



PEW RECOMMENDATIONS FOR DEEP-SEA FISHING LIMITS 2017–2018

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Summary

Pew welcomes the Commission's proposals for deep-sea fishing opportunities, noting that at least for some of the TACs, the Commission appears not to exceed scientific advice. Yet, Pew is concerned that at least three of the eleven total allowable catches (TACs) proposed by the Commission exceed scientific advice for one or both of the years 2017 and 2018, delaying progress towards ending overfishing. The vulnerable and sensitive nature of deep-sea species makes ending over-exploitation even more urgent.

With respect to the upcoming meeting of the Fisheries Council in November, which will decide on deep-sea fishing opportunities for 2017 and 2018, Pew urges fisheries ministers to improve upon the Commission's proposal in order to make greater progress towards ending overfishing in line with the Common Fisheries Policy (CFP).

Background

The deep-sea is the area of the ocean lying below the outer edge of the continental shelf. Temperatures are low and little or no light penetrates this part of the ocean. Nonetheless, deep-sea ecosystems are recognized to be high in biodiversity including a high diversity of fish species. Because deep-sea species live in rarely disturbed environments and tend to be slow-growing, late-maturing and long-lived, they are exceptionally vulnerable to over-exploitation.

On 14 and 15 November EU fisheries ministers will decide on fishing limits for deep sea stocks for 2017 and 2018. This will be the second time this has been done under the reformed CFP¹. Setting correct fishing opportunities is fundamental to achieving the objectives of the CFP—namely, to end overfishing and to restore and maintain fish stocks above levels capable of producing the maximum sustainable yield (MSY).

The CFP establishes in Article 2(2) that *“in order to achieve the objective of progressively restoring and maintaining populations of fish stocks above biomass levels capable of producing the 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”*. A deferral of the 2015 deadline is acceptable only in exceptional cases when meeting it *“would seriously jeopardise the social and economic sustainability of the fishing fleets involved”* (CFP Recital 7). No such evidence has so far been brought forward to justify delays in meeting this deadline, nor has any evidence been scientifically validated.

¹ Regulation (EU) 1380/2013 of the European Parliament and of the Council.

European Commission proposal for fishing limits for certain deep-sea stocks in 2017 and 2018

Pew notes that the European Commission proposal on the setting of Total Allowable Catches (TACs) for deep-sea species in 2017 and 2018² includes:

- Three TACs not exceeding ICES scientific advice, including: alfonosinos and two black scabbardfish TACs (ICES³ Areas 1-4; and Areas 5-7 & 12).
- Three TACs for that are clearly above ICES scientific advice: red seabream (Areas 6-8; Area 9 & CECAF⁴ 34.1.11; and Area 10).
- Four TACs for greater forkbeard in the north-east Atlantic (Areas 1-4; Areas 5-7; Areas 8 & 9; and Areas 10 & 12) that are likely to exceed the ICES scientific advice.
- A TAC for black scabbardfish in Areas 8-10 that is more or less in line with the ICES scientific advice over the two year period.
- Combined TACs, where one fishing limit is set for different species, in particular for roughhead and roundnose grenadier.
- Removal of three orange roughy TACs and defining it as a “prohibited species”.

Unfortunately, it is not possible for stakeholders to ascertain to what extent scientific advice has been followed for many TACs due to missing information on how the Commission has arrived at the proposed TAC from the scientific advice. We note that for some black scabbardfish, greater forkbeard and roundnose grenadier TACs (e.g. TAC in 6, 7 and 5b and the TAC for 8, 10 and 12) it is difficult to compare the Commission’s proposal with the scientific advice due to advice area and management area mismatch issues. This is made more complicated in some cases by the Commission’s decision to propose a higher TAC in 2017 than 2018, when often the ICES advice recommends the same TAC for each of the years 2017 and 2018 (e.g. black scabbardfish, red seabream and greater forkbeard). More transparency from the Commission on how it calculates its TAC proposals on the basis of scientific advice would allow a clearer comparison.

For eight TACs the Commission has not yet made a proposal, these include:

- Four roundnose and roughhead grenadier TACs (Areas 1, 2 & 4; Area 3; Areas 5b, 6 & 7; and Areas 8-10 & 12). Proposals are expected later this year subject to the results of a court case⁵.
- Three deep-sea sharks TACs (Areas 5-9, CECAF 34.1.1, 34.1.2 & 34.2; Area 10; and Area 12) and one black scabbardfish TAC (CECAF 34.1.2), for which the Commission was awaiting further scientific advice from ICES.

Recommendations to fisheries ministers

In line with Pew’s submission to the Commission consultation on the setting of fishing limits in 2017⁶, we urge fisheries ministers to fully implement the commitments made in the CFP by:

² European Commission COM(2016) 643 final: Proposal for a Council Regulation fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks.

