

Stockholm & Brussels, 27 October, 2014

To: The Fisheries Ministers of the EU Member States

**Re: Input to the EU Fisheries Council Meeting, 11–12 November 2014**

Dear Minister,

On behalf of the Fisheries Secretariat (FISH) and Seas At Risk (SAR), we send you our recommendations regarding the Commission proposal for a Council Regulation fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (COM(2014)613). We ask you to consider our views during your discussions at the upcoming Council meeting.

We welcome the Commission proposal which is largely in line with scientific advice. As with all other EU decisions on fishing possibilities this autumn, this will be the first time that deep-sea species are being managed under the reformed Common Fisheries Policy (CFP) with its MSY objective. Achieving a high sustainable long-term yield will be a particular challenge with deep-sea species, as they are generally slow-growing, late-maturing and have a low reproductive capacity, which makes them particularly vulnerable to overfishing, especially when there is limited scientific knowledge.

Moreover, in deep-sea fisheries, and particularly bottom trawl fisheries, bycatch levels are high and catches contain a wide range of species, resulting in significant impacts on these non-target species and on the wider deep-sea environment. As the ecosystem-based approach is also enshrined in the CFP, we ask you to consider this when setting fishing opportunities.

In the proposal, many of the 54 deep-sea species listed in the proposal for a revised deep sea access regime (COM(2012)371) are missing, leaving them unmanaged and unregulated. In addition, the management of deep-sea stocks is still hampered by mismatches between management units and the areas assessed by the scientific bodies. We urge you to consider this as well in your deliberations.

**As setting TACs alone is not sufficient to ensure sustainable fisheries and protecting deep-sea ecosystems, we also urge you to finalise the negotiations on the deep-sea access regime (COM(2012)317) and adopt a Council position in the coming weeks.**

Regarding the fixing of fishing opportunities for individual species, we recommend:

- Alfonsinos: follow the Commission proposal of 280 tonnes;
- Orange roughy: Follow the Commission proposal and do not allow any targeted fishery;
- Red seabream: Follow scientific advice and do not allow any targeted fishery in areas VI, VII and VIII; limit the TACs in areas IX and X to 115 tonnes and 400 tonnes respectively;
- Greater forkbeard: given the gaps in the scientific survey data, apply a more precautionary approach than the Commission and agree on roll-over of the TACs;
- Black scabbardfish: follow scientific advice and set the TAC to 2 802 tonnes;
- Roundnose grenadier: follow scientific advice and close all targeted fisheries in area III and set fishing opportunities to 1 862 tonnes in areas Vb, VI, VII.

*See Annex 1 for more detailed comments on the deep-sea fishing opportunities for 2015–2016.*

Yours sincerely,



Niki Sporrong  
Director  
Fisheries Secretariat (FISH)



Dr Monica Verbeek  
Executive Director  
Seas At Risk (SAR)

**Annex 1: On the proposal for a Council Regulation fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (COM(2014)613)**

We welcome the Commission proposal, which is largely in line with the scientific advice. In the coming weeks, Council working groups will continue to discuss the proposal for 2015–2106 quotas for deep-sea species (COM(2014)613) and – we hope – the new deep-sea access regime (COM(2012)371); both are of great importance for the protection of deep-sea fish stocks and deep-sea ecosystems.

The deep sea stocks that are managed together with third countries such as Norway, and thereby covered in external quota negotiations, have been excluded in this proposal. As a result, stocks such as blue ling and greater silver smelt will be negotiated later on.

As with all other EU decisions on fishing possibilities this autumn, this will be the first time that deep-sea species are being managed under the reformed Common Fisheries Policy (CFP), which revised the long-term targets for EU commercial fish stocks – importantly Article 2.2:

*The Common Fisheries Policy shall apply the precautionary approach to fisheries management, and shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.*

*In order to reach this objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing maximum sustainable yield, the maximum sustainable yield exploitation rate shall be achieved by 2015 where possible and on a progressive, incremental basis at the latest by 2020 for all stocks.*

Rather than focusing on avoiding an undesired outcome – as is the case with the precautionary approach – the Maximum Sustainable Yield (MSY) framework strives at *achieving a desired* outcome: a high sustainable long-term yield.

This may be quite a challenge with deep-sea species, as they are generally slow-growing, late-maturing and have a low reproductive capacity, which makes them particularly vulnerable to overfishing, especially when there is limited scientific knowledge.

#### GENERAL COMMENTS

The Commission acknowledges in its proposal that for all stocks except one the available information “does not allow scientists to fully assess the stock status”, neither biomass nor fishing mortality.

In its Communication on Fishing Opportunities for 2015 (COM(2014)388), the Commission addressed deep-sea stocks separately, with a commitment to follow the precautionary approach and the UNGA Resolutions. In the UNGA Fisheries Resolutions, the application of the precautionary approach includes measures that ensure catch limits are compatible with long-term sustainability of stocks. The 2009 UNGA Fisheries Resolution states clearly that when the scientific information available does not make it possible to identify such exploitation rates, no fishing opportunities should be allocated for the fisheries concerned.

