sup>15</sup> STECF agrees with the ICES assessment of the state of the stock and the advice. In order to reverse the observed decline in the stock of black scabbard in Vb, VI, VII and XIIb, <b>a significant reduction in fishing mortality is required</b>. STECF advises that if fully enforced, the measures advised by ICES <i>may</i> achieve such a reduction.</p> |
| <b>Commission proposal</b>    | <p>TAC<sub>2010</sub>            2,547 tonnes</p> <p>TAC<sub>2011</sub>            2,165 tonnes</p> <p>TAC<sub>2012</sub>            2,000 tonnes</p>   |
| <b>NGO position</b>           | The fishery should be managed in an ecosystem context and consider impacts on other species in the mixed fishery as well as the poor state of the stock. Thus, NGOs recommend that the fishery be phased out, until such time the requirements under the UNGA resolution 64/72 and the commitment of the EU to implement these requirements have been met.  |

<sup>14</sup> ICES Advice 2010, Book 9

(<http://www.ices.dk/committe/acom/comwork/report/2010/2010/Black%20scabbardfish%20Subareas%20VI%20VII%20and%20Divisions%20Vb%20XIIb.pdf>).

<sup>15</sup> Scientific, Technical and Economic Committee for Fisheries (STECF), Review of the Scientific Advice for 2011, Part 2. JRC Scientific and Technical Reports, Pg 180-181.

## Example 2

|                               |  |
|-------------------------------|--|
| <b>Species</b>                | Roundnose grenadier ( <i>Coryphaenoides rupestris</i> )  |
| <b>TAC zone</b>               | Vb, VI, VII, XIIb (North-western waters)   |
| <b>Scientific Advice Area</b> | Vb, VI, VII, XIIb (North-western waters)   |
| <b>Scientific Advice</b>      | <p>ICES<sup>16</sup> <b>Catches should be less than 6,000 t</b> and a further reduction in catches from recent levels should be considered in order to be consistent with MSY</p> <ul style="list-style-type: none"> <li>• Roundnose grenadier shows low productivity, which <b>can only sustain low rates of exploitation</b>.</li> <li>• Roundnose grenadier is caught in a <b>mixed fishery catching also deep-water sharks, black scabbardfish and blue ling</b>.</li> <li>• <b>Discards account for about 30% of catch in weight and 50% in number</b> for the French fleets</li> <li>• As this fishery is part of mixed fisheries, any effort on roundnose grenadier also <b>impacts other commercial and non-commercial deep-water species</b></li> <li>• Deep-water trawls have an impact on the ocean floor which includes potential <b>damage to deep-water coral communities</b></li> <li>• <b>No reliable assessment can be presented for this assessment unit and fishing possibilities cannot be projected</b></li> </ul> <p>STECF<sup>17</sup> STECF recommends that in order to reverse the observed decline in the stock <b>a significant reduction in fishing mortality is required</b>. STECF notes the dramatic decline in the landings of roundnose grenadier from this area from a level of 50,000 t in 2001 to between 8,000 and 9,000 t in 2008 and 2009. To ensure a significant reduction in fishing mortality, <b>STECF reiterates its previous advice that it may be necessary to ensure that catches are lower than the TAC advised by ICES</b>. Given that roundnose grenadier is taken in a mixed deep-water fishery, there is a need to harmonise management measures to account for the management requirements of other species taken.</p> |
| <b>Commission proposal</b>    | <p>TAC<sub>2010</sub> TAC zones do not correspond due to proposed zone changes for 2011</p> <p>TAC<sub>2011</sub> 6,951 tonnes</p> <p>TAC<sub>2012</sub> 6,000 tonnes</p>  |
| <b>NGO position</b>           | The fishery should be managed in an ecosystem context and consider impacts on other species in the mixed fishery as well as the poor state of the stock. Thus, NGOs recommend that the fishery be phased out until such time the requirements under the UNGA resolution 64/72 and the commitment of the EU to implement these requirements have been met.  |

<sup>16</sup> ICES Advice 2010, Book 9

(<http://www.ices.dk/committe/acom/comwork/report/2010/2010/Roundnose%20grenadier%20in%20Subareas%20VI%20and%20VII%20and%20Divisions%20Vb%20and%20XIIb.pdf>)

<sup>17</sup> Scientific, Technical and Economic Committee for Fisheries (STECF), Review of the Scientific Advice for 2011, Part 2. JRC Scientific and Technical Reports, Pg 187-188.

