**Annex 1: On the Commission Proposal for a Council Regulation fixing for 2011 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Community waters and, for Community vessels, in waters where catch limitations are required**

At the upcoming meeting on 13-14 December, the Fisheries Council will agree on fishing possibilities for 2011 in Atlantic waters, based on the European Commission's proposal (COM(2010)658).

Due to the large number of stocks covered by this proposal, we only provide detailed recommendations on a few species which in our opinion require particular attention. Recommendations on a larger number of stocks, the status of which we consider problematic, are also summarised in a table in Annex 2.

DETAILED SPECIES RECOMMENDATIONS

## Cod (*Gadus morhua*)

The Spawning Stock Biomass (SSB) of several of the cod stocks covered by this proposal is below the precautionary level. Cod stocks in the Western waters (Irish Sea, West of Scotland and Kattegat) are below 5% of their virgin biomass and are considered "collapsed". For these stocks, ICES has recommended a total allowable catch (TAC) of zero for several years now. This year, the Commission is going beyond the agreed management plan, as it appears to be ineffective, and is proposing 50% cuts in TAC for these cod stocks.

Cod is targeted directly in fisheries using fixed gears, as well as by towed gears in mixed demersal fisheries. Immediate challenges are the high levels of bycatch of juveniles and discarding of cod in targeted trawl fisheries for cod. Large amounts of cod are also taken by vessels targeting other species such as haddock, whiting, plaice, sole and nephrops. When the annual quota for cod for these fisheries is exhausted, the discarding of cod is likely to increase. Merely reducing the TAC will therefore not sufficiently reduce cod mortality. Complimentary measures, such as mandatory use of the best available selective gears like the eliminator trawl and sorting grids, are urgently needed in order to achieve a greater consistency between catch and TAC. Other options such as real-time closures, closure of the mixed fisheries as soon as one of the TAC:s is reached and a discard ban should also be considered.

### *Division IIIa East (Kattegat)*

This stock has seen a fivefold reduction in SSB since the 1970s and has remained at a historical low since 2000, despite the existence of a long-term management plan since 2005[1]. According to the management plan, fishing mortality shall be reduced by 25% per year, as long as the stock is

[1]Council Regulation (EC) No 1342/2008, repealing Regulation (EC) No 423/2004.

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estimated to be below the minimum spawning stock biomass level[2]. The plan also stipulates that the Council shall apply stricter measures if the STECF advice shows that the cod stocks are not recovering properly (Article 10(2)) [3].

The current fishing mortality for this stock is unknown, as according to ICES it cannot be reliably estimated. ICES considers the SSB to be far below the limit for risk of depletion and classifies the stock as suffering from reduced reproductive capacity. ICES is also of the opinion that the measures in the management plan are insufficient to guarantee recovery, as unaccounted removals may be up to five times the TAC[4]. ICES is not providing any information regarding the cause of the unallocated removals. However, recent reports from Greenpeace and the Swedish coast guard suggest that considerable illegal fishing by Danish vessels is taking place in protected areas near the Swedish coast[5].

Instead, ICES insists that any level of fishing involves a risk that the stock will remain depleted and states that the catches should be zero in 2011. Moreover, tagging studies conducted in 2006 suggest that the Kattegat may function as a nursery area for North Sea cod, adding further reasons to drastically cut fishing mortality in this area[6]. The STECF agrees with the ICES assessment of the state of the stock and its advice for 2011[7].

The Commission states that there is enough information available to conclude that the provisions under article 10(2) shall apply, and is proposing a 50% cut in the TAC for 2011, corresponding to landings of 190 tonnes. The Commission is also of the opinion that this fishery should be phased out, and is therefore aiming to propose a zero TAC for 2012.

Cod in this area is mostly caught as bycatch in other fisheries, such as the Danish and Swedish nephrops fisheries. However, in some parts along the Swedish west coast, a selection grid is used which eliminates almost 100% of the bycatch of cod[8]. Considering the state of the Kattegat cod stock, we believe it should be mandatory to use the most selective fishing gear available in this area, ensuring little or no bycatch of cod.

*Considering all of the above, we urge you to set the TAC at zero for Kattegat cod (area IIIa East) in 2011. Also, unless other measures are agreed to reduce bycatch and discarding of cod in other fisheries, any fisheries in this area taking cod as bycatch should be closed. We urge you to advocate that use of selective gears in this area is made mandatory, such as grids in trawls targeting nephrops.*

## *Division VIIa (Irish Sea)*

According to ICES, this stock has seen a tenfold reduction in SSB since the 1980s. ICES has classified the stock as suffering from reduced reproductive capacity since the mid-1990s. The SSB is about four times lower than the estimated limit for risk of depletion. Since 2000, ICES

[2]Council Regulation (EC) No 1342/2008, article 7.
[3]Council Regulation (EC) No 1342/2008, article 10(2).
[4]ICES Advice 2010, book 6, pg 1 & 3.
[5]http://www.fishsec.org/article.asp?CategoryID=1&ContextID=661
[6]Svedäng, H., Righton, D., and P. Jonsson (2006). Return migrations of Atlantic cod (*Gadus morhua* L.) to the North Sea evidenced by archival tagging of cod off the eastern Skagerrak coast. ICES CM 2006/Q: 06.
[7]Scientific, Technical and Economic Committee for Fisheries (STECF) Review of Scientific Advice for 2011, Part 2, pg 32.
[8]Valentinsson, D. and M. Ulmestrand (2008). Species-selective *Nephrops* trawling: Swedish grid experiments. Fisheries Research. Volume 90, issues 1–3. Pg 109–117.

has advised that this fishery should be closed until a substantial improvement in SSB has been documented. The year class of 2009 is estimated by surveys to be the largest since 2001[9].

According to the management plan, fishing mortality shall be reduced by 25% per year as long as the stock is estimated to be below the minimum spawning stock biomass level[10]. The plan also stipulates that the Council shall apply stricter measures if STECF advice shows that the stocks are not recovering[11]. ICES found the plan to be inconsistent with the precautionary approach, when performing an evaluation in 2009[12].

ICES is of the opinion that there should be no targeted fishing on this stock and that bycatch of cod in other fisheries in this area should be reduced to the lowest possible level[13].

In its proposal, the Commission concludes that there is enough information available to conclude that the provisions under article 10(2) shall apply, and is proposing a 50% cut in the TAC for 2011, corresponding to landings of 337 tonnes. The Commission is also of the opinion that this fishery should be phased out and is aiming to propose a zero TAC for 2012.

