

Joint Opinion

North Sea RAC and North Western Waters RAC

Position from the Fishing industry in response to consultation on fishing opportunities for deep sea species for 2011 and 2012

In the context of the planned adoption of a regulation concerning the fishing opportunities for deep sea species for 2011-2012, by the Council in November 2010, the Commission has sent a consultation document to the CCRs for North Western Waters, South Western Waters and the North Sea.

The consultation period is very short (response by end of August) and does not allow the setting up of a process suitable for obtaining the advices of the participants (especially as the summer holiday period is not greatly conducive to this).

We would point out that the comment on the Commission's consultation document "*On this point [TAC area changes for blue ling], the NWWRAC was consulted orally during its July meeting and therefore no further comments are expected*" appears totally unfair to us. In fact, this point was simply mentioned during Working Group 1 of the NWW RAC by one of the members, as the Commission's official consultation was not sent to the various RACs. Also, as the Commission's representative also had no knowledge of the subject, there could be no debate on the modification to the management units for blue ling and for grenadier.

In the context of this consultation, the Commission deals with three different subjects: setting of fishing opportunities according to COM (2010)241 final; specific measures for orange roughy; and modification of management units for blue ling and grenadier.

We consider it important to note initially that the regulations concerning TAC and quotas for deep sea species for 2011 and 2012 must be put into perspective with the revision of the regulations dealing with these fisheries (EC Regulation 2347/2002). New legislative measures may be developed within the context of this revision, allowing targeted protection of stocks or vulnerable stock fractions, guaranteeing ecologically and economically sustainable catch levels. It is therefore essential for the setting of fishing opportunities to take account of the developments above mentioned.

1. Setting of fishing opportunities for 2011-2012

The COM (2010) 241 final stresses that scientific advice for deep sea species is published every two years. It therefore covers the years 2011 and 2012, and the management measures contained in it apply to the catch levels that should be in force until the end of 2012. For consistency, it appears natural that under these conditions, the TAC rules specified by the COM (2010) 241 apply to the changes in TAC levels that must be made between the level that existed in 2010 and that which will be fixed *in fine* for 2012 (scabbard fish, rock grenadier, blue ling and greater forkbeard). They should not succeed the first change in the TAC in 2011 and then the second made in 2012. This method of action would deviate from the spirit of the communication, as no new advice will be issued in 2011.

a. Blue ling (VI, VII)

During the last procedure of setting TACs and quotas for deep sea species, set at the end of 2008, the setting of the TAC for blue ling VI, VII (principal zone) was removed from the specific regulation to be dealt with during the December council in connection with the definition of the box for protecting the spawning aggregations. We consider it more suitable for the new regulation on fishing opportunities for deep water species for 2011 and 2012 to reinstate the setting of the TAC for blue ling.

Concerning the setting of the TAC for blue ling, it is important to note that the data produced by the French "Tally Book" programme, analysed during the ICES Benchmark group meeting in February (WGDEEP 2010) and afterwards during the April evaluation group (WGDEEP 2010) altered the perception of stock. The abundance indices calculated using the haul-by-haul information showed an increased abundance in recent years. This trend is borne out by the indices obtained from the Scottish and Irish scientific campaigns. The ICES also estimated that fishing mortality in 2009 is close to the natural mortality level of the stock, a level recognised as being conducive to long-term exploitation.

"WG DEEP felt that the important issues were the large scale of the decline in French trawl logbook cpue and the suggested slight increase in recent years observed in the French tally book CPUE index. The latter is consistent with available survey indices.

*Other relevant results include the results of a catch curve analysis and those from simulation analyses of the relationship between mean length in catches and F, indicate that F in 2009 may be around the level of M."*¹

The STECF was also consulted by the Commission in the context of the declaration made at the December Council in 2009 concerning the revision of the 2010 TAC in light of new scientific evidences. The SGRST report dated July 2010 clearly confirms the signs of rebuilding of blue ling stocks over recent years. In fact, even though the precise data on fishing activities (clearly one of the European fisheries for which the data available to the scientists are more accurate) have a history limited to only 10 years, the analyses confirm a positive trend in the biomass of this stock.

*"STECF understands that French tally-book data were used in the trends-based assessment carried out at ICES WGDEEP in 2010. This is a scientifically valuable index based on data at the individual haul level, However it may give a misleading indication of stock status in that data are only available back to 2000. Used in conjunction with other French trawl abundance indices (which go back to more or less to the start of exploitation), blue ling exploitable biomass remains at a very low level historically, albeit with some evidence of slight recovery in recent years (the latter supported by abundance indices from French tally book data, Scottish and Irish deep-water surveys)."*²

¹ p. 179 : ICES. 2010. Report of the Working Group on the Biology and Assessment of Deep-sea Fisheries Resources (WGDEEP), 7–13 April 2010, Copenhagen, Denmark. ICES CM 2010/ACOM :17. 616 pp.

² p.172 : STECF. 2010. Review of Scientific advice for 2011 – part 2), 5-9 July 2010, Lyngby, Denmark. STECF-SGRST-09-02. 230 p.

Considering these new elements, we are requesting that the TAC in 2011 and 2012 be maintained at 2010 levels (by including the additional allocations obtained from zone Vb (CE) – *see below, modification of management units*). We in fact refuse the classification of this stock by the STECF on the basis of ICES reference elements³. According to the elements in the WGDEEP 2010 report, which clearly indicate a tendency for stock abundance to increase, we request that the stock should be included in the “increasing stock trend” category, which corresponds to a recommendation to maintain catches at their current level.

