

Stockholm & Brussels, 13 November, 2012

To: The Fisheries Ministers of the EU Member States

Re: [Input to the EU Fisheries Council Meeting, 28–29 November 2012](#)

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR) we send you our recommendations on fishing opportunities for certain deep sea stocks for 2013 and 2014 (COM(2012)579). We ask you to consider these in order to ensure more sustainable utilisation of our common deep sea resources.

Deep sea species tend to be slow growing, late maturing and have low reproductive capacity. Therefore, they are particularly vulnerable to overfishing, which makes the serious lack of scientific information on the deep sea stocks in the North-east Atlantic all the more problematic.

In the mixed fishery on deep sea species carried out by bottom trawls, bycatch rates are high, resulting in broad adverse impacts on whole communities of deep sea species. Given the large number of deep sea species taken in these mixed fisheries, single species TACs and quotas for some – but not all – species caught in these fisheries are not adequate for managing them. Furthermore, recognising the impact of these fisheries on vulnerable marine ecosystems, a fundamental overhaul of their management is necessary, as outlined by the Commission in the proposal for a revised access regime (COM(2012)371). We therefore hope that the Commission proposal for 2013 and 2014 deep sea TACs (COM(2012)579) will mark the end of the current inadequate TAC management system.

In general, we support the Commission proposal for deep sea TACs where it follows scientific advice. However, we want to emphasise that, given the lack of full stock assessments and the inadequacy of single species TACs and quotas for mixed deep sea fisheries, this advice should be applied in a precautionary way.

- *When setting TACs for deep sea species, it is crucial that the EU applies the precautionary approach as set out under its international commitments, temporarily closing fisheries unless or until sufficient information is available to allow for the adoption and implementation of measures that ensure sustainable exploitation.*
- *We call for zero TAC for roundnose grenadier in area III, and a precautionary roll-over of the 2012 TAC of 2 546 tonnes in areas V, VI and VII – or at the very least a much more moderate increase in TAC than the 77 % increase proposed by the Commission.*

- *We recommend a continuation of a zero TAC for both directed fisheries and bycatch of all deep sea shark species.*
- *We urge you to close the targeted fishery for red seabream in area VI, VII and VIII, and for blue ling in areas II-IV, and to maintain and expand closed areas to protect blue ling spawning aggregations.*
- *There is an urgent need for measures that will minimise levels of bycatch in deep sea fisheries, particularly in bottom trawl fisheries, and the review of the access regime for deep sea fisheries provides a key opportunity to ensure their implementation.*

See Annex 1 for more detailed comments and recommendations on the deep sea TACs and quota proposal.

Yours sincerely,



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ANNEX 1: RECOMMENDATIONS FOR A COUNCIL REGULATION FIXING FOR 2013 AND 2014 THE FISHING OPPORTUNITIES FOR EU FISHING VESSELS FOR CERTAIN DEEP-SEA FISH STOCKS (COM(2012)579)

In the past few weeks, the Council working group has been discussing the proposed bi-annual deep sea fish stock quotas (COM(2012)579), with the aim to get an agreement at the Fisheries Council in November.

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 is addressed in another Commission proposal – a revised regulation of the deep sea access regime (COM(2012)371), the issue of the sustainability of deep-sea fish stocks is central to the 2013 and 2014 TACs and quotas decisions, which is the focus of this briefing.

The case for the precautionary approach in deep sea fisheries

Deep sea species tend to be slow growing, late maturing and have low reproductive capacity, which makes them particularly vulnerable to overfishing. This makes the serious lack of scientific information on the deep sea stocks in the Northeast Atlantic all the more problematic. This urgently needs to be addressed as it is a major impediment to managing these fisheries sustainably.

In the mixed fishery on deep sea species carried out by bottom trawls, bycatch rates are high, resulting in broad adverse impacts on whole communities of deep sea species¹. The Commission proposal comprises TACs for only 24 deep sea species, including 17 deep sea shark species, while the proposal for a revised access regime for deep sea fisheries includes 54 species. So for many of the (bycatch) species that are caught in large quantities in mixed deep sea fisheries no TAC is proposed, leaving them unmanaged and unregulated. Unfortunately, the limited number of species managed by TACs has also led to misreporting of the species in the catches to avoid counting them against the quotas.