*We urge you to set catches of Irish Sea cod (area VIIa) for 2011 to zero. Also, unless other measures are agreed to reduce bycatch and discarding of cod in other fisheries, any fisheries in this area taking cod as bycatch should be closed. We therefore ask you to advocate mandatory use of selective gears in this area, such as the eliminator trawl for fisheries targeting whitefish and sorting grids in trawls targeting nephrops.*

### *Subarea IV (North Sea), divisions VIId (Eastern English Channel), IIIa West (Skagerrak) and Community waters in area IIa (Norwegian Sea)*

The geographical area of the Commission proposal and the ICES advice do not match, as the Commission is not including Skagerrak in the North Sea management area (part of ICES advice for North Sea cod) but includes the EC part of the Northeast Arctic (area IIa, which is not included in the ICES advice). However, the long-term management plan adopted in 2008 corresponds with the ICES areas[14] and also includes Community waters in area IIa. The TAC for these areas are part of the EU agreement with Norway, so the Commission has not yet included a suggestion in its proposal.

According to ICES, recruitment in area IV (North Sea), VIId (Eastern Channel) and IIIa West (Skagerrak) is poor and has been so during the last 10 years. The SSB is increasing but is still below the limit for risk of depletion. Fishing mortality is estimated to be well above the long term objective of MSY and also most likely above the fishing mortality in line with the precautionary approach[15].

For these areas, ICES gives optional advice in line with the MSY approach, the precautionary approach and the management plan adopted in 2008.

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[9] ICES advice 2010, book 5, pg 1.
[10] Council Regulation (EC) No 1342/2008, article 7.
[11] Council Regulation (EC) No 1342/2008, article 10(2).
[12] ICES advice 20010, book 5, pg 1.
[13] ICES advice 2010, book 5, pg 3.
[14] Council Regulation (EC) No 1342/2008, article 8.
[15] ICES advice 2010, book 6, pg 8.

According to the ICES MSY transition scheme, which stipulates the gradual achievement of a fishing mortality in line with MSY by 2015[16], landings in 2011 should be between 5,700 and 40,900 tonnes.

According to the precautionary approach, aiming to reach a SSB above precautionary levels within one year, the TAC should be zero for 2011.

Large amounts of cod in this area are caught as bycatch in fisheries targeting nephrops and whitefish, leading to vast amounts of discards. It should therefore be mandatory to use selective fishing gear in this area that ensures little or no bycatch of cod, such as the Swedish grid[17] for nephrops fisheries or the eliminator trawl in the haddock and whiting fisheries[18].

ICES considers the management plan to be consistent with the precautionary approach[19]. The plan stipulates that a fishing mortality of 0.4 should be reached by continuously decreasing the fishing mortality[20]. In 2011, fishing mortality should be 55% of the fishing mortality in 2008, equivalent to a reduction of more than 20%. The plan limits annual TAC variations to 20% which corresponds with a total TAC of 32,400 tonnes for EU and Norway. This is consistent with the ICES MSY transition scheme.

*We ask you to ensure that the management plan is followed for this area corresponding to a TAC reduction of 20% for cod in the North Sea, Eastern English Channel, Skagerrak and Community waters of the Norwegian Sea. We also urge you to advocate the mandatory use of selective gears in this area, such as the eliminator trawl for fisheries targeting whitefish and sorting grids in trawls targeting nephrops.*

### *Division VIa (West Scotland) and Vb1 & 2 (Faroe Plateau and Faroe Bank)*

For this area, ICES provides separate advice for each of the three stocks, while the EU is managing this area as a single stock. The Commission is therefore proposing a single TAC. Cod in these areas is mostly caught as bycatch in other fisheries.

For **VIa (West Scotland)**, mortality is high. However, ICES has not been able to accurately separate fishing mortality from natural mortality. The SSB has increased from an all time low in recent years, but is still well below the limit for risk of depletion[21]. The 2008 year class is considered to be more abundant than the recent average, but still well below the historical average. It is important to protect this year class to ensure that it contributes to rebuilding the stock[22].

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[16]For an explanation of the ICES MSY transition scheme, see: http://www.fishsec.org/article.asp?CategoryID=1&ContextID=612

[17]Valentinsson D. and M. Ulmestrand (2008). Species-selective *Nephrops* trawling: Swedish grid experiments. Fisheries Research. Volume 90, issues 1–3. Pg 109–117.

[18]Info on trial use of the eliminator trawl can be viewed online at: http://www.cefas.co.uk/publications/files/Eliminator-trawl-trials.pdf

[19]ICES advice 2010, book 6, pg 8.

[20]Council Regulation (EC) No 1342/2008, article 8.

[21]ICES Advice 2010, book 5, pg 127.

[22]ICES Advice 2010, book 5, pg 129.

The management plan stipulates that the TAC shall be reduced by 25% each year as long as the stock remains below the minimum spawning stock biomass level[23]. ICES has not been able to evaluate if the plan is consistent with the precautionary approach and its advice is zero catch, according to both the MSY and the precautionary approach[24]. ICES also states that all sources of fishing mortality should be reduced in order for this stock to recover and reach a SSB above precautionary limits.

For **$Vb_1$ (Faroe Plateau),** ICES states that the stock is overfished and that the fishing mortality is higher than the target set in the management plan. The spawning stock biomass is increasing after reaching a historical low in 2007 and is now estimated to be above the level of risk of depletion but below the precautionary level. Fishing mortality is also above the precautionary level. The 2008 year class is estimated to be above average[25].

The management plan stipulates a reduction in fishing mortality of 0.45 for 2011, equivalent to a TAC of 20,000 tonnes. ICES considers the management plan to be inconsistent with the precautionary approach, as it sets a target for fishing mortality that is above the limit for precautionary exploitation[26].

ICES has not been able to give advice according to the MSY approach for this stock. ICES advises that the fishing mortality for this stock should be kept below the precautionary level, which translates into a 24% reduction of fishing mortality, equivalent to a TAC of 16,000 tonnes for the entire area (international waters outside of the EU included). The Commission proposal, on the other hand, is only concerning the part of the stock in EU waters; in the area east of 12 degrees W.

For **$Vb_2$ (Faroe Bank)**, ICES states that this stock has reached a very low level and advise that the fishery should be closed.

The Commission states that there is enough information available for the provisions under article 10(2) to apply for the areas VIa and Vb, and propose a 50% reduction in the TAC for 2011, corresponding to landings of 120 tonnes in total in all of the three areas. The Commission is also of the opinion that this fishery should be phased out and is therefore aiming to propose a zero TAC for 2012.

A zero TAC for these fisheries is likely to lead to high levels of discard as cod is mostly caught as bycatch in the nephrops fisheries. The TAC proposed by the Commission should therefore only be used in order to accommodate bycatch and together with a discard ban. It is also of outmost important that the most selective gears are used, allowing for cod to escape.