“Abundance data from French tally books and the Irish and Scottish surveys are consistent in that they all suggest evidence of some increase in abundance in recent years.”⁴

The protection areas for spawning aggregations must be maintained in order to limit fishing pressure during this sensitive period. A thorough scientific assessment should be carried out as a mandatory requirement at the end of 2012. This review would aim to monitor the effectiveness and incidence of these protection areas for the rebuilding of the stocks since its creation in 2009. In case the results were inconclusive or showed no improvement for the fishery, it might be possible to consider the removal of some of these areas. Otherwise, it would be very difficult for the fishing industry to accept the maintenance of such type of measures (or even introduction of new ones) when a proper evaluation has not taken place and there is no information about the type and scale of effectiveness obtained with the application of these conservation measures.

b. Scabbard fish (VI, VII)

The WGDEEP 2010 report indicates that the various indicators show a certain stability of stock abundance over recent years. The professionals share this affirmation, observing an increased abundance of scabbard fish in their traditional fishing zones.

In view of the reduced fishing effort already recorded in this fishing area, we request that fishing resources be kept at current levels of 2010 for 2011 and 2012.

c. Orange roughy (all areas)

The absolute ban on catching this species does not appear to us to be a measure suitable for the protection of the stocks, considering the limited by-catches. Maintaining a by-catch TAC within the framework of other fisheries, associated with specific documentation programmes, would help to collect data essential for the scientists to monitor the behaviour of these populations (biology, dynamics, etc), without compromising the effective protection of the species.

In addition, measures aimed at preventing substantial catches must be developed on the basis of Articles 51 and 52 of Regulation CE No. 1224/2009 (cessation of activity for a vessel if catches exceed a certain threshold).

³ p.172 : STECF. 2010. Review of Scientific advice for 2011 – part 2), 5-9 July 2010, Lyngby, Denmark. STECF-SGRST-09-02. 230 p.

⁴ p.177 : ICES. 2010. Report of the Working Group on the Biology and Assessment of Deep-sea Fisheries Resources (WGDEEP), 7–13 April 2010, Copenhagen, Denmark. ICES CM 2010/ACOM :17. 616 pp.

d. Rock grenadier (Vb, VI, VII)

The STECF recommends a TAC reduction greater than the advice issued by the ICES, proposing to modify the category of stock in agreement with the Communication COM (2010) 241 final (modified from category 6 to category 11).

Considering the principles that underlie the advices issued by the ICES, we request that the TAC for the grenadier Vb, VI, VII should be fixed in agreement with the level fixed by ICES, deemed compatible with long-term exploitation.

2. Specific measures concerning the orange roughy

Regulation (CE) No. 2270/2004 introduces protection zones for the orange roughy. In view of the absolute ban on catching this species in community waters from 1 January 2010 onwards, these management areas no longer appear suitable. As the revision of the regulations governing deep water fishing (EC 2347/2002) should enter into force in 2011, the removal of spatial protection measures will be made in this context. We therefore wish for the adoption of new measures proposed by the Commission for limiting roughy captures should be conditioned by the setting of a TAC for incidental catches.

3. Modification of management units

a. Blue ling

The professionals concerned have requested modification of the management areas for blue ling so that they correspond to the zones accepted by ICES in the definition of their stock evaluations (attachment of ICES zone Vb (CE) to the TAC currently defined for ICES zones ICES VI and VII). In view of the current quota level for zones II, IV and V, this re-definition will not have serious consequences on relative stability. It is important to note that the catches made in Zone Vb are not all made within Faroese waters, the inclusion of Zone Vb (CE) in the principal management zone therefore requires a quota transfer that corresponds to the actual catches made within the community waters of Zone Vb.

The Commission's willingness to include ICES zone XIIb as well complicates the definition of allocations of fishing resources between the different Member States. In fact, this zone is not currently subject to a TAC and the catches made within it are therefore unrestricted. The inclusion of Zone XIIb, in which the possibilities for fishing are unregulated, in the principal management area will favour the Member States with higher activity levels in that zone.

It will thus bring the relative stability into question. The response of the STECF concerning this point also goes in this direction:

“For blue ling Including Vb would be in accordance with the scientific advice but the inclusion of XIIb may be problematic. STECF suggests that to address the issue further, a way forward would be for DG MARE to request ICES to revisit the stock definition of blue ling in Vb, VI and VII and to evaluate whether XIIb should be included for assessment purposes. Management areas could then be reevaluated in light of ICES’ decision.”⁵

We therefore consider that inclusion of Zone XIIb is unacceptable. It could however be planned to propose a specific TAC that allows activities to be included in this zone.

b. Rock grenadier

Even though there is no clear scientific evidence, the STECF recommends including the Hatton Bank zone in the North-Western Waters Zone. Inclusion of ICES Zone XIIb in the TAC Vb, VI, VII could lend a certain consistency with regard to the ICES evaluation units.

However, the methods of defining the various Member States’ new allocations within this management unit are difficult to establish. In fact, the division of Member States’ fishing resources is very different between the two current management zones, meaning that the combining of these two zones will have effects on overall relative stability.

Individualised management of Zone XIIb could thus be proposed.

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⁵ p.172 : STECF. 2010. Review of Scientific advice for 2011 – part 2), 5-9 July 2010, Lyngby, Denmark. STECF-SGRST-09-02. 230 p.