### Example 3

|                               |   |
|-------------------------------|---|
| <b>Species</b>                | Blue ling ( <i>Molva dypterygia</i> )   |
| <b>TAC zone</b>               | II, IV (North Sea and beyond)   |
| <b>Scientific Advice Area</b> | I, II, IIIa, IV, X, Va, XIV   |
| <b>Scientific Advice</b>      | <p>ICES<sup>18</sup> <b>No directed fisheries for blue ling</b><br/> <i>NB Although the TAC zone and assessment area does not correspond, the same advice is given for all blue ling stocks for all areas: No directed fisheries for blue ling</i></p> <ul style="list-style-type: none"> <li>• Measures should be implemented to <b>minimize the bycatch</b></li> <li>• Closed areas to protect spawning aggregations should be maintained and expanded where appropriate</li> <li>• <b>Blue ling form a bycatch component of fisheries targeting other species</b>, and the effect of these fisheries on the ecosystem should be seen in the context of the other fisheries in these areas</li> <li>• As this fishery is part of mixed fisheries, any effort on blue ling also <b>impacts other commercial and non commercial deepwater species</b></li> <li>• Deep-water trawls have an impact on the ocean floor which includes potential <b>damage to deep-water coral communities</b></li> <li>• Blue ling is particularly <b>vulnerable</b> to exploitation because fisheries can target <b>spawning aggregations</b></li> <li>• <b>No reliable assessment can be presented for this assessment unit and fishing possibilities cannot be projected</b></li> </ul> <p>STECF<sup>19</sup> STECF agrees with the ICES assessment that the state of the stock is unknown, and the ICES advice that there should be <b>no directed fisheries for blue ling</b>; that management measures should be implemented to minimize bycatch in mixed fisheries; that closed areas to protect spawning aggregations should be maintained and expanded where appropriate; and that a reduction in catches should be considered until such time there is sufficient scientific information to prove the fishery is sustainable.</p> |
| <b>Commission proposal</b>    | <p>TAC<sub>2010</sub> TAC zones do not correspond due to proposed zone changes for 2011</p> <p>TAC<sub>2011</sub> 56 tonnes</p> <p>TAC<sub>2012</sub> 56 tonnes</p>   |
| <b>NGO position</b>           | NGOs recommend, in line with scientific advice, that there should be no directed fishery until such time the fishery can be shown to be sustainable, and the requirements under the UNGA resolution 64/72 and the commitment of the EU to implement these requirements have been met.   |

<sup>18</sup> ICES Advice 2010, Book 9

(<http://www.ices.dk/committe/acom/comwork/report/2010/2010/Blue%20ling%20in%20Divisions%20IIIa%20and%20Iva%20and%20Subareas%20I%20II%20VII%20IX%20and%20XI.pdf>)

<sup>19</sup> Scientific, Technical and Economic Committee for Fisheries (STECF), Review of the Scientific Advice for 2011, Part 2. JRC Scientific and Technical Reports, Pg 173



#### Example 4

|                               |   |
|-------------------------------|---|
| <b>Species</b>                | Red (=blackspot) seabream ( <i>Pagellus bogaraveo</i> )   |
| <b>TAC zone</b>               | X (Azores region)   |
| <b>Scientific Advice Area</b> | X (Azores region)   |
| <b>Scientific Advice</b>      | <p>ICES<sup>20</sup> <b>Less than 1,050 t</b> and a reduction in catches should be considered in order to be consistent with the MSY.</p> <ul style="list-style-type: none"> <li>• Red seabream have a <b>low productivity</b></li> <li>• More detailed information of the spatial and temporal distribution of catches is required so that areas which may show evidence of sequential depletion can be better managed</li> <li>• In subarea X, multi-species and multi-gear <b>fisheries are operating in an area regarded as vulnerable</b></li> <li>• <b>No reliable assessment can be presented for this stock and fishing possibilities cannot be projected</b></li> </ul> <p>STECF<sup>21</sup> STECF agrees with the ICES assessment that the state of these stocks is unknown. STECF notes that there is no information on the appropriate catch levels consistent with MSY.</p> |
| <b>Commission proposal</b>    | <p>TAC<sub>2010</sub> 1,136 tonnes</p> <p>TAC<sub>2011</sub> 1,136 tonnes</p> <p>TAC<sub>2012</sub> 1,136 tonnes</p>  |
| <b>NGO position</b>           | NGOs recommend, in line with the precautionary approach, that the fishery be phased out until such time there is sufficient scientific information to prove the fishery is sustainable and the requirements under the UNGA resolution 64/72, and the commitment of the EU to implement these requirements, have been met.   |