*Taking into account the poor state of these stocks we advise you to ensure that no directed fisheries for cod is allowed in areas VIa and Vb and that the TAC of 120 tonnes suggested by the Commission is used to cover the fishing mortality caused by the bycatch in other fisheries. We also ask you to advocate mandatory use of selective gears in this area, such as the eliminator trawl for fisheries targeting whitefish and sorting grids in trawls targeting nephrops.*

[23]Council Regulation (EC) No 1342/2008, article 7.
[24]ICES Advice 2010, book 5, pg 129.
[25]ICES Advice 2010, book 4, pg 1.
[26]ICES advice 2010, book 4, pg 2.

**Herring** ***(Clupea harengus)***

North Atlantic herring is mainly caught by pelagic trawlers and purse seiners in the North Sea and west of Scotland, with several stocks being managed under long-term management plans.

In the Celtic Sea, a management plan is being implemented by the Irish Celtic Sea Herring Management Advisory Committee. This year, positive trends were noted in the waters called South-east Ireland and the Sole Bank (VIIg, VIIh,j,k), where SSB is estimated to be at a historic high. The Irish Sea (VIIa) also shows positive trends, with SSB close to its highest level in the 17-year time series. The situation in the Western English Channel and Bristol Channel (VIIe and VIIf) is uncertain and a 15% reduction of the TAC is proposed.

A multi-annual management plan covers the fishing areas North-west Scotland, Faroes and Rockall (VIaN, Vb and VIb). A small decrease of 8% is proposed by the Commission due to uncertainties in the stock status and the need to maintain Spawning Stock Biomass above precautionary biomass. For the areas South-west Scotland, Porcupine Bank and South West Scotland (VIaS, VIIb and VIIc), the Commission is proposing a 50% TAC reduction in response to scientific advice stating that the SSB is low and likely to be close to the level for risk of collapse.

In the North Sea, a long-term management plan is also in place under the EU-Norway agreement (November 2008), which covers the North Sea autumn spawning herring stock (IV, IIIa and VIId). The Norwegian spring spawning herring stock (areas I, IIa, Va and Vb**)**, considered to be of major importance, shows positive trends with recent estimates of SSB well above precautionary level and fishing mortality in line with being harvested sustainably. The 2009 catch was 1.69 million tonnes. The stock is managed under a joint long-term management plan agreed between the EU, Faroe Islands, Iceland, Norway and Russia in 1999, which has been evaluated by ICES to be in accordance with the precautionary approach.

## *Divisions VIIb (West Ireland), VIIc (Porcupine Bank) and VIaS (South-west Scotland)*[27]

This fishery is made up of a combination of spring, autumn and winter spawning herring, but it seems that the main decline is occurring in the autumn spawning component of the stock. Although the stock status is not known, SSB is considered to be stable but at a level likely to be below the level for risk of collapse; fishing mortality is thought to be too high. ICES therefore advises that, under the MSY approach, catches be reduced to zero and, under the precautionary approach, no fishing occurs without a rebuilding plan. The stock is classified as Category 10 in the Commission communication on fishing possibilities (COM(2010)241), which translates into a reduction to the lowest possible level, to zero or at least by 25 %. Recovery measures should be implemented, including effort reductions and introduction of more selective fishing gear.

The Commission proposes a TAC of 3,726 tonnes for 2011, which corresponds to a 50% reduction compared to 2010.

*We urge you to ensure that a zero TAC is set for this stock for 2011. If this is not possible, the Commission proposal should be followed as a bare minimum.*

[27] Reference is to the herring stock in VIa south of 56° 00' N and west of 07° 00' W

**VIIa (Irish Sea)**

The ICES assessment of this stock is not considered accurate enough in terms of fishing mortality and SSB, but it does indicate general positive trends. The 2009 survey results showed that SSB is close to its highest abundance in the 17-year time series. Since 2002, the TAC has been set at around 4,800 tonnes. The catch in 2009 was 4,600 tonnes and catches have been close to the TAC levels even though effort has not considerably varied.

Due to the uncertainties in parameters such as SSB and fishing mortality, ICES advises on a TAC below 4,800 tonnes, for both the precautionary approach and the MSY transition scheme. ICES also recommends that a long-term management plan is agreed for division VIIa (North). The Commission has proposed a TAC of 4,800 tonnes for 2011, which is similar to last year.

*We ask you to ensure that a TAC of no more than 4,800 tonnes is set for this stock and that a management plan is developed for Division VIIa.*

***VIIg (South-east Ireland), VIIh (Little Sole) VIIj (Great Sole) and VIIk (West Great Sole)***

The overall trends are that SSB is at the highest levels since 1960s and fishing mortality at a historic low; below the level for exploitation at MSY. A management plan has been established by the Irish Celtic Sea Herring Management Advisory Committee, with a target which ICES has evaluated as precautionary. ICES also provides advice based on the MSY approach, which would imply a 40% increase in the TAC to 16,800 tonnes, whereas the current management plan would provide a 30% increase to 13,200 tonnes.

This stock was classified under Category 1 in the Commission communication, meaning that the stock is exploited at or below MSY and that the TAC should correspond to the fishing mortality that will deliver the highest yield in the long term, but should not change by more than 25%. This would result in a TAC of 12,700 tonnes and is the recommendation provided by STECF. The Commission is proposing that the management plan should be followed, thereby increasing the TAC by 30% to 13,200 tonnes for 2011 from 10,150 tonnes in 2010.

*We ask you to ensure that a TAC of 13,200 tonnes is set for this stock, in line with the long-term management plan.*

***Divisions Vb (Faroes), VIb (Rockall) and VIaN (North-west Scotland)***

These areas are included in a multi-annual management plan for herring (No 1300/2008)[28], which has been evaluated by ICES and concluded to be in accordance with the precautionary approach. In this context, ICES recommends that the management plan be followed. However, ICES advice is only available for VIaN and no assessment is available for the fishery in divisions Vb and VIb.

Area misreporting continues to be a problem, with almost all countries taking herring catches in other areas (VIaS, VIIb, VIIc and VIIaN) and reporting them as North-west Scotland (VIaN). ICES advises that *if* an increasing catch trend is noted in the mixed fishery of VIaN, this should be considered in the management of the stock component of VIaS, VIIb and VIIc, which is in a

[28]Council Regulation (EC) No 1300/2008 of 18 December 2008 establishing a multi-annual plan for the stock of herring distributed to the west of Scotland and the fisheries exploiting that stock.

depleted state. ICES is evaluating the management for these areas and will be able to provide advice for them in a few years.

