



Joao Aguiar Machado  
Director-General for Maritime Affairs and Fisheries  
European Commission

13 October 2016

Subject: TACs for EU fisheries for deep-sea species in 2017-2018.

Dear Mr. Machado,

Please find below a recommendation from the Deep Sea Conservation Coalition together with Bloom Association, WWF and Seas At Risk to the Commission to propose zero TACs for two deep-sea species – roundnose grenadier and blue ling - in ICES Subareas VI and VII, and Divisions Vb and XIIb. We note that although the Commission released proposals for TACs for deep-sea stocks for 2017 and 2018 on 6 October, it has not yet proposed TACs for roundnose grenadier nor blue ling in ICES Subareas VI and VII, and Divisions Vb and XIIb. We urge the Commission to propose TACs of zero for these two species in these areas for the reasons outlined below.

Special case: Setting zero TACs for roundnose grenadier and blue ling in the mixed species deepwater bottom fishery in ICES Subareas VI and VII, and Divisions Vb and XIIb.

#### *Justification*

1. Concerns over the status of two of the three principal target species in the mixed species deepwater fishery in ICES Subareas VI and VII, and Divisions Vb and XIIb:

Two of the three principal target species in this fishery – roundnose grenadier and blue ling – have been classified as endangered (RNG) and vulnerable (BLI) by the IUCN in its first ever Red List of European marine fish species published in 2015.<sup>1</sup> Moreover, ICES states that there are serious uncertainties in the stock assessment for roundnose grenadier in these areas which “strongly impact[s] on the quality of the assessment” because in Division XIIb “the actual level of catch has been considered uncertain for several years because of problems with species being reported and misreported in different areas”.<sup>2</sup>

2. Concerns over bycatch, in particular of highly vulnerable species, in the mixed species deepwater fishery in ICES Subareas VI and VII, and Divisions Vb and XIIb.

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<sup>1</sup> Nieto, A et al., European Red List of marine fishes. Prepared by the International Union for Conservation of Nature (IUCN). Luxembourg: Publications Office of the European Union. 2015. Retrieved from [http://cmsdata.iucn.org/downloads/iucn\\_european\\_red\\_list\\_of\\_marine\\_fishes\\_web\\_1.pdf](http://cmsdata.iucn.org/downloads/iucn_european_red_list_of_marine_fishes_web_1.pdf)

<sup>2</sup> ICES Advice on fishing opportunities, catch, and effort Faroes, Celtic Seas, and Oceanic Northeast Atlantic ecoregions: Roundnose grenadier (*Coryphaenoides rupestris*) in subareas 6 and 7, and divisions 5.b and 12.b (Celtic Seas and the English Channel, Faroes grounds, and western Hatton Bank). ICES Advice 2016, Book 9. June 2016.

ICES has expressed general concern over the high number of species impacted in the deepwater trawl fisheries in these areas, stating for example in 2008 that “such fisheries tend to deplete the whole fish community biomass”.<sup>3</sup> This concern was reinforced by several studies published over the past few years which concluded that the populations of some 77 species of deep-sea fish, most with no commercial value, inhabiting the continental slope in the Northeast Atlantic off the coast of Ireland have declined by an average of almost 70% as a result of deep-sea bottom trawl fishing.<sup>4</sup>

When providing advice on TACs for the three target deep-sea species in these areas, ICES has highlighted the need to consider the impacts on other species taken in the mixed species fisheries. Typical of this advice is the advice ICES provided on setting TACs for black scabbardfish in 2012 as follows: “Due to the mixed nature of the trawl fisheries in Subareas VI, VII, XII, and Division Vb, any measure taken to manage this species in these areas should take into account the advice given for other species taken in the same mixed fishery” and in 2014 in respect of the TAC for roundnose grenadier “As this fishery is part of a mixed fisheries, effort on roundnose grenadier also impacts other commercial and non-commercial deep-water species.”<sup>5</sup>

Deep-sea sharks have been recorded in substantial quantities as bycatch in the French deepwater trawl fishery in this area, including a catch in 2012 of over 120t<sup>6</sup> of deep-sea sharks now classified as endangered or critically endangered on the IUCN European Red List of Marine Fishes.<sup>7</sup> ICES has consistently advised that the bycatch deep-sea sharks be minimized or avoided in the mixed species deepwater fisheries.<sup>8</sup> However, there are no management measures in place to avoid or prevent the bycatch of deep-sea sharks in the deepwater trawl fishery in ICES Subareas VI and VII, and Divisions Vb and XII.

### 3. Impacts on VMEs

In its recommendations for the deepwater fishery in this area over the past several years, ICES has also highlighted that setting TACs for this fishery should take into consideration the following: “Deep-water trawls impact the ocean floor, causing potential damage to deep-water coral communities. This is

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<sup>3</sup> ICES. (2008). 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), p. 70.

<sup>4</sup> See for example Bailey, D. M., Collins, M.A., Gordon, J. D. M., Zuur, A. F. & Priede, I. G. (2009). Long-term changes in deep-water fish populations in the northeast Atlantic: a deeper reaching effect of fisheries? Proceedings of the Royal Society B. doi: 10.1098/rspb.2009.0098.

