

Fishing opportunities for the European Community Fleet in the North East Atlantic for 2010

Stock status situation and recommendations



A new debate about fishing opportunities

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A new debate about fishing opportunities

In October 2009, the European Commission presented its proposal for total admissible catch (TAC) and fishing effort for 2010 for the main fish species targeted by the Community fleet in the North East Atlantic¹. The EU Council of Fisheries Ministers will decide the fishing opportunities based on this proposal between December 14 and 16.

TACs and quotas per country are the principal conservation instruments of the Common Fisheries Policy.

In this document, Oceana presents the conservation status of the main species, analyses TAC proposals presented by the European Commission and makes a series of recommendations about the catch volumes it considers adequate for each species².

Oceana hopes the Fisheries Council will take these recommendations into account and that they may serve as a general overview for anyone interested in knowing the state of the resources, helping them evaluate the management measures currently being developed.

There is no doubt that the fisheries context is complex and, perhaps due to this complexity, the tendency to present general figures that attempt to synthesize a multitude of realities is sometimes criticised. This year, the European Commission pointed out that over 80% of fishing resources are currently overexploited³.

¹ Council draft regulation by which the 2010 fishing possibilities for certain fish groups and populations are established, applicable in Community waters and, in the case of Community ships, in waters where it is necessary to establish catch limits.

² NB. Important stocks of interest to the Community fleet are not analysed in this document because TACs in these areas are not the subject of debate in the Council meeting in December. The most relevant case is the Baltic Sea stock, whose fishing opportunities were decided in October.

³ COM(2009) 224. Consultation on Fishing Opportunities for 2010.

By analysing the conservation status of each species in the different areas of interest for the Community fleet, this document confirms their general, extensive and serious state of overexploitation.

Oceana hopes the EU will take the necessary measures to reverse this situation. The Council meeting in December seems like a good opportunity to begin working towards this objective.



Xavier Pastor, Executive Director of Oceana Europe

This report presents the state of stocks according to scientific assessments presented by the International Council for the Exploration of the Seas (ICES). This scientific body is in charge of providing the European Commission with information about these species⁴.

Once again, Oceana defends the need for management to be based on the scientific recommendations made by ICES, as an independent scientific body, in order for sustainable management of fishery resources to become a reality.

⁴ Memorandum of understanding between the EC and ICES. 2007.

General evaluation of the European Commission proposal

This year, two ideas can summarise the proposal presented by the Commission: its positive but clearly insufficient.

In one sense, the proposal is positive because the Commission proposes TAC reductions for over 70% of the populations, due to the deteriorated state of resources.

However, the proposed reductions are so small that they do not allow the populations to grow and foster the state of overexploitation suffered by most of these populations. Eight out of every 10 proposals merely consist of slight reductions in TAC of 10-15%.

Meanwhile, scientists recommend much larger reductions, for example as much as 70% for Norway lobster in division IXa; 65% for plaice west of Ireland; 60% for whiting in the North Sea; 50% for Norway lobster west of Scotland; or 40% for anchovy in division IXa and megrim in the Iberian Peninsula.

Furthermore, scientists continue to recommend the closing of important fisheries and this advice has increased over 25% in the last 5 years. This year, scientists recommend closing the following fisheries: cod in the Irish Sea, west of Scotland and the Kattegat; herring in the northeast of the British Isles; anchovy in the Cantabrian Sea; anglerfish in the Iberian Peninsula, and sole and whiting in the Irish Sea, among others.

Of all these recommendations, the European Commission has only taken into account the anchovy fishery in the Cantabrian Sea.

Evidently, if larger TAC reductions are not applied following scientific recommendations, it will be impossible to recover the populations.

For a large number of stocks –not subjected to long-term management plans- the reason for this gap between scientific recommendations and the proposals made by the Commission is the

application of a focus that gradually limits the modification of TACs to roughly 15% from one year to the next, for the supposed reason of ensuring a certain degree of stability in the fishing sector.

This focus is established through the application of the *Rules for TACs*⁵.

The results are dire for many overexploited stocks and/or with biomass that is reduced or even on the verge of collapse. In other cases, the application of the rules simply prevents the stocks from attaining the declared objective of reaching the corresponding levels of maximum sustainable output for 2015.

Oceana requests the revision of these rules in order to ensure that scientific recommendations are applied to stock management. In particular, Oceana calls for the elimination of these restrictions for all stocks that are currently overexploited or are smaller than the corresponding precautionary stock size limits.

In the case of stocks subjected to a management plan, Oceana stresses the need for these plans to be scientifically evaluated before they are implemented. Currently, and as can be confirmed in this document, many management plans have not been scientifically assessed or are not considered precautionary by ICES. This is something that must be changed.

⁵ COM(2009) 224. Consultation on Fishing Opportunities for 2010. Annex II, Rules for TACs. Brussels. 12 May 2009.

Cod (*Gadus morhua*)

Species description

This epibenthic, pelagic species can be found in a wide variety of habitats, from the coast to the boundaries of the continental shelf. It forms aggregations during the day. Cod is an omnivorous species and its diet consists of invertebrates and fish, including juveniles of cod. The largest stocks are found in the Norwegian Arctic, the Barents Sea and Iceland. It is also found in the Baltic Sea, the North Sea and west of Scotland.