Current fishing mortality is observed to be below the MSY reference point but SSB still appears to be at low levels (around 80,000 tonnes), although it is above the level below which there is risk of collapse (50,000 tonnes). Following the agreed management plan implies an 8% reduction in the TAC, corresponding to 22,481 tonnes in 2011 – which is slightly lower than the advised TAC under the MSY approach (22,500 tonnes). The Commission proposal follows the long-term management plan.

*We ask you to ensure that the management plan is adhered to and the proposed TAC of 22,481 tonnes for 2011 is agreed.*

**Plaice (*Pleuronectes platessa)***

Several stocks of plaice have been assessed as doing relatively well and the Commission is proposing small increases in the North Sea (IV), where a management plan is in place[29]. ICES notes that although some biological estimates are uncertain, the stock has increased considerably. The Irish Sea stock (VIIa) has also shown an increase in size since the mid-1990s. No evaluation is available for West Ireland and Porcupine Bank (VIIb and VIIc).

However, the plaice in the English Channel is not doing quite as well, particularly in the western part (VIIe) where the SSB has declined to a level which poses a threat to the status of the stock. Seasonal migrations occur between this area and other areas, including the central and southern North Sea and the eastern English Channel. Taken together, the proposed TACs for these areas provide no overall reduction in catches.

The Commission is proposing reductions for plaice in VIIf (Bristol Channel) and VIIg (South-east Ireland), where SSB has been below or around $B_{lim}$ since 2002, as well as in divisions VIIh–k (Little, Great and West Great Sole), where it is likely that recent fishing mortality is too high. Reductions are also proposed for areas for which no advice is available (VI; EU and international waters of Vb; international waters of XII and XIV; VIII, IX and X; EU waters of CECAF).

***Divisions VIIe (Western English Channel) and VIId (Eastern English Channel)***

This year, the quota for plaice in the eastern English Channel (VIId) and the western English Channel (VIIe) has been split for the first time, as the two populations may be biologically distinct – in the past they have been managed by a single TAC. There is currently a vast difference in status between the two areas, with advice for VIId that the TAC can remain the same, while a 30% reduction is suggested for VIIe, as it is considered to be outside safe biological limits.

The ICES advice, which is given separately for each area, is a TAC below 3,400 tonnes (precautionary approach) for VIId, and below 980 (precautionary approach) or 950 tonnes (MSY approach) for VIIe. If instead the rules of the EU policy paper (COM(2010)241) are followed this results in a TAC of 780 tonnes (-30%).

[29]Council Regulation (EC) No 676/2007 of 11 June 2007 establishing a multi-annual plan for fisheries exploiting stocks of plaice and sole in the North Sea.

Recent tagging studies have shown that significant migrations of mature plaice occur every year from Division VIIe to VIId during the 1st quarter of the year. It is assumed that 15% of the 1st quarter plaice catch in Division VIId consists of fish from VIIe and 50% of fish from the North Sea. Restrictions in VIId during spawning season would be the only way to limit mature VIIe fish being removed from the population.

The Commission is proposing a TAC of 4,018 tonnes in VIId and of 647 tonnes in VIIe, following advice from STECF on different options. The Commission also proposes a seasonal closure in VIId from 1 January to 31 March. If the TACs for both areas are added together, the proposal effectively increases the catch limits in 2011 by 9% to 4,665 tonnes.

A further issue to consider in management of plaice is that it is taken as bycatch in the beam trawl fishery mainly targeting sole and anglerfish, and in the mixed demersal otter trawl fishery. Since the 80 mm minimum mesh size set for sole does not match the minimum landing size for plaice (27 cm), a large number of undersized plaice are discarded in the sole fishery. Survey information indicates that the percentage of plaice discarded can be up to 50% in number. Therefore, management measures for sole are likely to also affect plaice.

*We ask you to ensure that the TAC for area VIId remains at no more than 3,400 tonnes in 2011 and to support a seasonal fishing closure during the spawning season between 1 January and 31 March. We also urge you to support the Commission proposal for area VIIe, resulting in a TAC of 647 tonnes.*

**Hake (*Merluccius merluccius*)**

## *Divisions VIIIc (North and North-west Spain) and IXa (Portuguese coast)*

The southern hake stock has been managed under a recovery plan since 2006[30], which aims for a SSB above 35,000 tonnes by 2016 and a reduction of fishing mortality to 0.27. The measures in the plan include annual reductions in fishing mortality of 10% if F > 0.3, with associated reduction in days at sea and TAC changes limited to 15%. Over quota catches have been recorded and F has increased every year since its conception, leading fishing mortality further and further from the target [31] – it is now three times $F_{max}$. Although the quota increased by just 18% between 2004 and 2008, ICES estimates that catches increased by 146%, with the biggest increases in the Spanish artisanal and trawl fleet. High levels of discarding of undersized hake have also been reported.

One of the reasons that fishing mortality and catch have continued to increase is that fishing effort of the multi gear fleet is regulated through 'days at sea' in relation to the changes in fishing mortality (quota) or TAC reductions. These are specified in the annual Regulation of TACs and quotas, with number of vessel days at sea for different gear categories. It allows some vessels to transfer their effort, and continue to catch hake using unregulated gear types. Another is that the HCR limits fishing mortality reductions to 10% and calculates these based on previously assessed

[30]Council Regulation (EC) No 2166/2005 of 20 December 2005 establishing measures for the recovery of the Southern hake and Norway lobster stocks in the Cantabrian Sea and Western Iberian peninsula and amending Regulation (EC) No 850/98 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms.
[31]ICES advice 2009, Book 7, pg 3.

effort (the over-quota catch and high F), which has effectively resulted in fishing mortality increasing more than the reduction rule can limit[32].

In its review of the ICES advice in July 2010, STECF comments that control measures to ensure compliance with the agreed TAC and effort limits must be established as a matter of urgency. Due to a flaw in the Harvest Control Rule (HCR), as well as other flaws of the plan linked to control and effort (no designated port system, possibilities to transfer effort and no restrictions on transhipment), the recovery plan – which was due to be evaluated this year – is largely considered a failure.

Two years ago, recognising the failure of the plan, the Council agreed a reduction in the 2009 TAC to 8,104 tonnes; lower than the 13,977 tonnes which would have been consistent with the recovery plan. The actual catch for 2009, however, was recently estimated to almost three times the agreed TAC: 22,400 tonnes (including 15% discards).

Despite the continued increases in fishing mortality, SSB has been observed as increasing due to five years of favourable recruitment, including a record year in 2007, although it remains below the precautionary target level. This is thought to have avoided the otherwise predicted catastrophic failure of the fishery. Last year, ICES advised a 40% reduction in TAC to 4,900 tonnes in order to bring the SSB above precautionary limit, warning that the upwards trend in SSB could be reversed if fishing mortality was not limited. However, because of the estimated increase in SSB, the recovery plan rule was applied, resulting in an increase in the TAC of more than 15%, corresponding to 9,300 tonnes in 2010.