<sup>5</sup> ICES Advice (2014). Widely distributed and migratory stocks. Roundnose grenadier (*Coryphaenoides rupestris*) in Subareas VI and VII, and Divisions Vb and XIIb. May 2014. <http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2014/2014/rng-5b67.pdf>

<sup>6</sup> Anne-Sophie Cornou, Alain Biseau, Analyse des captures du métier ‘Chalutiers à espèces profondes en Ouest Ecosse’. IFREMER, March 2014. Table on pages 7-9: catch in 2012: Squale-chagrin de l'Atlantique (*Centrophorus squamosus*), classified by IUCN as “endangered” - 65.05 tonnes; Squale savate (*Deania calcea*) classified by IUCN as “endangered” - 39.82 tonnes; Pailona commun (*Centroscymnus coelolepis*) classified by IUCN as “endangered” - 19.74 tonnes.

<sup>7</sup> 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. [http://cmsdata.iucn.org/downloads/iucn\\_european\\_red\\_list\\_of\\_marine\\_fishes\\_web\\_1.pdf](http://cmsdata.iucn.org/downloads/iucn_european_red_list_of_marine_fishes_web_1.pdf) [IUCN Red List].

<sup>8</sup> 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.

mitigated in some areas by area closures to protect vulnerable marine ecosystems (VMEs).<sup>9</sup> Council and Parliament have recently agreed to a new regulation for the management of deep-sea fisheries in EU waters that will require a prohibition on bottom trawling below 800m and provides for a mechanism for identifying and closing areas where deep-sea vulnerable marine ecosystems are known or likely to occur to protect them from the adverse impacts of bottom fishing using bottom trawls or other gears. However, the new regulation is not likely to enter into force until 2017 and it is not clear how long it will take before the depth limitation for bottom trawling is established nor how long before VME areas can be identified and protected under the new regulation. In the meantime, very few deep-sea areas within EU waters are currently protected from the adverse impacts of bottom fishing aside from seamount areas within the EEZs surrounding the Azores, Madeira and Canary Islands and several area closures along the continental slope within the EEZs of Member States (several SACs within the Irish EEZ, the Darwin Mounds and parts of Rockall and Hatton Banks in UK waters, El Cachucho Bank in Spanish waters).

#### 4. International considerations

The UN General Assembly (UNGA), through its resolutions 61/105, 64/72 and 66/68 has committed States 'individually and through RFMOs' to manage bottom fisheries on the high seas to, inter alia, "ensure the long-term sustainability of deep-sea fish stocks and non-target species, and the rebuilding of depleted stocks" and "not to authorize bottom fishing activities until such measures have been adopted and implemented".<sup>10</sup> These and the other commitments in the UNGA resolutions in turn reflect obligations contained in Articles 5 and 6 of the 1995 UN Fish Stocks Agreement. In setting TACs for roundnose grenadiers and blue ling that apply to the high seas portions of ICES Subareas VI and VII, and Divisions Vb and XIIb, Council will effectively authorise bottom fisheries in these areas in contravention of the commitment made by the EU to the UN General Assembly, unless the TACs are set at zero.

#### **Recommendation**

In light of the above, the DSCC recommends that the Commission propose, and Council adopt, zero TACs for roundnose grenadier and blue ling for 2017-2018 in the mixed species deepwater bottom trawl fishery in ICES Subareas VI and VII, XII and Division Vb until:

- ICES reviews the status of roundnose grenadiers and blue ling in light of their listing as endangered and vulnerable on the IUCN Red List and ensures that it has sufficiently accurate data on the catch of roundnose grenadier to be able to accurately assess the status of the stock or stocks in these areas;
- management measures are put in place to ensure that the bycatch of deep-sea sharks and other highly vulnerable deep-sea species is prevented or eliminated consistent with ICES advice and to prevent the further risk of extinction;
- the new regulation for the management of deep-sea fisheries in EU waters comes into force and VME areas are identified and closed in the EU waters of Subareas VI and VII to bottom fishing practices that may cause significant adverse impacts on vulnerable marine ecosystems;

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<sup>9</sup> Supra note 5: ICES Advice 2014. Roundnose grenadier (*Coryphaenoides rupestris*) in Subareas VI and VII, and Divisions Vb and XIIb.

<sup>10</sup> United Nations General Assembly resolution 64/72 (2009). Paragraphs 119(d) and 120.

- the fisheries can be managed in international waters consistent with the EU's commitments in UN resolutions and obligations under international law

Kind regards,



Matthew Gianni  
Political and Policy Advisor  
Deep Sea Conservation Coalition, Netherlands  
[www.savethehighseas.org](http://www.savethehighseas.org)

Postbus 59681  
1040 LD AMSTERDAM  
Netherlands  
Tel: + 31 646 16 88 99  
matthewgianni@gmail.com  
info@savethehighseas.com

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