State of the stocks

Cod stocks in European waters are overexploited in all areas. To date, the EU has been unable to halt the decline in stocks.

In December 2008, the EU approved a new management plan for the most important cod stocks under its competence after acknowledging that the recovery plan implemented in 2004 had not been successful in reducing fishing mortality to the required levels. The 2008 plan includes stocks from the North Sea, the Skagerrak and the eastern Channel; the Irish Sea; west of Scotland and the Kattegat.

The North Sea stock is still overexploited and reproductive biomass has been at critical levels for 20 years without any sign of improvement. There is also an important lack of control over catches: between 30% and 55% of biomass extraction was not registered between 2005 and 2008.

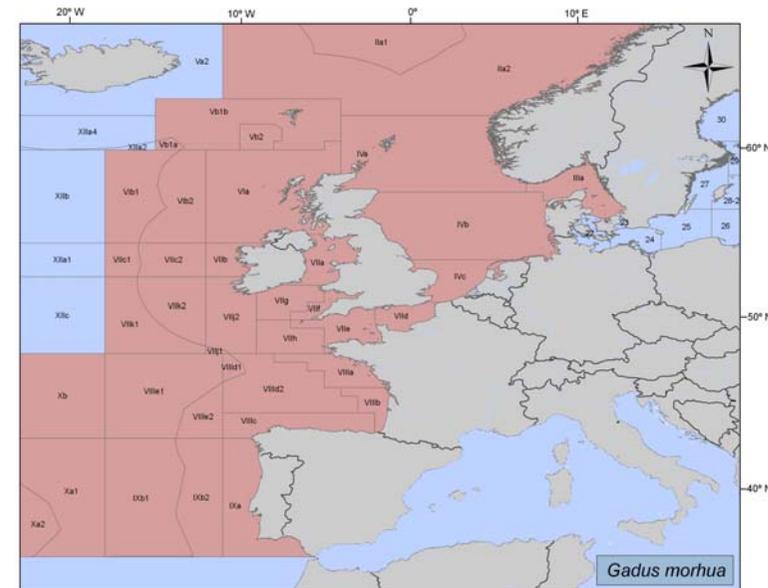
Overexploitation continues in the Irish Sea, west of Scotland and the Kattegat.

The Irish Sea stock is depleted because exploitation has exceeded scientific advice for 30 years. The catch in the 80s was 20 times larger than the current catch. In the West of Scotland, biomass is not even one-quarter of the safe biological limit established for the stock, while in the Kattegat, the biomass is five times less than the limit and

is currently at an all-time low. Scientists have been advising the closure of the fisheries in these three areas for 11, 8 and 9 years, respectively. To date, this advice has never been followed.

Oceana's position

The Commission did not present a proposal for the North Sea because it was waiting for the outcome of the negotiations with Norway at the end of the year. Oceana requests zero TAC for this stock, which includes the North Sea, the eastern Channel and the western Skagerrak. This is the only scenario considered to be in line with the precautionary focus in the area. Scientists have recommended zero TAC in 8 of the last 10 years, while the EU has approved TACs exceeding 20,000 tons.



ICES fishing areas included in the Commission's proposal

Management plans that foster overexploitation

For 2010, ICES has made recommendations based on monitoring of the management plan approved one year ago. Information about the details of this plan has yet to be made available. Despite this, after recommending the closing of this fishery year after year, a new possibility has been open to catch 66,400 tons, the highest quota since 2000.

Contrary to expectations, the stock situation remains unchanged: overexploitation continues, reproductive biomass is extremely low, discards are increasing and undeclared catches are at an all-time high.

The condition recommended by ICES to accept the plan as in line with the precautionary principle is that it must be “adequately implemented and enforced” so that fishing mortality is reduced to the target levels. However, this fishery has a long tradition in not complying with regulations. For the last 10 years, 43% more cod has been extracted than the amounts permitted by approved TACs -which consistently exceed scientific recommendations.

Perhaps this is the reason why ICES has also presented a table of catch possibilities in line with the precautionary principle. In this case, there is only one recommended option: zero TAC.

For the stocks in the Irish Sea, west of Scotland and the Kattegat, ICES has rejected the management plan because it is not in line with the precautionary principle and does not allow stocks to recover even under strict monitoring. In the case of the Kattegat, scientists believe the plan may theoretically work, but they do not consider this a realistic evaluation given this fishery's degree of non-compliance with TACs.

Oceana hopes that if the negative situation in the North Sea continues during the last months of 2009 and first months of 2010, ICES will reconsider the way in which it has carried out its evaluation of the area. The evaluations must be in line with the real data extracted from the fisheries and not with promises of future improvement in the management of these fisheries.

Oceana reaffirms its support for long-term management plans.

Taking into account the state of the stocks, Oceana does not understand why the Commission proposes a 25% reduction in TAC for the Irish Sea, west of Scotland and the Kattegat. All the available information points to the need to close these fisheries and Oceana urges the Council to adopt this measure.