For most stocks addressed in the proposal for 2015–2106 quotas, scientific advice on TACs was provided. However, this advice is largely based on limited data; only for roundnose grenadier the advice is based on the MSY approach. It is therefore questionable whether the approach taken by the Commission is sufficient to fulfil the international obligations.

Moreover, all advice is based on a single stock approach, while in deep-sea fisheries, and particularly in bottom trawl fisheries, bycatch levels are high and catches contain a wide range of deep-sea species. This results in significant impacts on these non-target species, as well as on the wider deep-sea environment. It should be noted that the ecosystem-based approach to fisheries management is enshrined in the CFP and that ways to minimise bycatch and prevent catches of the most vulnerable species also need to be considered when setting fishing opportunities.

If one compares the proposal for fishing opportunities (COM(2014)613) with the list of deep sea species in the proposal for a revised deep sea access regime (COM(2012)371) that contains 54 species, many are missing. No TAC has been proposed for many of the species that are caught in large quantities (as bycatch) in mixed deep-sea fisheries, leaving them unmanaged and unregulated.

In addition, the management of deep-sea stocks is still hampered by mismatches between management units and the areas assessed by the scientific bodies. These mismatches need to be solved in a proactive way to facilitate the best use of scientific advice when setting fishing opportunities.

In summary, setting fishing limits for the deep-sea species addressed in the Commission proposal for 2015 and 2016 will in itself not ensure sustainable fisheries. Managing mixed fisheries on vulnerable deep sea species by setting TACs and quotas for some, but not all, is not adequate. Moreover, deep-sea bottom trawling has significant adverse impacts on vulnerable marine ecosystems. These serious shortcomings of the current deep-sea management regime are addressed in the Commission proposal from 2012 for a revised regulation of the deep-sea access regime (COM(2012)371). This proposal sets the right priorities, but has been delayed for more than two years.

All of the above considered:

- *We urge you to at least follow the scientific advice for deep-sea fishing possibilities, as this should be acknowledged as the bare minimum to ensure the application of the precautionary approach.*
- *We urge you to finalise the negotiations on the deep-sea access regime (COM(2012)317) and adopt a Council position in the coming weeks. The new regulation should ensure that the catch of all deep-sea species is regulated and limited to sustainable levels; minimise and where possible eliminate bycatch of non-target species and prevent the catch of the most vulnerable species; protect vulnerable marine ecosystems from the adverse impacts of bottom fishing; require impact assessments for all deep-sea bottom fisheries; and ensure a transition to low-impact, selective fishing gears and practices by phasing out the use of deep-sea bottom trawls and bottom gill nets. An effective EU Regulation along the lines outlined above will allow Member States to be confident that setting TACs in the future for deep-sea species will result in sustainable deep-sea fisheries with minimal impact on the environment.*

#### COMMENTS ON SPECIFIC SPECIES

##### **Alfonsinos**

For alfonsinos, the Commission proposal is in line with scientific advice and proposes a total catch of 280 tonnes for 2015 and 2016. ICES further advises that this species can only sustain low levels of exploitation due to their spatial distribution at seamounts and their life history, and that currently unmapped aggregations and unassessed populations should not be targeted.

*We ask you to follow the Commission proposal of 280 tonnes and not allow exploitations of new aggregations as advised by ICES.*

### Orange roughy

The situation for orange roughy remains desperate. The species matures very late – around an age of 35 years – which makes it extremely vulnerable to exploitation. In fact, several populations are assumed to have been fished out in the 1990s. ICES advises that there should be no directed fishery and bycatch should be minimised.

*We ask you to follow the Commission proposal to not allow any targeted fishery for orange roughy and to minimise bycatch.*

### Red seabream

Red (blackspot) seabream is managed in three different units. In the first – in ICES subareas VI, VII and VIII – current catches are only 1–2 per cent of historical levels, indicating that the stock is depleted. For these subareas, both fishing pressure and stock size are unknown; a qualitative evaluation of the stock size assumes it likely to be below  $B_{lim}$ <sup>1</sup>. Based on this information, ICES advises no directed fishery and minimising bycatch, as well as the establishment of a recovery plan – a proposal which is supported by STECF. The Commission proposes a TAC of 143 tonnes in 2015 and 114 tonnes in 2016.

For area IX, ICES advises 115 tonnes in 2015 and 2016 based on the data-limited approach because the fishing pressure and stock size are unknown and below the possible reference points. Also for this management unit, ICES recommends the establishment of a recovery plan including all fisheries, also from non-EU countries. STECF endorses this advice.

The Commission proposes TACs of 300 tonnes and 115 tonnes for 2015 and 2016, respectively, thereby following the scientific advice only in the second year.

For area X, ICES advises 400 tonnes for both years, based on the approach for data-limited stocks, and this advice is endorsed by STECF. The same advice of 400 tonnes was given already for 2013 and 2014 but ignored by the Council, which set the TACs to 1 022 and 920 tonnes respectively, thereby denying the stock a chance to recover. Again, the Commission follows the scientific advice only for the second year and proposes TACs of 610 tonnes for 2015 and 400 tonnes for 2016.