While we welcome the fact that ICES is developing methods to make best use of the available information and aims to give advice based on proxies for MSY reference points, we want to emphasise that, given the lack of full stock assessments and the inadequacy of single species TACs and quotas for mixed deep sea fisheries, this advice should be applied in a precautionary way.

¹*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.

The management of marine deep sea species has been elaborated in the FAO International Guidelines for the Management of Deep-Sea Fisheries in the High Seas², and the EU is committed to the UN Fish Stock Agreement and the UN General Assembly resolution 64/72 of 2009 (paragraphs 119 and 120) and resolution 66/68 (paragraph 122) of 2011, requiring a more cautious regulation of deep sea fisheries when information is uncertain, unreliable or inadequate.

Full compliance with the precautionary approach under these international commitments would require a temporary closure of the fishery unless or until sufficient information is available to allow for the adoption and implementation of measures that ensure the long-term sustainability of these stocks.

It is crucial that the EU lives up to its international commitments and applies the precautionary approach when setting TACs for deep sea species, taking into account that the scientific advice is based on limited data and a single stock approach, while bycatch levels are high and catches contain a wide range of deep sea species, particularly in the bottom trawl fisheries.

Given the problems outlined above, managing mixed fisheries on vulnerable deep sea species by setting TACs and quotas for some, but not all, must be considered deeply inadequate. Furthermore, recognising the impact of these fisheries on vulnerable marine ecosystems, a fundamental overhaul of their management is necessary. Many NGOs therefore welcomed the Commission proposal for a revised regulation of the deep sea access regime (COM(2012)371), and it is crucial that the aim of the Commission to ensure sustainable exploitation of deep sea stocks and to put an end to destructive fishing practices in the deep sea is fully supported in the coming months.

Bycatch quotas

The Commission proposal includes a prohibition of directed fisheries for several species, but suggests maintaining TACs to “avoid creating an obligation to discard”. Such “bycatch quotas” are intended to cover the catch of a particular species in fisheries targeting other species, but are set too low to allow for fisheries specifically targeting that species. While we understand the logic behind setting a bycatch quota, we maintain that the focus should be on avoiding bycatch through technical measures, including a phase-out of deep sea bottom trawling and bottom set gillnets, other gear adaptations, and (real-time) closures. A bycatch quota will reduce the discarding of the species for which that quota is set, but will do nothing for all the other species that will still be caught and discarded.

It is therefore imperative to use the opportunity of the review of the access regime for deep sea fisheries for the adoption of measures that will minimise future levels of bycatch in deep sea fisheries.

Comments on specific species

In general, we support the Commission proposal where it follows scientific advice, but in the following paragraphs we want to highlight our concerns for several stocks.

²FAO. International Guidelines for the Management of Deep-Sea Fisheries in the High Seas. Rome, FAO. 2009. 73 pp.

Roundnose grenadier

For area III, ICES advises that no fishing for roundnose grenadier should be allowed, while the Commission proposes a 20 % reduction of the TAC to 680 tonnes in 2013 and 544 tonnes in 2014. Given the biology of the species, ICES considers the large increases in catches in the early 2000s to have been unsustainable, especially since they have been restricted to one ICES rectangle only.

For areas V, VI and VII, we welcome that ICES has found ways to conduct assessments using available data. The data available for these deep sea stocks consists mainly of comparably short time series, as well as information on landing per unit effort (LPUE). The experts of ICES WGDEEP state that the biomass is at a historically low level, but that the exploitation rate appears to be below MSY limits and biomass estimates show a slight upward trend from a very low level.

We are concerned about the proposed increase in TAC from 2 546 tonnes in 2012 to 4 500 tonnes, since this 77 % increase is based on limited data. Moreover, an increase in the targeted fisheries for roundnose grenadier will inevitably result in an increase in bycatch of black scabbard, blue ling and many other deep sea species that are not regulated by TACs. Such an increase might be appropriate for selective fisheries. However, for the trawler fleet currently exploiting the fisheries, a continuation of the 2012 TAC and measures to further reduce bycatch would be more appropriate.