Furthermore, the Rockall fishery should also be closed. Although adequate data is not available, administrators should realise something is seriously wrong with the stock when catch levels are twenty times lower than in the 80s.

The Commission's proposal for the Celtic Sea should be improved. Significant management efforts have not yet been made in the area and established TACs have exceeded current landings. Under these conditions, stocks are likely to continue declining, without signs of recovery.

Blue whiting (*Micromesistius poutassou*)

Species description

Blue whiting is found on the coasts of the North-East and North-West Atlantic. In the North-East Atlantic, this species is found from the Barents Sea and south along the African coast to Cape Bojador. It is found on the continental shelf and slope down to 1,000 meters where it feeds mainly on small crustaceans.

State of the stocks

Blue whiting is overexploited in Community waters. Fishing mortality has exceeded recommendations for 12 years, leading to a continued decline in reproductive biomass. In keeping with last year's predictions, the stock is currently outside precautionary and safe biological limits.

For years, this species has suffered increasing overexploitation due to a lack of management measures and landings that have been two to three times higher than recommended levels.

The attempts to correct this situation beginning 2005 have been unsuccessful: catches have continued to exceed scientific recommendations by between 50 and 70%.

In total, between 1998 and 2008, catches have exceeded recommendations by 10,036 million tons. The approved TAC for 2009 was 57% higher than the recommended TAC.

Stock decline is expected to have an important impact on the ecosystem, affecting important commercial species that feed on this species.

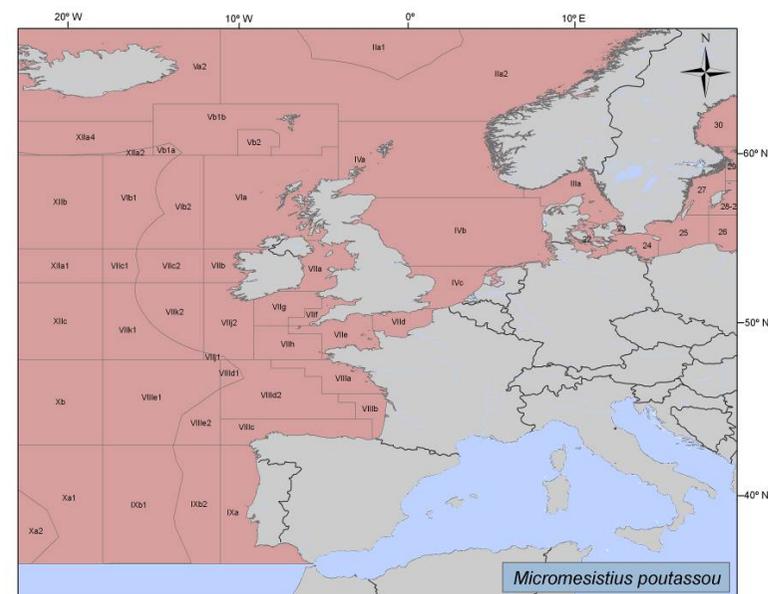
Oceana's position

TACs and quotas for blue whiting stock are set as a result of annual negotiations between the EU, Norway, Iceland and the Faeroe

Islands, so the European Commission does not include these in its TAC proposal.

In November 2008, the parties agreed on a management plan. The TAC agreement reached in October 2009 is in line with this plan, but if ratified, reproductive biomass will have declined by more than 14% in 2011.

ICES has warned that this plan is not precautionary if fishing mortality is not drastically reduced in the first years of implementation, because there is an elevated risk of further decline in the stock during this period. Apparently, this reduction is not going to become a reality.



ICES fishing areas included in the Commission's proposal

Oceana requests that measures be adopted to halt the decline in stock predicted for 2011. For this, TACs must be reduced by 60% compared to last year.

Management of these stocks by the EU, Norway, Iceland and the Faeroe Islands has failed to maintain the stock at the extraordinary levels it reached only 6 years ago thanks to the exceptional recruitment levels. Now, we're back to managing minimums, disguised as precautionary levels. Currently, total biomass continues to decline.

Hake (*Merluccius merluccius*)

Species description

European hake (*Merluccius merluccius*) is widely distributed throughout the North-East Atlantic, from Norway and Iceland down to southern Mauritania. This demersal species is found on bottoms between 70 and 370 meters depth where it feeds on fish during its adult stages and crustaceans during its juvenile stages.

State of the stocks

Both stocks in the European, the north stock (IIIa, IV, VI, VII and VIIIa,b,d) and the south (VIIIc and IXa), are overexploited although their current state varies after years under specific recovery plans.

The results remain positive for the north stock and the biomass has at last exceeded the established precautionary limits. Since the beginning of the 90s, the stock was under excessive fishing pressure and the average length had decreased. In any case, there is a general lack of information concerning the volume of total catch and particularly concerning juveniles due to the unknown volume of undeclared discards.