<sup>20</sup> ICES Advice 2010, Book 9

([http://www.ices.dk/committe/acom/comwork/report/2010/2010/Red%20\(=blackspot\)%20seabream%20in%20Subarea%20X.pdf](http://www.ices.dk/committe/acom/comwork/report/2010/2010/Red%20(=blackspot)%20seabream%20in%20Subarea%20X.pdf)).

<sup>21</sup> Scientific, Technical and Economic Committee for Fisheries (STECF), Review of the Scientific Advice for 2011, Part 2. JRC Scientific and Technical Reports, Pg 189-190.

**Comparison of current TACs and Commission's proposal COM(2010)545 final – fishing opportunities for deep sea stocks in the EU**

(Shaded rows are for unchanged TACs)

| Species                   | TAC/mgt areas   | TAC 2009 | TAC 2010 | Proposed TAC 2011 | Proposed TAC 2012 | ICES advice   | Notes  |
|---------------------------|---|----------|----------|-------------------|-------------------|---|--|
| <b>Deep-sea sharks</b>    | All areas combined                                      | 859      | 0        | 0                 | 0                 | For ALL areas: zero TAC for Portuguese dogfish, leafscale gulper shark and kitefin shark. | <ul style="list-style-type: none"> <li>No by-catch allowance (landing);</li> <li>Added 4 species of DS shark, Annex I of 2347/2002 is complete</li> </ul>  |
| <b>Black scabbardfish</b> | I, II, III & IV (North sea and beyond)                  | 12       | 12       | 12                | 9                 |   | <ul style="list-style-type: none"> <li>TAC and assessment areas do not correspond.</li> </ul>  |
|                           | <b>V, VI, VII &amp; XII</b> ( N.W. water, Mid-Atlantic) | 2,738    | 2,547    | 2,165             | 2,000             | For <b>Vb</b> , VI, VII & <b>XIib</b> : Less than 2,000t (for 2011)                       | <ul style="list-style-type: none"> <li>TAC and assessment areas do not correspond directly. (But 2009 catch in Va was only 15t.)</li> <li>EC only proposes a TAC of 2,000t in 2012, while ICES advise less than 2,000t in 2011.</li> <li>15% reduction from 2010 to 2011, but then only 8% reduction from 2011 to 2012.</li> </ul> |
|                           | VIII, IX, <b>X</b> (Iberian pen., Azores)               | 3,600    | 3,348    | 3,348             | 3,348             | For VIII & IX: less than 2,800t   | <ul style="list-style-type: none"> <li>TAC and assessment areas do not correspond.</li> <li>Area X had an averaged landing (2007-2009) of only 79t; a TAC of 3,348t is clearly above ICES advice.</li> </ul>   |
|                           | Int't water of CECAF (Madeira)                          | 4,285    | 4,285    | 3,643             | 3,643             |   | <ul style="list-style-type: none"> <li>15% reduction from 2010 to 2011 only</li> </ul>   |