This year, ICES advice for the precautionary approach is a 9% reduction in TAC to less than 8,500 tonnes for 2011. Although ICES has not evaluated the plan for consistency with the precautionary approach, it concluded that application of the plan would result in a 15% increase of the TAC to 10,700 tonnes. It is worth noting that the most recent ICES advice is based on a new assessment model and the revised input data "show a retrospective pattern with a trend to overestimate F and underestimate SSB". Since the new assessment method changes the historic dynamic of the stock, previous precautionary reference points are no longer valid. Thus, the SSB target based on 2002/2003 data of the recovery plan is no longer valid. Several recent studies[33] have improved the knowledge on reproduction and recruitment patterns, which will be useful for reviewing biological reference points in the future.

More recently, STECF evaluated the plan and concluded that it had not been effective. STECF also concluded that "while regulated fishing effort has declined, effective effort has increased as effort transferred to gears that catch more hake". An impact assessment of the plan will be undertaken in spring 2011. Even though recruitment has been good in recent years, the fact remains that fishing mortality has continued to escalate due to poor enforcement and over-quota catches.

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[32] Agnew *et al.*, 2009. Fisheries management and recovery plans since 2002. http://www.europarl.europa.eu/activities/committees/studies/download.do?language=en&file=29811#search=%20management%20plans%20

[33] Dominguez *et al.* (2008). Changes in size at maturity of European hake Atlantic populations; Sonia Mehault *et al.* (2010). Variability in total egg production and implications for management of the southern stock of European hake; Murua, H. (2010). The daily egg production method: a valid tool for application to European hake in the Bay of Biscay; Maria Korta *et al.* (2010). Regional variability in reproductive traits of European hake populations.

*Because this management plan has not been properly implemented, and there are significant failures regarding control and enforcement, we urge you to apply the precautionary approach and support a 9% reduction in TAC for this stock, equivalent to 8,500 tonnes. It is also important that a review of the management options is completed next year in order to address the huge discrepancy between scientific advice, management measures and the actual implementation of the plan.*

**Anglerfish (*Lophiidae* sp.)**

Anglerfish mature late and spawning seems to mostly occur in deep water off the continental shelf. Any commercial catch is therefore likely to contain a high proportion of immature fish, making the stock susceptible to what is called recruitment overfishing[34]. In order to ensure the future survival of the stock, it is therefore crucial that management measures ensure that sufficient numbers survive to reach spawning size. Anglerfish are targeted or caught in mixed fisheries in trawls, as a bycatch in gillnets and in some areas with artisanal gears. The stocks are also affected by ghost fishing and discarding due to long soaking times in offshore gillnetting carried out by flag-vessels which target anglerfish in Subareas IV, VI, and VII[35].

Some advice for anglerfish is presented by ICES but without any analytical assessment for the proposed management areas due to the major uncertainties in catch and effort data, and the limited knowledge about population dynamics. The status of the stocks is largely unknown and no reference targets have been defined for the majority of management areas. Although some advice is provided by species, a joint TAC is usually set for all anglerfish as they are not regularly separated in landings. In the Commission proposal, reductions in TAC are proposed for all five management areas.

***Division IIa (Norwegian Sea) and IV (North Sea)***

Anglerfish are fished in the North Sea and mainly caught as bycatch in demersal fisheries for mixed roundfish and nephrops, and to a lesser extent in small-meshed pandalus fisheries. They are also caught in the Norwegian large-mesh gillnet fishery.

Scientific advice is given for two species of anglerfish (*Lophius piscatorius* and *L. budegassa*) in areas IIa, IV, IIIa and VI. However, division IIIa is not included in any internationally agreed management rules for anglerfish. STECF recommends that this area is included in EU management and the agreement with Norway.

Landings in IVa accounted for 63% (a total of 16,539 tonnes) of officially reported landings in areas IIIa, IV and VI in 2009. According to ICES, recent anglerfish surveys in IVa indicate a decline in abundance since 2007 and a decline in biomass in 2009. ICES advice for both the precautionary and MSY approach, is that catch effort for anglerfish should be reduced. STECF did not comment on the management advice. The Commission proposes a 15% reduction in TAC for 2011, based on the rules for Category 7.

*We ask you to support the Commission proposal, resulting in a TAC of 9,643 tonnes for 2011.*

[34] ICES advice, book 5, pg 175.
[35] ICES advice, book 5, pg 177.

### *Area VI, EU and international waters of division Vb (Faroes) and international waters of XII and XIV (North Azores and Greenland)*

In these areas, anglerfish are caught in a targeted fishery as well as a bycatch in other demersal fisheries, including roundfish fisheries in division VIa (West Scotland), the haddock fishery on Rockall Bank VIb and nephrops fisheries, with higher catch rates along the shelf edge in deeper waters. Catches on the northern shelf (VIb to IIIa) come from the same biological stock. The fishery has expanded into deeper waters since the 1990s, in areas of refuge for adult anglerfish. The stock is vulnerable to overexploitation, with much immature fish being removed by the fishery.

No scientific advice exists for areas Vb, XII and XIV. However, scientific advice is provided for two species of anglerfish (*Lophius piscatorius* and *L. budegassa*) in area VI (together with areas IIa, IV and IIIa). Recent anglerfish surveys in area VI indicate a decline in abundance since 2007 and a decline in biomass in 2009 in all areas surveyed, with the exception of VIb (Rockall). Catches are most important in VI, with official landings of 4,945 tonnes in 2009, especially VIa which accounts for 64%.

ICES advises that catches of anglerfish should be reduced and suggests applying the Category 7 rule in the Commission Communication to this stock, resulting in a 15% reduction of the TAC for 2011. STECF argues that data series for this stock are not long enough to provide an assessment of stock status and that the noted change in abundance from surveys is less than 20% and therefore suggests applying the Category 4 rule, resulting in an unchanged TAC. The Commission proposal is in line with the ICES advice.

*We ask you to support the Commission proposal for a 15% reduction, resulting in 2011 TAC of 4,732 tonnes.*

### *Area VII and divisions VIIIa, VIIIb, VIIId and VIIIe (South Brittany, South, Central and West Biscay)*

The majority of the anglerfish catch in these areas consists of young fish and there are recent indications that discarding has increased. ICES notes that the management measures for anglerfish should be considered in a mixed fisheries context with sole, cod, rays, megrim, nephrops and hake.