We strongly recommend a zero TAC for roundnose grenadier in area III, and a roll-over of the 2012 TAC – or at least a much more moderate increase in TACs – in areas V, VI and VII. The proposed 77 % increase in TAC to 4 500 tonnes is too large, considering the limited data on which the advice is based and the high levels of bycatch in the fishery.

Deep sea sharks

The Commission proposal does not include TACs for deep sea sharks, since new scientific advice by ICES was still expected at the time of publication. In its advice to NEAFC³, ICES reports that most of the shark species are considered “data limited⁴”. The reported catches, if data are available, are probably underestimated because a number of species have been reported in generic categories, making it impossible to disaggregate these data into species-specific categories.

Regarding the stock status, of the 17 species evaluated by ICES, 14 species lack sufficient data for a full assessment. Of the remaining three species, two (Leafscale gulper shark and Portuguese dogfish) have fallen below any candidate reference points, while Kitefin shark is depleted and below any candidate biomass reference point. This information clearly indicates that the zero TACs for deep sea sharks have to be maintained. Moreover, sharks continue to be caught as

³ICES 2012. NEAFC Special request on the catch and status of deep-water sharks in the Northeast Atlantic.

<http://www.ices.dk/committe/acom/comwork/report/2012/Special%20Requests/NEAFC%20Deepwater%20sharks.pdf>

⁴ICES defines “data limited” stocks as stocks that do not have population estimates from which catch options can be derived using the existing MSY framework.

http://www.ices.dk/committe/acom/comwork/report/2012/2012/General_context_of_ICES_advice_2012.pdf

bycatch in other targeted deep sea fisheries and the high bycatch levels need to be addressed urgently. The revision of the access regime must provide for measures to minimise bycatch.

We recommend that a zero TAC for both targeted fisheries and bycatch of deep sea shark species is maintained.

Red (blackspot) seabream

For red (blackspot) seabream in area VI, VII and VIII, ICES advises no targeted fisheries. ICES also states that in these areas red seabream is depleted, with no recent indication of recovery, and highlights the importance of introducing measures to reduce bycatch. ICES WG DEEP⁵ reported this year that recent catches of red (blackspot) seabream are almost all bycatch in the longline and otter trawl fisheries.

As stated earlier, it is our view that the focus should be on bycatch reduction measures. The bycatch TACs proposed by the Commission of 172 tonnes in 2013 and 138 tonnes in 2014 are very high, considering the current status of red seabream.

In line with ICES advice, we urge you to stop all directed fisheries of red seabream in area VI, VII and VIII, and to urgently adopt measures to minimise bycatch.

Alfonsinos

The Commission proposes a gradual reduction for alfonsinos in all areas, reaching the TAC suggested by ICES (280 tonnes) only in the second year of the bi-annual management period, with a TAC of 305 tonnes in 2013.

As this is a species that aggregates at seamounts, ICES also advises that any exploitation of new aggregations should be prohibited. Past experience shows that exploitation of deep sea fish aggregations at seamounts can result in a very quick depletion of the stocks and even wipe out complete populations.

We recommend an immediate reduction of the TAC for alfonsinos to the level proposed by ICES of 280 tonnes and a prohibition of any exploitation of new aggregations.

Blue Ling

For blue ling in areas II–IV, ICES advises no targeted fishery and an additional reduction of bycatch of this species. The Commission proposes to maintain TACs at a low level of 44 tonnes and 36 tonnes respectively for 2013 and 2014. In its advice, ICES specifically mentions the maintenance and expansion of closed areas to protect spawning aggregations.

We recommend that the targeted fishery for blue ling in areas II–IV is closed, and that closed areas to protect spawning aggregations are maintained and expanded.

⁵ICES 2012. Report of the Working Group on the Biology and Assessment of Deep-sea Fisheries Resources (WGDEEP), 28 March–5 April, Copenhagen, Denmark. ICES CM 2012/ACOM: 17. 929 pp.