| Species                    | TAC/mgt areas  | TAC 2009 | TAC 2010 | Proposed TAC 2011 | Proposed TAC 2012 | ICES advice   | Notes   |
|----------------------------|--|----------|----------|-------------------|-------------------|---|---|
| <b>Alfonsinos</b>          | III, IV, V, VI, VII, VIII, IX, X, XII, & XIV                       | 328      | 328      | 309               | 309               | For ALL areas:<br>"Fisheries should not be allowed to expand, and in the light of the vulnerability of deep sea species <b>a reduction in catches should be considered</b> until such time there is sufficient scientific information to prove the fishery is sustainable." | <ul style="list-style-type: none"> <li>• 6% reduction from 2010 to 2011 TAC only.</li> </ul>  |
| <b>Roundnose grenadier</b> | I, II & IV (North sea and beyond)                                  |          |          | 15                | 13                |   | <ul style="list-style-type: none"> <li>• Change of TAC areas.</li> <li>• TAC and assessment areas do not correspond</li> </ul>  |
|                            | III (Skagerrak and Kattegat)                                       | 850      | 850      | 850               | 850               | For IIIa: constrain to 1,000t   |   |
|                            | Vb, VI, VII, XIIb (N.W. waters)                                    |          |          | 6,951             | 6,000             | "Catches should be <b>less than 6000t</b> and a <b>further reduction</b> in catches from recent levels should be considered in order to be consistent with MSY"   | <ul style="list-style-type: none"> <li>• Change of TAC areas to align with assessment areas.</li> <li>• In order to follow scientific advice, TACs should be set at 6,000t in 2011 and further reduced for 2012.</li> </ul> |
|                            | VIII, IX, X, XIIa, XIIc & XIV (Iberian pen., Azores, Mid-Atlantic) |          |          | 293               | 253               |   | <ul style="list-style-type: none"> <li>• Change of TAC areas.</li> <li>• TAC and assessment areas do not correspond.</li> <li>• 15% reduction for 2012.</li> </ul>  |

| Species       | TAC/mgt areas                     | TAC 2009 | TAC 2010 | Proposed TAC 2011 | Proposed TAC 2012 | ICES advice   | Notes   |
|---------------|-----------------------------------|----------|----------|-------------------|-------------------|---|---|
| Orange roughy | All areas combined                | 97       | 0        | 0                 | 0                 |   |   |
| Blue ling     | II & IV<br>(North sea & beyond)   |          |          | 56                | 56                | ICES advised no direct fisheries for all areas.   | <ul style="list-style-type: none"> <li>TAC and assessment areas do not correspond.</li> <li>'By-catch only' quota for all 'other MS', while DK, DE, IR, FR, UK direct fisheries are permitted.</li> </ul>   |
|               | III<br>(Skagerrak and Kattegat)   | 13       | 11       | 10                | 8                 |   | <ul style="list-style-type: none"> <li>Only a 10% reduction from 2010 to 2011.</li> </ul>   |
| Red seabream  | VI, VII, VIII<br>(Western waters) | 253      | 215      | 215               | 215               | "The fishery should not be allowed to expand <b>and a reduction in catches should be considered</b> in order to be consistent with the MSY" | <ul style="list-style-type: none"> <li>'By-catch only' quota for all 'other MS' while IR, ES, FR, UK direct fisheries are permitted.</li> <li>STECF advised 183t (15% reduction from previous year average). "STECF notes that there is no information on the appropriate catch levels consistent with MSY and that the rules for the category imply a TAC in 2011 of 183t."</li> </ul> |
|               | IX<br>(Portuguese waters)         | 918      | 780      | 780               | 780               | "ICES advises that catches in 2011 should be less than 500t which is a reduction from 2008–2009 landings."                                  | <ul style="list-style-type: none"> <li>ICES advised less than 500t, while the proposal is for unchanged TAC.</li> <li>This is due to the Annex IV Rule 4 in COM(2010)241.</li> </ul>  |
|               | X<br>(Azores)                     | 1,136    | 1,136    | 1,136             | 1,136             | " <b>Less than 1,050t</b> and a reduction in catches should be considered in order to be consistent with the MSY"                           | <ul style="list-style-type: none"> <li>ICES advised less than 1,050t, while the proposal is unchanged.</li> <li>This is due to the Annex IV Rule 4 in COM(2010)241.</li> </ul>  |

| Species           | TAC/mgt areas                           | TAC 2009 | TAC 2010 | Proposed TAC 2011 | Proposed TAC 2012 | ICES advice   | Notes   |
|-------------------|---|----------|----------|-------------------|-------------------|---|---|
| <b>Forkbeards</b> | I, II, III & IV<br>(North sea & beyond) | 31       | 31       | 27                | 23                | For all areas: "Fishery should not be allowed to expand, and a <b>reduction in catches should be considered</b> , in light of survey data indicating a recent decline." | <ul style="list-style-type: none"> <li>• 13% reduction only from 2010 to 2011</li> </ul>  |
|                   | V, VI, VII<br>(N.W. waters)             | 2,028    | 2,028    | 2,028             | 2,028             |   | Commission proposed reductions only for less important areas; for the key fishing grounds, the TACs are kept unchanged even though ICES recommends a reduction. |
|                   | VIII, IX<br>(Iberian pen.)              | 267      | 267      | 267               | 267               |   |   |
|                   | X, XII<br>Azores, Mid-Atlantic          | 54       | 54       | 46                | 40                |   |   |