The scientific advice is given together for two management units: 1) VII and 2) divisions VIIIa, VIIIb, VIIId and VIIIe. It also combines advice for two species of anglerfish (*L. piscatorius* and *L. budegassa*). The ICES advice is that "catches should be consistent with no increase in effort". The two species are caught together but usually not separated in landings.

In area VII, catches of *L. piscatorius* reached a maximum of 29,700 tonnes in 2007 which declined to 24,600 tonnes in 2008. *L. budegassa* catches have fluctuated and have now reached a high of 9,600 tonnes. Trends in survey data show that *L. piscatorius* have had good recruitment in 2008 and 2009, but that *L. budegassa* recruitment may be below average. Overall, there are indications that the biomass of both species has been increasing.

ICES provides joint advice for both management units, stating that catch effort for anglerfish should be reduced under both the precautionary and the MSY approach. It suggests applying the Category 8 rule to this stock, resulting in an unchanged TAC for *L. piscatorius* and a 15% increase in TAC for 2011.

STECF also provides joint advice for both management units and remarks that the species making up the majority of catches (*L. piscatorius*) has declined by 8% and that the method used to assess *L. budegassa* cannot be taken as a true representation of the stock. STECF also notes that ICES advice for a roll-over of the TAC does not consider the 14% increase TAC in VII last year to 32,292 tonnes. STECF recommends applying the Category 6 rule for stocks where the status is not known precisely, and an appropriate TAC which cannot change more than 15%.

For VII, the Commission proposes a 15% reduction from 32,292 tonnes to 27,448 tonnes. For the management unit made up of divisions VIIIa, VIIIb, VIIId and VIIIe, the Commission proposes a 15% reduction from 9,108 tonnes to 7,742 tonnes.

*We ask you to support the Commission proposal to reduce the TAC by 15% to 27,448 tonnes in area VII and to 7,742 tonnes in areas VIIIa, VIIIb, VIIId and VIIIe.*

### *VIIIc (North and North-west Spain), IX (Portugal), X (Azores) and EU waters of CECAF 34.1.1*

In these areas, anglerfish, hake, nephrops and megrim are partly caught in the same mixed fisheries, but discards of anglerfish are thought to be low. Total landings in 2009 for *Lophius budegassa* were 770 tonnes, with 52% bottom otter trawl, 40 % Spanish gillnet, and 8% Portuguese artisanal gear. Total landings for *Lophius piscatorius* in 2009 were 2,300 tonnes; 47% were taken by bottom trawl, 46 % by Spanish gillnet, and 7% by Portuguese artisanal gear.

Although the combined anglerfish landings have declined since 2006, the TAC has been exceeded every year since 2004. Because anglerfish are taken in mixed trawl fisheries, this stock is affected by the Southern hake and nephrops recovery plan[36] and related effort limitation. Control measures are needed to ensure that the agreed TACs in this area effectively restricts these mixed fisheries. The Commission is considering including anglerfish in the long-term management plan for nephrops and Southern hake when this is reviewed next year.

The stock status for *Lophius budegassa* has improved since the last assessment in 2009, with the current fishing mortality at the level needed to achieve MSY. Biomass has increased since 2002, and is now 80% of the target biomass level for MSY. Biomass for *L. piscatorius* has remained low, well below the target level for MSY – despite a reduction in fishing mortality since 2005.

Scientific advice is given by species for white anglerfish (*Lophius piscatorius*) and black-bellied anglerfish (*Lophius budegassa*) in areas VIIIc and IXa[37]. No advice is available for X (Azores). In 2010, ICES used a new model to define a reference point for fishing mortality to reach MSY and estimates of stock biomass were also developed.

[36] Council Regulation (EC) No 2166/2005
[37] ICES Advice 2010, Book 7 pg 33.

ICES estimates that the biomass of *L. piscatorius* is well below the MSY level and therefore advises a TAC of less than 1,000 tonnes for 2011. For *L. budegassa,* a reduction of 66% in fishing mortality is required under the MSY framework, resulting in a TAC of less than 480 tonnes in 2011. Since they are caught together and managed under a joint TAC, ICES advises a TAC of less than 1,500 tonnes in 2011, based on the weakest stock, *L. piscatorius.* Applying the Commission rules (Category 6) and recommended reductions for *L. piscatorius* in fishing mortality would result in an increase in TAC to 1,700 tonnes.

STECF agrees with ICES and also notes that the species are caught together with hake and nephrops and therefore concludes that anglerfish recovery in VIIIc and IXa is dependent on effort restrictions being implemented and enforced.

The Commission is proposing a 1% reduction of the combined species TAC, resulting in 1,480 tonnes in 2011.

*We ask you to make sure that the TAC in in area VIIIc (North and Northwest Spain), IX (Portugal), X (Azores) and EU waters of CECAF 34.1.1 is set at 1,480 tonnes in line with the Commission proposal.*

**Nephrops (*Nephrops norwegicus*)**

Various fisheries target nephrops using trawls or creels, or catching it together with other target species in mixed fisheries. While the creel fishery for nephrops has hardly any by-catch and very limited impact on bottom habitats, the nephrops trawl fishery in some areas has significant bycatches and discards of undersized fish, such as small nephrops, cod, haddock and whiting. The impact of nephrops trawl fisheries on the stocks of these species can be reduced by promoting a shift towards creel fisheries and improving trawl selectivity through gear adaptations. Examples include square mesh panels and the Swedish grid (an adaptation of the Nordmøre grid) which was recently trialed in other European nephrops fisheries[38].

No reference points are defined for nephrops and assessment relies on trends from survey and landing data. Most stocks show signs of decline but in some cases there are indications that exploitation is at sustainable levels. It is important to note that nephrops stocks can fluctuate significantly due to environmental conditions and this adds an additional level of uncertainty to long-term stock assessment[39]. The areas ICES provides advice for do not match the management areas used by the Commission. STECF recommends that this is adapted in the future to enable better application of scientific information to management.

Reductions are proposed by the Commission for all nephrops stocks in 2011 ranging from 9–19%, and in general these reduction are in line with scientific advice, although the reductions proposed in VIIIa,b,d,e and IIa &IV are less than advised. However, for areas IX, X and CECAF 34.1.1 (Portugal and the Azores) ICES indicates that stock abundance is very low and recommends a zero TAC for 2011 for several units assessed. For area VIIIc (North and North-west Spain), ICES also advises on a zero catch, taking a precautionary approach. The

[38]Drewery, J. *et al.* (2010). The selectivity of the Swedish grid and 120 mm square mesh panels in the Scottish Nephrops trawl fishery. Fisheries Research 106: 454–459.
[39]Gonzalez Herraiz *et al.* (2009). The NAO index and the long-term variability of *Nephrops norvegicus* population and fishery off West of Ireland. Fisheries Research 98: 1–7.

