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## Recommendations for deep-sea fishing limits 2021-2022

Scientists indicate that deep sea fish populations in the EU are either depleted or lacking information to assess their status. NGOs urge European decision-makers to set fishing limits for highly vulnerable deep-sea fish populations in line with scientific advice and the precautionary approach.

### **Context: The CFP's 2020 deadline has passed, but action is needed more than ever**

In November 2018, the Fisheries Council decided on deep-sea fishing limits for 2019 and 2020<sup>1</sup>. Ministers decided to set the majority of TACs<sup>2</sup> exceeding ICES advice<sup>3</sup>, thereby leading to the overfishing of these deep-sea stocks and failing to manage them in line with the objective of the CFP.

Failing to achieve the legally binding CFP objective of ending overfishing for all stocks by 2020 is not only a political failure. It also risks the recovery of deep-sea fish species which live in rarely disturbed environments and tend to be slow-growing, late maturing and long-lived.<sup>4</sup> The biological characteristics of most deep-sea species and the ecosystems they inhabit make them exceptionally vulnerable to over-exploitation and poorly adapted to sustained fishing pressure, since their productivity and recovery capacity are very limited.

Given these characteristics, deep-sea species and ecosystems should be managed with significant precaution, instead of being considered as by-products of the target fisheries. The current way of managing deep-sea stocks goes against the CFP objective of **applying the precautionary approach** to fisheries management and fails to ensure that the level of their exploitation restores and maintains their populations above levels which can produce the MSY (CFP Article 2.2). Moreover, it does not ensure that the negative impacts of fishing in these ecosystems are minimised.

### **Management of deep-sea stocks under other regulations and international commitments**

Aside from the CFP, other regulations and commitments regulate EU deep-sea fisheries. In 2016, the Commission, the Council and the European Parliament agreed upon revised rules for deep-sea fisheries in EU waters and by EU fishing vessels in international waters of the Fishery Committee for the Eastern

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<sup>1</sup> [Council Regulation \(EU\) 2018/2025 of 17 December 2018 fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks](#)

<sup>2</sup> [Note that EU Council subsequently amended the TAC for Red seabream in Subarea 10 \(Azores grounds\) for 2020 to be in line with advice for 2020](#)

<sup>3</sup> [COM\(2018\) 676 final 2018/0347 \(NLE\) Proposal for a COUNCIL REGULATION fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and Annex](#). Note that the 6 remaining TACs were removed. See recommendations in this document.

<sup>4</sup> [Koslow JA et al. 2000. Continental slope and deep-sea fisheries: implications for a fragile ecosystem. ICES Journal of Marine Science, 57: 548-57](#)

Central Atlantic (CECAF).<sup>5</sup> Previous to that, the EU had also made international commitments to manage deep-sea fisheries in a manner consistent with the global standard established by the United Nations General Assembly (UNGA).<sup>6</sup> This standard requires EU 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 (VMEs) from the adverse impacts of fishing for deep-sea species.

## Recommendations for the Commission and the Council

- **Fishing limits should be set in accordance with the best available scientific advice.** None of the deep-sea stocks managed by fishing limits currently have MSY-based scientific advice. The setting of fishing limits should therefore be based on the ‘precautionary approach to fisheries management’ as defined by the CFP Article 4.1(8) and guided by principles of good governance listed in Article 3(c), namely “the establishment of measures in accordance with the best available scientific advice”. ICES provides scientific advice on catch limits for relevant deep-sea stocks under their precautionary advice framework.
- To achieve the CFP objectives **the Commission and member states should consider setting fishing opportunities below the maximum precautionary level advised by ICES**, and under no circumstances should the advice be exceeded.
- **In mixed fisheries situations, TACs for some stocks need to be set lower than the ICES single species catch advice**, to ensure that no stocks in the mixed fishery are fished above  $F_{MSY}$ , in order to comply with the objective of restoring biomasses above levels capable of producing MSY.
- **TAC removal is not a solution to sustainable management. It should not be used and be reversed where it already occurred.** Removing a TAC downgrades the concerned fisheries from a situation where the catches are capped to limit fishing mortality, into a situation where catches are effectively unlimited, whatever is the status of the stock at a particular point in time. This puts in jeopardy the achievement of the CFP’s requirement to restore fish stocks. Despite this, fisheries ministers and the Commission took such a step in November 2018 when they removed 6 TACs out of a total of 13 in the deep-sea, and since 2013, a total of 10 of 22 catch limits for deep-sea stocks have been removed.<sup>7</sup> These decisions go against the CFP objectives, as removal of TACs for non-target or less commercially valuable fish stocks, and of the associated obligation to land catches of these species, will not solve the discard problem, reduce the waste in fisheries, nor foster further improvements in selectivity intended by the introduction of the LO.

We recall that in response to the 2018 Commission request for advice on TAC removal, ICES considered that removing the TAC for several deep-sea stocks would generate a high risk of unsustainable exploitation, in contradiction to the objectives of the CFP. Although ICES considered that removing the TAC would pose low or no risk to the stocks of greater forkbeard in subareas 1–10, 12, and 14 and for roundnose grenadier in subareas 1, 2, and 4, it also acknowledged that removing these TACs could lead to fleets increasing fishing effort on these species. ICES did not offer alternative management measures for these specific stocks in their advice but highlighted that *“a quantitative evaluation of the specific alternative management measures should be conducted previous to any implementation and the efficiency of such methods should be evaluated after a few years to ensure*

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<sup>5</sup> [Regulation \(EU\) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the Northeast Atlantic and provisions for fishing in international waters of the Northeast Atlantic and repealing Council Regulation \(EC\) No 2347/2002](#)

<sup>6</sup> Resolutions [61/105](#) and [64/72](#) adopted by the General Assembly of the United Nations

<sup>7</sup> Catch limits for greater forkbeard (4 TACs), black scabbardfish (1 TAC) and roundnose grenadier (1 TAC) were removed in 2018. Orange roughy (3 TACs) and deep-sea sharks (1 TAC) were removed in 2016 but were classified as prohibited species.