³ International Council for the Exploration of the Sea (ICES).

⁴ Fishery Committee for the Eastern Central Atlantic (CECAF).

⁵ Case C-128/15, Kingdom of Spain against the Council of the European Union.

⁶ The Pew Charitable Trusts (2016): Submission to Commission’s Consultation on Fishing Opportunities for 2017

- **Supporting the EU Commission’s TAC proposals for alfonos and black scabbardfish in Areas 1-4 and Areas 5-7 & 12, which do not exceed scientific advice.**
- **Setting lower TACs than the Commission’s proposal for the following stocks, to ensure they do not exceed scientific advice:**
 - Black scabbardfish (Areas 8-10): ensure fishing limits for each year do not exceed scientific advice.
 - Greater forkbeard (Areas 1-4; Areas 5-7; Areas 8 & 9; and Areas 10 & 12): ensure fishing limits do not exceed scientific advice for both years.
 - Red seabream (Areas 6-8; Area 9 & CECAF 34.1.11; and Area 10): ensure fishing limits do not exceed scientific advice, and agree the proposed extension of the red seabream TAC in Area 9 to CECAF 34.1.11 in order to better account for fishing mortality caused by catches in adjacent management areas. In the specific case of red seabream in Areas 6, 7 and 8, fishing limits should be set to ensure the scientific advice for zero catch is followed, including limits for other fisheries where there is bycatch of this stock.
- **Setting separate TACs for roundnose and roughhead grenadier:** We note the Commission’s efforts to address the misreporting of roundnose grenadier as roughhead grenadier. However, covering two species in one TAC will not avoid overexploitation, as the whole TAC can be caught for only one species exceeding its sustainable fishing limits. Therefore we ask Council to set individual TACs for roundnose and roughhead grenadier.
- **Setting zero TACs for orange roughy:** the proposed designation of orange roughy as a “prohibited species” alone will not prevent bycatch and discarding and thus associated mortality. Ministers should therefore continue to set a zero TAC with no bycatch allowance.
- **Setting sustainable fishing limits for species so far lacking TAC proposals from the Commission:** We ask ministers to not exceed the scientific advice once it is available and to set more conservative TACs, including zero TACs, for IUCN redlist⁷ ‘endangered’ species (e.g. roundnose grenadier) caught in the mixed species deep water fisheries in the north-east Atlantic.
- **Maintaining the zero TACs for targeted catch and bycatches adopted in previous years for certain species of deep-sea sharks, unless ICES advises differently⁸:** ICES has consistently advised that the bycatch of deep-sea sharks needs to be minimized or avoided in the mixed species deep water fisheries⁹. There are no management measures to avoid or prevent the bycatch of deep-sea sharks in the deep water trawl fisheries. To prevent serious harm to these stocks management measures should be put in place to ensure that the bycatch of deep-sea sharks and other highly vulnerable deep-sea species is prevented or eliminated.

⁷ Nieto, A. et al., (2015). European Red List of marine fishes. Prepared by the International Union for Conservation of Nature (IUCN). Luxembourg: Publications Office of the European Union.

⁸ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks. Council Regulation (EU) No 1182/2013 amending Council Regulation (EU) No 1262/2012 established zero TACs in 2013 and 2014 for the following species of deep-sea sharks...

⁹ ICES (2015). ICES Advice on fishing opportunities, catch, and effort Oceanic Northeast Atlantic Ecoregion: Leafscale gulper shark (*Centrophorus squamosus*) in the Northeast Atlantic. October 2015.

Ministers should be aware that setting fishing limits for deep-sea species as recommended above will not, by itself, ensure sustainable deep-sea fisheries as gears can have negative impacts on the habitat as well as other species¹⁰.

In June this year, Council and Parliament agreed upon revised rules for the fishing of deep sea species in European Union and CECAF waters. Even though this new deep sea regulation is expected to enter into force in 2017, TACs set now for 2017 and 2018 should be set with the intention of implementing the regulation the moment it enters into force. Additionally, we remind ministers of the commitments made by the European Union to manage deep-sea fisheries consistent with the global standard established by the United Nations General Assembly (UNGA). This standard requires European Union regulations to contain, amongst other things, obligations to: end overfishing of deep-sea species; rebuild depleted stocks; prevent by-catch of vulnerable species; and protect vulnerable marine ecosystems from the adverse impacts of fishing for deep-sea species¹¹.

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¹⁰ International Council for the Exploration of the Sea, Advice 2014, Book 9, Ecoregion: Widely distributed and migratory stocks.

¹¹ UN General Assembly resolution 64/72, paragraphs 119 and 120.