## Signed by

### **Birdlife International**

Euan Dunn  
Head of Marine Policy at the  
RSPB, BirdLife UK  
[euandunn@rspb.org.uk](mailto:euandunn@rspb.org.uk)

### **Bloom Association**

Claire Nouvian  
President  
[clairenouvian@bloomassociation.org](mailto:clairenouvian@bloomassociation.org)

### **Deep Sea Conservation Coalition**

Matthew Gianni  
Political and Policy Advisor  
[matthewgianni@netscape.net](mailto:matthewgianni@netscape.net)

### **Ecologistas en Acción**

Samuel Martín-Sosa Rodríguez  
International coordinator  
[internacional@ecologistasenaccion.org](mailto:internacional@ecologistasenaccion.org)

### **Fisheries Secretariat**

Niki Sporrong  
Director  
[niki.sporrong@fishsec.org](mailto:niki.sporrong@fishsec.org)

### **Greenpeace European Unit**

Saskia Richartz  
EU Oceans Policy Adviser  
[saskia.richartz@greenpeace.org](mailto:saskia.richartz@greenpeace.org)

### **Marine Conservation Society**

Dr. Peter Duncan  
Aquaculture & Fisheries  
Programme Manager  
[peter.duncan@mcsuk.org](mailto:peter.duncan@mcsuk.org)

### **North Sea Foundation**

Senior Fisheries Policy Officer  
Christien Absil  
[c.absil@noordzee.nl](mailto:c.absil@noordzee.nl)

### **Pew Environment Group**

Uta Bellion  
Director, European Marine  
Programme  
[ubellion@pewtrusts.org](mailto:ubellion@pewtrusts.org)

### **Seas at Risk**

Monica Verbeek  
Executive Director  
[mverbeek@seas-at-risk.org](mailto:mverbeek@seas-at-risk.org)

### **World Wide Fund for Nature (WWF)**

Louize Hill  
Marine Policy Officer  
[LHill@wwfscotland.org.uk](mailto:LHill@wwfscotland.org.uk)

## **APPENDIX: Select paragraphs from United Nations General Assembly resolution 64/72 and the UN FAO Guidelines for the Management of Deep-Sea Fisheries in the High Seas**

While the UNGA resolution focuses on fisheries on the high seas, a number of States, including the EU, have consistently argued that conservation measures agreed for deep-sea fisheries on the high seas should also apply to the fisheries on the same stocks within the EEZs – as required for straddling fish stocks under Articles 5 to 7 of the 1995 UN Fish Stocks Agreement. In a similar vein, the UN FAO Guidelines state, in paragraph 10, that “Coastal States may apply these Guidelines within their national jurisdiction, as appropriate.” The ICES has advised that most deep-water species in the Northeast Atlantic are straddling stocks occurring in both EU waters and on the high seas (the NEAFC Regulatory Area) and need to be managed accordingly.

### **UN General Assembly resolution 64/72**

119. Considers that, on the basis of the review carried out in accordance with paragraph 91 of its resolution 61/105, further actions in accordance with the **precautionary approach, ecosystem approaches and international law**, are needed to strengthen the implementation of paragraphs 80 and 83 to 87 of its resolution 61/105 and, in this regard, calls on regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries, States participating in negotiations to establish such organizations or arrangements, and flag States to take the following urgent actions in areas beyond national jurisdiction:

(a) Conduct the assessments called for in paragraph 83 (a) of its resolution 61/105, consistent with the Guidelines, and to **ensure that vessels do not engage in bottom fishing until such assessments have been carried out;**