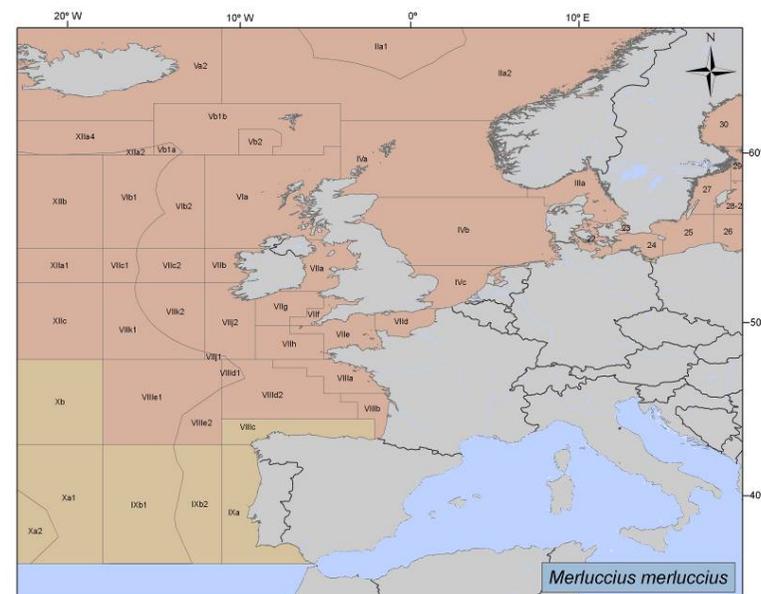
In the south, the state of overexploitation continues to worsen. Scientists have been calling for the closing of the fishery for seven years. These recommendations were ignored and instead, a recovery plan was implemented that was a complete failure. The catch has doubled the approved TACs due to a lack of control and commitment from the fleets. As proof of the decline of the species in this area, recruitment for 2008 was at an all-time low and reproductive biomass is expected to decline in coming years. The opportunity for growth caused by the excellent levels of recruitment between 2004 and 2007 has been definitively lost.

Other factors, such as high levels of discards, must also be taken into account: discards of hake alone account for an average of 20.4% of the weight of landings since the management plan was implemented.

To date, none of the recovery plans for European hake have been assessed by ICES as the official scientific body in charge of advising for the species.

Oceana's position

Oceana welcomes the European Commission's proposal to reduce TACs for the northern stock; this effort will allow reproductive biomass to increase significantly by over 10%. Technical measures should also be applied for the juvenile catch taking into account that high volumes of juveniles are being taken and discarded but are not declared.



ICES fishing areas included in the Commission's proposal Northern and Southern stock.

On the other hand, the Commission's proposal for the southern stock is unacceptable. This stock is overexploited and outside the established safe biological limits, and yet a 15% TAC increase has been proposed based on a management plan that has already been proven inefficient.

Taking into account the state of the stock, the fishery's high volume of catches that exceed approved TACs and the high volume of discards, Oceana requests the closing of this fishery until 2011. Scientific assessment estimates that closing this fishery for one year would put the stock within the safe biological limits.

This measure would also benefit other species including megrim, anglerfish and Norway lobster, which are also caught in this area and are also overexploited. Scientists recommend zero TAC for Norway lobster and anglerfish.

The logic behind discards in the southern stock

Some established measures are not only senseless from the point of view of biology and the recovery of resources, but are actually contributing to a decline in the stock by generating higher volumes of discards.

Scientists have pointed out that the net mesh sizes do not comply with the minimum landing size for the species, which is 27 cm. This lack of coherence affects discards of hake, which reach up to 70% in volume and are comprised mainly of juvenile specimens.

The problem is even more serious if we take into account that the size at sexual maturity for this species is over 35 cm for males and over 45 cm for females.

An increase in the minimum landing size according to size at sexual maturity and an increase in the mesh size of nets would improve the stock and the future fishing possibilities.

Oceana recommends the implementation of other measures like closed areas and areas of preferential access for highly selective fleets and gear. Currently, 61% of the declared catch is taken by the least selective fleet, the trawling fleet.

In recent years, hake discards have constituted 20.4% of the catch weight, while total discards for the trawling fleet in the area are between 35 and 59% of the total catch.

Haddock (*Melanogrammus aeglefinus*)

Species description

Haddock is found in the North-East Atlantic, from the Bay of Biscay to the Barents Sea. It is also found in the North-West Atlantic. Adults are found between 80 and 200 meters depth, on rocky, sandy or gravel bottoms. The species feeds on benthic organisms including crustaceans, molluscs, equinoderms and fish.

State of the stocks

The state of haddock stocks in European waters is generally acceptable. Stock biomass is within safe biological limits. However, this is a recent occurrence and the situation is not stable. Threats in different areas stem from problems caused by unsustainable exploitation, discards and undeclared catches.

The stocks in the worst conditions are located west of Scotland and, with less presence of the Community fleet, in the Faeroe Islands. In the case of Scotland, overexploitation is consistent and continuous. Biomass is outside the established precautionary limits and fishing pressure is excessive.

The North Sea and Skagerrak stocks are in good condition, as is the Rockall stock and the areas around divisions XXI and XIV. Despite this, haddock discards are significant in these areas.