Commission only proposes TAC reductions of 10%. The stock in IX, X and CECAF 34.1.1 is included in a recovery plan[40] and the 10% reduction has been applied according to the Harvest Control Rule (HCR) in the plan. However, this plan is not considered effective and an ongoing review will be concluded in 2011.

*We ask you to support the Commission proposals for reductions in areas IIIa,b,c, Vb, VI, and VII, but with a seasonal closure or zero catch at Porcupine Bank. We ask you to promote the use of selective gear in the nephrops trawl fishery. We also ask you to follow scientific advice and reduce catches in areas VIIIa,b,d,e to 3,100 tonnes and in areas IIa and IV to 21,159 tonnes[41].*

*Given the low stock abundance in IX, X and CECAF 34.1.1, and the ICES advice for two local areas within them, we urge you to follow scientific advice and agree on a zero TAC for this area as a whole, or establish local closures. In VIIIc, we urge you to follow scientific advice and agree on a zero TAC.*

**Anchovy (*Engraulis encrasicolus*)**

***ICES areas IX, X (Portugal and the Azores) and CECAF 34.1.1***

The ICES advice only covers area IXa (the Portuguese coast). New advice based on the Portuguese spring survey in 2010 showed a marked decline in biomass from 2009 to 2010. The value of this data was recognized by ICES and STECF and the acoustic and egg surveys should continue.

STECF advises on a 15% reduction of the joint TAC for these areas, as the stock status is not known but indicated as in decline, resulting in a TAC of 6,800 tonnes for 2011. However, STECF also states that the current landings are lower than the TAC, indicating that maybe a larger reduction is needed, perhaps in line with past catch levels of 4,800 tonnes. In addition, STECF states that anchovy has a high natural mortality and that the stock is heavily reliant on recruitment. There is therefore a need for in-season management or other alternative measures to be put in place.

The Commission proposes a joint TAC of 6,800 tonnes for 2011 for these areas.

*For precautionary reasons, we ask you to make sure that the TAC for anchovy in area IXa is not exceeding 4,800 tonnes.*

**Blue Whiting (*Micromesistius poutassou)***

Due to recent poor recruitment, the spawning stock biomass (SSB) of blue whiting has declined from a peak of 6.8 million tonnes in 2003 to just 1.3 million tonnes at the beginning of 2010, which is below safe biological limits. Recruitment has been at a historically low level since 2006. ICES has consequently advised severe reductions of 93% in landings for 2011[42]. Under the MSY approach, ICES advises on a TAC of 50,700 tonnes and under a precautionary approach a zero

[40] Recovery plan for Southern hake and Norway lobster. Council Regulation (EC) No 2166/2005 of 20 December 2005

[41]

[42] ICES Advice 2010, Book 9, p 57.

TAC in 2011. The STECF advice for this stock is to follow the 2008 management plan established between Norway, the EU, the Faroe Islands and Iceland. This would result in a TAC of 40,100 tonnes in 2011. The Commission has not included a TAC for this stock in its proposal.

*We urge you to, as a minimum, follow the management plan for this stock, resulting in a TAC, non-EU states included, of 40,100 tonnes in 2011.*

**Mackerel (*Scomber scombrus)***

Mackerel has been the subject of much debate this year, mostly focused on the movement of the stock northwards due to environmental factors and the subsequent unilateral quota setting. A management plan was established in 2008 between the EU, Norway and the Faroe Islands. However, this has not been followed in recent years and no internationally agreed TAC currently exists, with Norway, the Faroe Islands and Iceland setting unilateral TACs. Catches have been considerably in excess of the ICES advice and the lack of international agreement on the exploitation of the stock prevents control of the exploitation rate. The total estimated catch in 2010 (including discards) is 930,002 tonnes, with fishing mortality estimated above the level required for MSY. The spawning stock biomass (SSB) has increased significantly since 2002, and was estimated to be approximately 3 million tonnes in 2009, close to the precautionary levels. A decline in fishing mortality has been observed. For 2011, ICES advises on a reduction in fishing mortality to precautionary levels corresponding to a TAC of less than 672,000 tonnes[43]. Following the requirements of the [now obsolete] management plan, would result in a 31–36% reduction in 2011 of between 592,000 and 646,000 tonnes. Again, no Commission proposal has been made as the management is still subject to international negotiations.

*We ask you to ensure that the TAC for mackerel, non-EU states included, does not exceed 646,000 tonnes in 2011, in line with scientific recommendations.*

**Blue ling (*Molva dypterygia*)**

Blue ling is a gadoid species and has a higher growth rate than other deep-sea species, but it is still vulnerable to overexploitation. Besides a lack of reference points, the main issue with blue ling is that individual spawning aggregations can be targeted, depleting one after another. It is therefore crucial that current fishing closures to protect spawning aggregations are maintained, including two areas in Division Va, the seasonal closure in VIa (edge of Rosemary Bank) from 1 March to 31 May[44], as well as restrictions from 1 May to 31 July 2011 on the Porcupine Bank (VII).

Additional closed areas should be identified and implemented to protect identified spawning aggregations in other parts of Divisions Vb, VI, VII and XIIb (Hatton Bank, Rosemary Bank, Lousy Bank and continental slope of NW Scotland). The closed area on Hatton Bank for cold-water coral protection has recently been extended and could be extended further if this helps to protect blue ling spawning aggregations.

ICES advises that all directed fisheries for blue ling are stopped in 2011, that catches should be reduced and bycatch in mixed fisheries minimised. STECF notes that the average blue ling

[43] ICES Advice 2010, Book 9, p 27.
[44] Annex III to Council Regulation (EC) No 43/2009

catches from 2007 to 2009 increased by 13% in divisions IIIa, IVa and subareas I, II, VIII, IX and XII, mostly caught as bycatch in mixed deep-sea fisheries. Average catches also increased by 2% in areas Va and XIV, and by 52% in Vb, VI and VII. Catch per unit effort (CPUE) data for areas Va, Vb, VI, VII and XIV shows that abundance has been reduced and remains low.

The Commision, however, has not proposed significant reductions in TAC for 2011. The Commission deep-sea TAC proposal[45] suggested no reduction in the TAC for areas II and IV, maintaining the TAC at 56 tonnes in 2011 and 2012 even though landing date indicate serious local depletions in Subarea II. For area III, a small reduction of 1 tonne was proposed for 2011 (-9%) with a reduction of 2 tonnes in 2012 to a total of 8 tonnes.