- *For the management unit including ICES areas VI, VII and VIII, we ask you to not allow any directed fishery for red seabream and to minimize bycatch of red seabream in other fisheries.*
- *For area IX, we ask you to follow scientific advice and limit the fishing opportunities to 115 tonnes for each year.*
- *For area X, we ask you to follow scientific advice and set the TAC at 400 tonnes per year for 2015 and 2016.*
- *For management units VI, VII and VIII and for area XI, we urge you to initiate the development of a recovery plan as recommended by ICES.*

### Greater forkbeard

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<sup>1</sup> $B_{lim}$ : Limit reference point for spawning stock biomass (SSB)

On greater forkbeard, ICES can only provide advice on landings because the species is mainly taken as bycatch in demersal trawls and longline fisheries targeting deep-sea fish and other species such as hake, megrim or monkfish. ICES recommends total catches of no more than 2 628 tonnes – an increase of 10 per cent. The Commission follows the ICES advice that is endorsed by STECF and proposes corresponding fishing opportunities for the respective management units.

The assessment however is based on surveys that do not cover/include areas I–IV, X and XII, and is therefore incomplete. Regardless, ICES uses the survey results to provide advice for all areas, which is questionable and not in line with the precautionary approach.

ICES further notes the impact of deep-sea bottom trawls on the ecosystem, damaging deep-sea coral communities, as well as on other targeted and bycatch species.

- *Considering the gaps in the survey data – which does not cover six of the management areas for this species – we ask you to apply a more precautionary approach and agree to a roll-over of the TAC, rather than an increase.*
- *We further ask you to ensure that future surveys of this species are more complete, providing a fuller picture of stock development.*

### **Black scabbardfish**

Black scabbardfish in areas VI, VII, XII and division Vb is caught by deep-water trawls in mixed fisheries targeting also roundnose grenadier and blue ling. The fishing pressure is unknown and stocks could only be evaluated qualitatively, but stock abundance appears to have been stable since 2002. In its advice, ICES further highlights the damaging impact of bottom trawls on deep water coral communities and other vulnerable marine ecosystems (VMEs), as well as on other targeted and bycatch species.

Based on the data-limited approach, ICES advises a maximum catch of 2 802 tonnes for areas VI, VII, XII and division Vb. The Commission proposal does not follow the advice, but proposes a TAC of 3 173 tonnes in 2015 and 2 538 in 2016 – overshooting the ICES advice by 107 tonnes.

*We urge you to follow the scientific advice and set fishing limits for black scabbardfish for areas VI, VII, XII and division Vb at no more than 2 802 tonnes.*

### **Roundnose grenadier**

Roundnose grenadier is managed in four management areas. Because ICES noted misreporting of roundnose grenadier as roughhead grenadier, a species which so far has no catch limit, the Commission is proposing a joint TAC for both species, also requiring separate reporting for each species.

In area III, the stock of roundnose grenadier has suffered from overexploitation in the 1990s and early 2000s. The species matures only after around ten years and, as a result of the long-term overexploitation, the stock lacks fish in the age classes above 20 years that previously provided sufficient recruitment. Current stock abundance levels based on Norwegian surveys appear to be the lowest since 1984.

For the next two years, the Commission proposes TACs of 435 tonnes in 2015 and 348 tonnes in 2016, while ICES advises no directed fishing and efforts to minimise the bycatches – advice which is supported by STECF.

In division Vb and subareas VI and VII, roundnose grenadier is caught mainly by bottom trawls. For this stock, ICES was able to provide advice based on the MSY approach and advises landings of 3 952 tonnes in 2015 (= catches of 4 595 tonnes ) and landings of 4 019 tonnes in 2016 (= catches of 4 673 tonnes ), based on the assumption that discard rates remain at the average of the previous three years.

STECF however argues that the stock biomass is at only 30 per cent of the estimated mean level for the beginning of the time series and close to the MSY Btrigger reference point. STECF further notes that the proposed fishing opportunities would result in very small improvements and therefore it would take a very long time for the biomass to recover to MSY levels – even under stable environmental conditions (e.g. not accounting for potential environmental changes). The evaluation showed that even without any fishing pressure the biomass of the stock would only increase by 10 per cent by 2017.

The proposed fishing opportunities, even though in line with the estimated FMSY, would more than double the average landings in the last three years (= 1 862 tonnes). The STECF proposes to set landings below this recent 3-year average.

The Commission proposes a TAC of 3 794 tonnes in 2015 and 3 858 tonnes in 2016, which is lower than the ICES advice but well above the STECF recommendation.

- *We ask you to follow the scientific advice for area III and close all directed fisheries.*
- *For areas Vb, VI and VII, we ask you to consider the STECF recommendations and set fishing opportunities below 1 862 tonnes to enable a much faster stock recovery.*