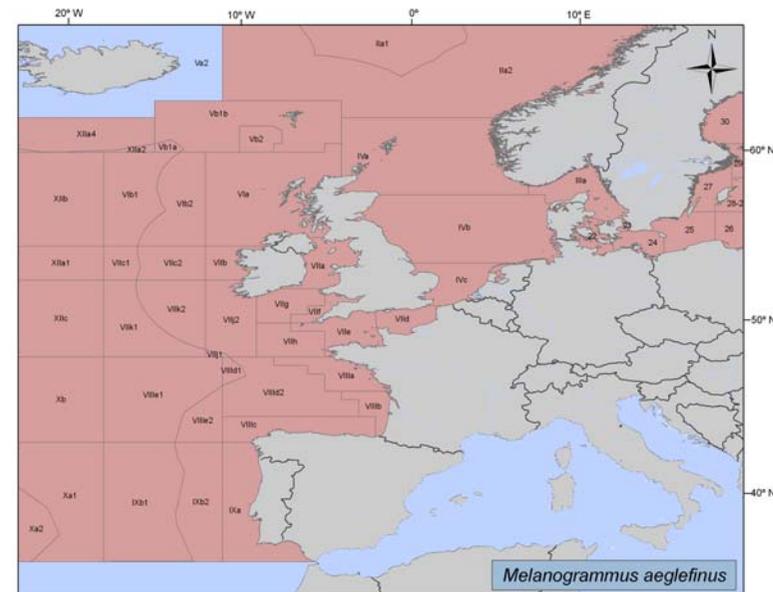
Unacceptable discards

In the North Sea and the Skagerrak, 40,861 tons were landed in 2001. That same year, 118,225 tons of haddock were discarded at sea. Despite the fact that these figures have not been repeated in subsequent years, in the last ten years, discards have

constituted 44% of the extracted biomass: practically one of every two kilogram taken has been systematically discarded during the last decade.

In Rockall, discards accounted for 70% of the catch in the 90s. Since then, efforts have been aimed at reducing these volumes, but discards continue to be significant: the average percentage for this decade is 36%.

In areas VIIb-k, the most recent data is from 2008, showing to what point the problem persists in European waters. Discards exceed landings: 3 of every 5 haddock are discarded.



ICES fishing areas included in the Commission's proposal

The stock in the arctic is in good condition. Reproductive biomass has been maintained at high levels for 20 years. The most important risk for this stock is the high percentage of undeclared catches, estimated to be up to one-third of landings. The control mechanisms should continue to be improved, in line with the last two years, in order to ensure that all catches are accounted for and to protect the TAC-based management system.

Oceana's position

TAC proposals were not presented for the North Sea and the Skagerrak because the fishery is developed with Norway under the auspices of a joint management plan. The recovery of the levels of reproductive stock has been successful thanks to the use of the best available techniques in recent years. A line of action to reduce discards in this area should be fostered. Scientists have pointed out the need to improve the selectivity of nets, which they relate to the high catch rates of juvenile haddock each time good recruitment levels are observed and to the by-catch of other species including whiting, Norway lobster and cod.

For the west of Scotland, the Commission has proposed a 54% reduction compared to 2009. This is a significant reduction, although it is still insufficient if the EU ever expects to recover the stock. It is the second consecutive year that ICES recommends the closing of the fishery. Last year, the EU responded to this same recommendation with a TAC of 3,516 tons. Moreover, this TAC was unrestrictive (total landings in 2008 did not reach 3,000 tons when the established TAC was 6,000).

The rest of the European Commission's proposals are in line with scientific recommendations, except for the Rockall area and the waters in divisions XII and XIV that surround it, where the 15% reduction should be increased to 28% in order to maintain the stock that seems to have recovered.

In division VIIIb-k, the leniency with the high rates of discards mentioned above puts the stock at risk. The lack of measures to

prevent these discards leads to the taking of juveniles that have joined the stock during years of good recruitment.

Megrim (*Lepidorhombus spp.*)

Species description

The two species of megrim found in the North-East Atlantic are *Lepidorhombus whiffiagonis* and *Lepidorhombus boscii*. Widely distributed, these species are found from Icelandic waters to the African coasts of the Western Sahara on soft bottoms and at depths ranging between 288 and 700 meters where they feed on small demersal fish, cephalopods and crustaceans.

State of the stocks

Despite its wide distribution, the state of megrim stocks is so poor that the catch barely reaches 15,000 tons in total for the three stocks managed in European waters.

In the Iberian Peninsula, the stocks have continuously declined since the 80s and currently show low levels of biomass and permanent overexploitation. For years, the imposed TACs have been 6 times over the scientific recommendations and real fishing opportunities, maintaining constant and excessive pressure.

In the Celtic Sea and division VIIIabd, the exact state of the stock is unknown and recommendations have consistently been ignored since the fishery was first assessed 17 years ago.

In western Scotland, quotas have been 50% over the volumes recommended in the last two years. The state of the stock is uncertain. Scientists have recommended joint management of this stock with the North Sea stock.