### *VI (West Scotland and Rockall Bank) and VII (Irish Sea)*

The fishery in areas VI and VII is primarily carried out by trawlers. In recent years, blue ling has been taken mainly as a bycatch in mixed fisheries for roundnose grenadier, black scabbardfish and deep-water sharks. Preliminary catch data shows that 2,698 tonnes was landed by EU vessels from area VII in 2009 and 1,237 tonnes from VIa, which indicates an overshoot of the TAC which was 2,009 tonnes at the time for these areas.

Data available from catch per unit effort (CPUE) series indicate that the current abundance of blue ling is much lower than the initial level – although the cpue is stable, not suggesting an obvious response from the stock to the fishery[46]. The Commission proposes a 15% increase in the TAC for areas VI and VII, from 1,732 to 2,341 tonnes, for 2011.

*We urge you to go beyond the Commission proposal and ensure that no directed fisheries are permitted in 2011 and support efforts to limit bycatch in the mixed fishery. We also ask you ensure that the current fisheries closures are maintained in areas VIa and VII.*

## SHARKS, SKATES AND RAYS (Elasmobranchs)

Sharks, skates and rays are generally very vulnerable to exploitation due to their low reproductive rates and other life history traits. Many elasmobranch species are already hovering on the brink of extinction. It is also important to note that insufficient scientific knowledge and lack of species specific catch data reporting by EU countries hamper proper stock assessments.

In Feburary 2009, the Commission adopted a Community Action Plan for Sharks[47] following the FAO International Plan of Action for the conservation and management of Sharks[48], adopted ten years earlier, in 1999. The Plan states that the EU should lead the development of policies, aiming at the rational exploitation of cartilaginous fishes (i.e. sharks, rays, skates and chimaeras). Three specific objectives are mentioned:

- To broaden the knowledge on shark fisheries as well as on shark species and their role in the ecosystem;

[45] Proposal for a COUNCIL REGULATION fixing for 2011 and 2012 the fishing opportunities for EU vessels for certain deep-sea fish stocks.
[46] ICES Advice 2010, Book 9, p 31.
[47] COM(2009)40 On a European Community Action Plan for the Conservation and Management of Sharks.
[48] FAO International Plan of Action for the conservation and management of Sharks.

- To ensure that targeted shark fisheries are sustainable and that by-catches of shark in other fisheries are properly regulated;
- To encourage a coherent approach between the internal and external Community policy for sharks.

The Commission proposal on fishing opportunities for 2011 contains a list of 'prohibited species' for EU vessels to fish for, retain on board, tranship and land. This list includes the same species as last year, namely basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all EU and non-EU waters; angel shark (*Squatina squatina*) in all EU waters; common skate (*Dipturus batis*) in EU waters of ICES zones IIa and III–X; undulate ray (*Raja undulata*) and white skate (*Rostroraja alba*) in EU waters of ICES zones VI–X; and porbeagle (*Lamna nasus*) in international water. For 2011, it also includes guitarfishes (*Rhinobatidae*) in EU waters of ICES areas I–X and XII.

**Sharks (Selachimorpha)**

The EU policy on shark fisheries has a strong influence on global shark policies, as most of the world's regional fisheries management organisations (RFMOs) are heavily influenced by their active EU members, so fishing regulations for international waters are not likely to be any more stringent than those in EU waters. This makes sustainability in the EU policy particularly important.

The Commission proposes a continuation of the zero TAC for porbeagle (Critically Endangered in the Northeast Atlantic on IUCN Red List) in EU waters of ICES zones III–X and XII and for spurdog (*Squalus acanthias*, Critically Endangered on IUCN Red List). For spurdog the proposal does not allow any bycatch either. A provision has been included in the zero spurdog TAC to say that "catches taken with longlines of tope shark (*Galeorhinus galeus*), kitefin shark (*Dalatias licha*), bird beak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), greater lanternshark (*Etmopterus princeps*), smooth lanternshark (Etmopterus pusillus), Portuguese dogfish (*Centroscymnus coelolepis*) and spurdog (*Squalus acanthias*) are included. Catches of these species shall be promptly released unharmed to the extent practicable."

The 2011 proposal also includes better protection for bigeye thresher sharks (*Alopias superciliosus*), which would be banned from being retained on board, transhipped or landed as a part or whole carcass from any fishery, in line with the ICCATT recommendation adopted in November 2009. Also, no directed fishery for species of thresher sharks of the genus *Alopias* would be allowed in 2011 if the proposal is followed.

**Skates and rays (*Rajidae*)**

ICES has not provided species-specific advice for all skates and rays since 2008, which provided the basis for the protection of common skate, white skate and undulate ray. Common skate is classified by the IUCN as "Critically Endangered" in the North East Atlantic, while undulate ray is categorized as "Endangered". Separate advice was provided on request from the Commission on undulate ray and common skate in October 2010. ICES advised that no targeted fishing

should occur unless information is available that proves it can be sustainable. The Commission also received advice from ICES in October 2010 [49]on three species of rays: guitarfish *Rhinobatos* spp., sawfish *Pristis* spp. and the giant devil ray *Mobula mobular*.

ICES advised placing all species of sawfish (*Pristis* spp.), most of which are listed on CITES Appendix I, on the prohibited species list to protect any vagrants in EC waters and to more clearly protect these species in EU fisheries operating in non-EU waters. However the Commission proposal does not include any measures for *Pristis* spp. For guitarfishes, ICES advised that these need to be monitored carefully and that no conservation or management measures currently exist. The Commission proposes to list these on the prohibited list. Insufficient data was available concerning the endangered giant devil ray in European fisheries for ICES to advise.

The Commission proposal for 2011 is a general TAC for skates and rays in each area, with a 15% decrease for two areas (VI and VII to 11,379 tonnes and in VIII, IX 4,640 tonnes**)** and no TAC change for three other areas (IIa and IV, IIIa, VIId), where the TAC will remain 1,397, 58 and 887 tonnes respectively. This year, the proposal includes a halt of targeted fisheries for common skate or undulate ray in all areas which have also been added to the prohibited species list.

*We urge you to add Pristis spp. which are listed on CITES to the prohibited list as recommended by ICES. We also ask you to reduce the TACs on all species of skates and rays in areas VI-IX and allow no increase in II-IV.*

*We ask you to ensure that there are no targeted fisheries on common skate, white skate or undulate ray, and that retention and landings of common skate in ICES areas IIa and III–X, and of undulate ray and white skate in ICES areas VI–X is prohibited, until measures are in place to ensure long-term sustainability.*

*Measures to encourage long-term sustainability should be developed and include species-and area-specific TACs and quotas, as well as sound management plans, based on scientific advice and the precautionary approach – as dictated by the Community Plan of Action for sharks.*

[49]9.3.2.5 Special request Advice October 2010 EC request on 3 species of rays