(d) **Adopt conservation and management measures, including monitoring, control and surveillance measures, on the basis of stock assessments and the best available scientific information, to ensure the long-term sustainability of deep sea fish stocks and non-target species, and the rebuilding of depleted stocks, consistent with the Guidelines; and, where scientific information is uncertain, unreliable, or inadequate, ensure that conservation and management measures be established consistent with the precautionary approach, including measures to ensure that fishing effort, fishing capacity and catch limits, as appropriate, are at levels commensurate with the long-term sustainability of such stocks;**

120. Calls upon flag States, members of regional fisheries management organizations or arrangements with the competence to regulate bottom fisheries and States participating in negotiations to establish such organizations or arrangements to **adopt and implement measures in accordance with paragraphs 83, 85 and 86 of its resolution 61/105, paragraph 119 of the present resolution, and international law, and consistent with the Guidelines, and not to authorize bottom fishing activities until such measures have been adopted and implemented;**”

## UN FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas

### *Stock assessment*

40. Appropriate monitoring and assessment techniques are needed to reliably determine the **status of stocks of low-productivity species** which possess the characteristics described in paragraph 13 of these Guidelines. In light of data limitations regarding many deep-sea species, lower cost or innovative methods based on simpler forms of monitoring and assessment need to be developed. Such techniques should **quantify uncertainty in stock assessments**, including that resulting from such data limitations and simplified approaches.

### *Identifying vulnerable marine ecosystems and assessing significant adverse impacts*

47. Flag States and RFMO/As should conduct assessments to establish if deep-sea fishing activities are likely to produce significant adverse impacts in a given area. Such an impact assessment should address, *inter alia*:

- i. type(s) of fishing conducted or contemplated, including vessels and gear types, fishing areas, **target and potential bycatch species, fishing effort levels and duration of fishing (harvesting plan)**;
- ii. best available scientific and technical information on the **current state of fishery resources and baseline information on the ecosystems, habitats and communities in the fishing area, against which future changes are to be compared**;
- iii. identification, description and mapping of VMEs known or likely to occur in the fishing area;
- iv. data and methods used to identify, describe and assess the impacts of the activity, the identification of gaps in knowledge, and an evaluation of uncertainties in the information presented in the assessment;
- v. identification, description and evaluation of the occurrence, scale and duration of likely impacts, including cumulative impacts of activities covered by the assessment on VMEs and low productivity fishery resources in the fishing area;
- vi. **risk assessment of likely impacts by the fishing operations to determine which impacts are likely to be significant adverse impacts**, particularly impacts on VMEs and **low-productivity fishery resources**; and
- vii. the proposed mitigation and management measures to be used to prevent significant adverse impacts on VMEs and **ensure long-term conservation and sustainable utilization of low-productivity fishery resources**, and the measures to be used to monitor effects of the fishing operations.



*Management and conservation tools*

63. Until a functioning regulatory framework is developed to prevent significant adverse impacts on VMEs and to ensure the long-term sustainability of DSFs, conservation and management measures should include, at a minimum:

- i. **closing of areas to DSFs where VMEs are known or likely to occur**, based on the best available scientific and technical information;
- ii. **refraining from expanding the level or spatial extent of effort of vessels involved in DSFs**; and
- iii. **reducing the effort in specific fisheries, as necessary, to the nominal levels needed to provide information for assessing the fishery and obtaining relevant habitat and ecosystem information.**

65. Precautionary conservation and management measures, including catch and effort controls, are essential during the exploratory phase of a DSF, and should be a major component of the management of an established DSF. They should include measures to manage the impact of the fishery on low-productivity species, non-target species and sensitive habitat features. **Implementation of a precautionary approach to sustainable exploitation of DSFs should include the following measures:**

- i. **precautionary effort limits, particularly where reliable assessments of sustainable exploitation rates of target and main bycatch species are not available;**
- ii. **precautionary measures, including precautionary spatial catch limits where appropriate, to prevent serial depletion of low productivity stocks;**
- iii. regular review of appropriate indices of stock status and **revision downwards of the limits listed above when significant declines are detected;**
- iv. measures to prevent significant adverse impacts on vulnerable marine ecosystems; and
- v. comprehensive monitoring of all fishing effort, capture of all species and interactions with VMEs.