*the stock is not over-exploited*". To date we have no information from the Commission or the member states about the evaluation and implementation of such alternative management measures to TAC removals.

The Commission and member states should follow the ICES scientific advice to evaluate and introduce management measures<sup>8</sup>, or reintroduce the TACs, to ensure the CFP precautionary approach and MSY objectives are met for these stocks.

- **Set a zero TAC for orange roughy.** In 2018, the Council continued to designate orange roughy as a 'prohibited species'. This will neither provide incentives for improved selectivity nor will it prevent bycatch and discarding (and associated mortality) of this slow to mature, vulnerable species. In 2020, ministers should therefore set zero TACs for this species and ensure that all potential mitigation measures are applied to minimise unwanted catches of orange roughy. Full documentation of catches must be used to demonstrate industry efforts to reduce unwanted catches in fisheries with a risk of orange roughy bycatches, to assess the effectiveness of mitigation measures and identify new ones, as well as to inform scientific assessments.
- **Separate TACs for roundnose and roughhead grenadier.** In 2018 the Council followed the Commission's proposal for a combined TAC for roundnose and roughhead grenadier (in areas 5b, 6 & 7; and in areas 8-10 & 12). Despite agreeing to bycatches of roughhead grenadier limited to 1% of each member state's quota of roundnose grenadier, the Council did not develop provisions to monitor and report these bycatches. Covering two species under one TAC is unlikely to avoid overexploitation, as the whole TAC can be caught for only one species, potentially exceeding sustainable fishing limits. Therefore, individual TACs for roundnose and roughhead grenadier are needed. If this requires more comprehensive catch and effort data, then an extended catch monitoring programme with confirmation of species landings should be implemented to ensure sustainable management of both stocks over the long-term.
- **Set a 0 TAC for red (/blackspot) seabream in area 6-8.** If a 'bycatch TAC' is nevertheless set, it should be conditioned to the implementation of a recovery plan/measure for the stock which will be ready to be executed from 1<sup>st</sup> of January 2021. In 2018, a 'bycatch TAC' was set by Ministers at levels exceeding scientific advice and without appropriate measures to minimise bycatches, monitor the bycatch provisions and ensure that all catches are landed (e.g. via fully documented fisheries). However, France and Spain committed to propose for red seabream in areas 6-8 coordinated national plans necessary for rebuilding the stock, including considering specific measures defined in the December 2018 Council statement.<sup>9</sup> These plans were scientifically evaluated by the scientific and technical committee for fisheries (STECF) and it concluded that the management plans were not comprehensive or effective in improving stock status, and that additional measures to reduce total catches were needed to improve stock status.<sup>10</sup> ICES has again issued a zero TAC advice for 2021 and 2022 due to the poor state of this stock. In this context, the Commission and the Council should condition any 'bycatch TAC' to the cessation of any targeted fishing activities for this stock, and to the implementation of a recovery plan, which will be ready to be applied from 1<sup>st</sup> of January 2021. The plan should include measures to protect juveniles and adult spawners, to minimise bycatches and reduce fishing mortality, to allow stock recovery in the shortest possible timeframes. All vessels with bycatches of red seabream should have full catch monitoring and documentation.
- **Effective conservation of deep-sea sharks requires adequate recovery plans.** In 2018, Council ignored scientific advice<sup>11</sup> and a call from 85 scientists<sup>12</sup> recommending that the Commission and

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<sup>8</sup> [ICES \(2018\): EU request on the role of the Total Allowable Catch instrument for fisheries management and conservation of selected deep-water stocks](#)

<sup>9</sup> COUNCIL REGULATION fixing for 2019 and 2020 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks - Statements.

<sup>10</sup> [STECF \(2019\). 60<sup>th</sup> Plenary Meeting Report \(STECF PLEN - 19-01\), p. 124](#)

<sup>11</sup> ICES (2017). Report of the Working Group on Elasmobranchs, 31 May-7 June 2017, Lisbon, Portugal. ICES CM 2017/ACOM:16. 1018 pp

<sup>12</sup> [87 Scientists sign letter urging for better management of European deep-sea sharks](#)

member states develop management plans for deep-sea cartilaginous fish species that should include measures for increased data collection, improved gear selectivity and avoidance of high abundance areas. While ministers agreed on an EU wide prohibition to target, land, tranship or sell species listed in the regulation, they granted exceptions for bycatches in the longline fishery for black scabbardfish, for which three TACs of seven tonnes were approved. These decisions were insufficient to protect vulnerable deep-sea sharks, which are mainly caught as bycatch.

NGOs recommend that in light of the continuing concerns regarding the depleted status of deep-sea sharks, TACs for these vulnerable species should be set at zero. Additionally, the list of managed deep-sea shark species in the regulation should be updated and expanded to include all cartilaginous fish species caught in deep-sea fisheries. Furthermore, a management plan for these species consisting of enhanced monitoring (through fully documented fisheries), selectivity measures and improved data collection should be developed.