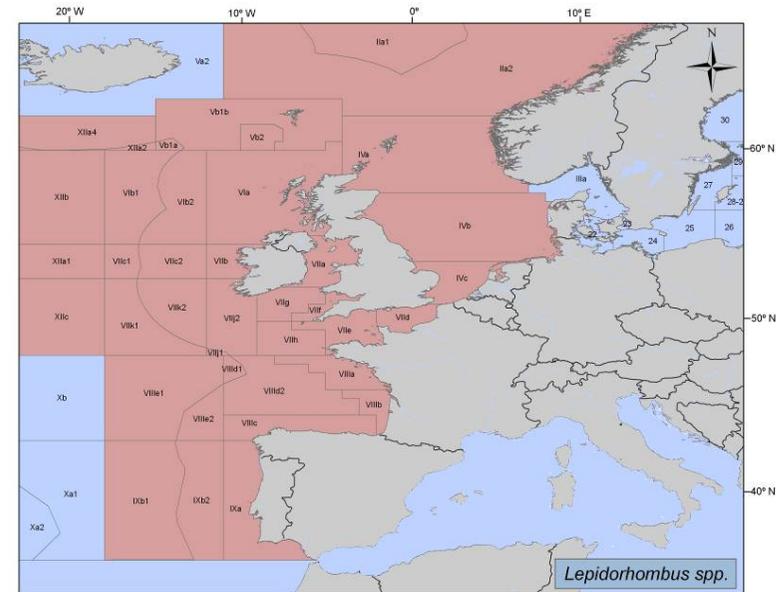
Oceana's position

After years of overexploitation, the stocks are very low and the management measures implemented by the EU seem to indicate that there is a certain degree of conformity to maintain the stability of these low levels of biomass.

The only area for which reductions are proposed is the Iberian Peninsula, where the Commission's proposal is less than half of the percentage recommended by scientists. Oceana requests a reduction of TACs to less than 900 tons.

In the Celtic Sea and division VIIIabd, TACs in recent years have exceeded recommendations by 50%. Despite this fact, the Commission's proposal maintains unsustainable quotas for 2010, which the fleet will not be able to fulfil due to the poor state of the stock. In this sense, the approved TACs are not expected to contribute to the recovery of the resource.

The poor state of the stocks in some areas and the uncertainty about their evolution in others makes it necessary to improve data collection systems and, consequently, the assessment of this species. A difference must also be established between the two species of megrim (*L. whiffiagonis* and *L. boscii*) in order to correctly manage both resources.



ICES fishing areas included in the Commission's proposal

fishing effort, but significant problems related to undeclared catches persist.

Management measures must be adopted in the Skaggerak and Kattegat, where no such measures currently exist. The catches in these areas correspond to the same stocks distributed in the North Sea and west of Scotland, affecting the recovery of the resource in these areas and jeopardising the management efforts implemented in these regions.

In areas VII and VIIIabd, the Commission's proposal does not take into account the scientific recommendations to maintain fishing effort stable, and instead, increases it by 15% despite the fact that the state of the stock is unknown. The possible positive evolution of the stock is being compromised by allowing an increase in catches that are primarily comprised of juvenile specimens produced by good recruitment.

The Commission proposes a 25% reduction in TACs for the southern stock compared to last year. This small reduction is insufficient. Oceana requests zero TAC to allow the species to recover. Scientific recommendations to close the fishery have been consistently ignored for 7 years.

The disastrous management of the southern stock has important economic consequences: overexploitation has led to such low levels of biomass that the current catch volume is 4 times lower than it was 20 years ago.

A management plan must be drafted to correctly manage this fishery following scientific recommendations, although it should only be implemented when biomass has recovered. Previous experience in management plans in this area, such as the ones implemented for hake and southern Norway lobster, is very negative because catches were not controlled, reaching up to three times over the volume set by the plan. Oceana insists that the closing of the fishery is the only effective measure.

Greater silver smelt (*Argentina silus*)

Species description

Greater silver smelt can be found from Svalbard to the east coast of Scotland and Ireland, as well as in the deeper waters of the North Sea. It also occurs in the West Atlantic. The species is bathypelagic, forming schools close to the bottom. Its diet consists of planktonic invertebrates.

State of the stocks

There is insufficient information to establish the state of stocks.

In western Scotland and Rockall, the decline in the proportion of adult specimens in the catches shows excessively high rates of exploitation after years of targeting this species.

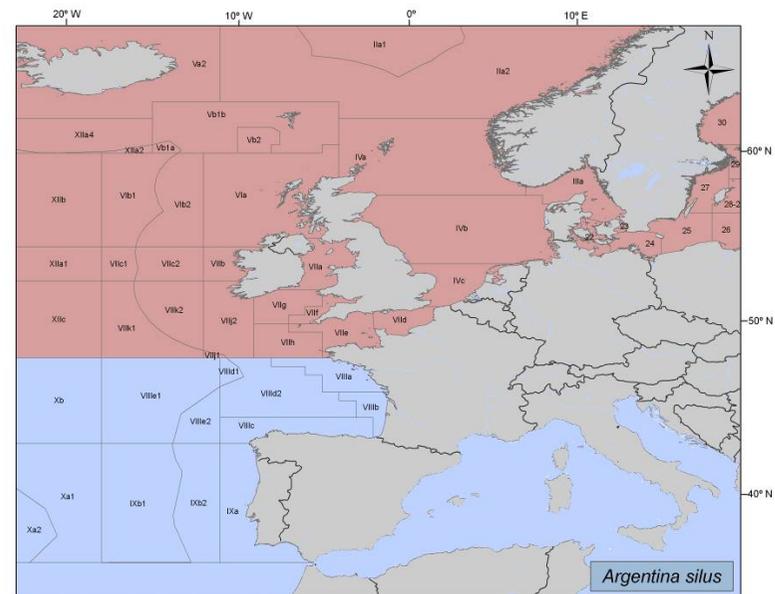
In all areas, greater silver smelt constitutes the by-catch and can be a very significant discard of the trawl fisheries. These volumes could be especially significant in the south-west British Isles.

Oceana's position

Based on the evaluations, this fishery should not be allowed to expand unless it can be shown that it is sustainable. Improvements in catch and discard estimations are recommended.

Due to its low productivity and highly aggregating behaviour, the greater silver smelt is especially vulnerable to overfishing.

The Commission's proposal to reduce TAC by 15% in all areas is in line with scientific advice. Oceana hopes the Council will support this reduction.



ICES fishing areas included in the Commission's proposal

Mackerel (*Scomber scombrus*)

Species description

Atlantic mackerel is present throughout the North Atlantic, although it is more abundant around the continental shelf, in cold or temperate waters. Mackerel form large schools and feed on zooplankton and small fish.

State of the stocks

The North-East Atlantic stock is overexploited. Despite this, the size of the reproductive stock has increased since 2002 and is now within the precautionary limits.

Different agreements between countries with fishing interests have been implemented in recent years, although with little success in reducing fishing mortality, which has exceeded scientific recommendations for 25 years. Catches consistently and continuously exceed TACs in all areas. This lack of control seriously threatens the future evolution of the stock.

In addition, discards are not correctly assessed. In fact, data is unavailable for some fleets. Data from other fleets, however, shows that discards may be significant. In 2008, fleets from Holland, Scotland and Germany alone discarded more than 27,000 tons of mackerel.

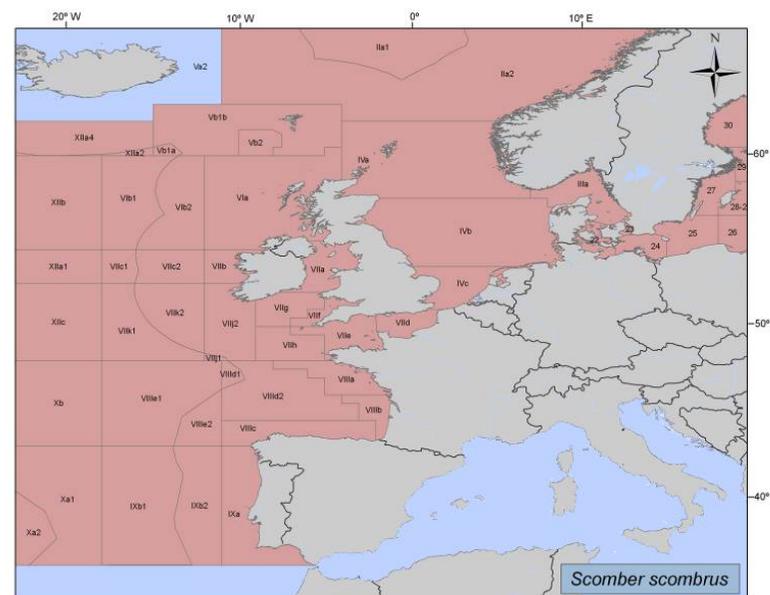
Oceana's position

A management plan was agreed upon in 2008 by the EU, the Faeroe Islands and Norway, substituting a previous agreement reached in 1999. The quotas for these countries were established by the agreement so the European Commission did not present any proposals.

Interestingly, one of the objectives of this management plan is to maintain reproductive biomass above a certain level, which is below the precautionary level. This objective must be modified.

Oceana requests the adoption of TACs under 450,000 tons, so that real catch –taking into account the undeclared catch- at the end of the year is within the fishing mortality rates associated to the plan.

Controlling excess catch continues to be a problem with this species: in 2009, catches were 20% over the established TACs. This situation leads to excessive fishing mortality rates that do not concur with the established objectives. In the southern area, catches have systematically exceeded established TACs during the last 5 years.



ICES fishing areas included in the Commission's proposal

Agreements on discards in various pelagic fisheries

In 2009, the Faeroe Islands, Norway and the EU agreed to establish a set of measures for 2010 focused on reducing discards and improving the state of mackerel, horse mackerel and herring fisheries. These measures included a ban on *high grading*, a ban on discarding fish before it has been loaded on board and the obligation to change fishing grounds when the presence of juveniles exceeds 10% of the catch.

Oceana believes these measures are a step forward and hopes they will be implemented effectively beginning January 2010. Oceana also recommends the supervision of the implementation of these measures and their consequences on stocks and fisheries management.

Norway lobster (*Nephrops norvegicus*)

Species description

Norway lobster occurs throughout the continental shelf and the East Atlantic slope, from Iceland to the Atlantic coast of Morocco. It is present in muddy bottoms between 20 and 800 meters depth. The species feeds on detritus, crustaceans and annelids.

State of the stocks

The general condition of stocks is good in most areas although conditions are worsening for the weaker stocks in the west of Scotland. In the north and north-east Iberian Peninsula, stocks are in critical conditions.

In division VIa, in the west of Scotland, exploitation has been clearly and recently intensified to the point that certain populations have declined more than 40% in the last two years.

The situation is getting worse in northern and north-eastern Spain and northern Portugal. Norway lobster is overexploited and biomass is extremely low. Currently, the established TACs exceed the fishing opportunities and, as such, they are useless and the fleet catches as much as it can, depleting the stock. Under these conditions, the state of the stock is so poor that in 2008 less than 60 tons were landed in area VIIIc. Twenty years ago, landings were 596 tons.

Oceana's position

The Commission's proposals are insufficient in the majority of the cases, except in the North Sea and division VIII – except VIIIc- where scientific recommendations are followed.

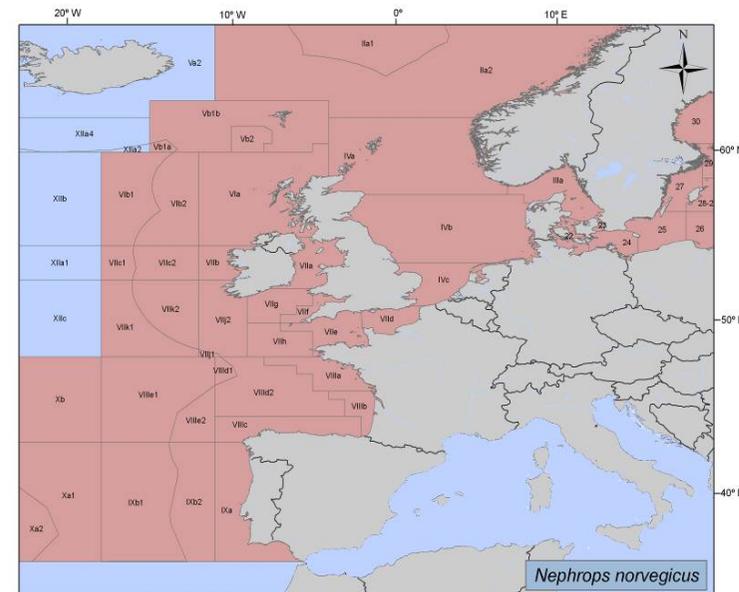
Both west of Scotland and in division VII, the Commission seems to react to the worsening state of the stocks by proposing a reduction in TACs of 15 and 30%, respectively – complying with the Rules for TACs. Although the proposal is a step forward, we must not forget

that scientific assessment has determined the need to reduce TACs by roughly 50% in both cases.

The situation is quite different in the waters of the Iberian Peninsula, where the proposal is unacceptable and TACs are excessive, taking into consideration the state of stocks.

Oceana requests the closing of the fishery in Spanish waters of the Cantabrian Sea, as well as in northern Portugal, until stocks show signs of recovery. This is the eighth consecutive year that ICES recommends the closing of the fishery in these areas.

Following the tradition of ignoring scientific recommendations, the proposed TAC for the population of Norway lobster in south-eastern Spain and Portugal is 68.5% times over the recommended quota.



ICES fishing areas included in the Commission's proposal

An inconsistent management plan

For the north and north-eastern part of the Iberian Peninsula, the Commission's proposal –which is based on a management plan that has not been evaluated by ICES– once again ignores scientific recommendations for zero TAC.

A joint management plan for European hake and Norway lobster has been operating in Spanish waters since 2006. In the case of Norway lobster, the plan seems to constitute an excuse to ignore scientific recommendations. ICES has warned that it is impossible to make adequate recommendations on fishing mortality due to the scarce information obtainable from such low stock levels.

Scientists have been recommending zero TAC year after year since 2002. This recommendation has never been followed.

Under these conditions, the management plan can be considered nothing less than a fraud.

Discards in the Norway lobster fisheries, a problem that needs a solution

The volumes of discards in this fishery are significant.

In the North Sea and west of Scotland, the extensive use of 80mm nets means discards are over 30% of the Norway lobster catch in some areas. Furthermore, the use of these nets causes significant by-catch and discards of other species including cod, haddock and whiting. Total discards can constitute 83% of the catch.

Apart from an increase in mesh size, square-shaped mesh can also be used to reduce these catches. Scotland promotes closing fishing areas in real time as a method to reduce cod by-catch, a species that is overexploited in these areas. To date, information about the implementation, functioning and effectiveness of these measures has not been provided.

It should be stressed that ICES has been recommending a change in the management of Norway lobster in European waters for years. For the North Sea, west of Scotland, division VIII and in waters of the Iberian Peninsula, ICES has requested that the system be changed to one based on the real distribution of the species, which is comprised of smaller, isolated populations that are perfectly defined. ICES provides specific information on the state of the species that comprise these units.

Despite this recommendation, the EU maintains the current management system based on administering total catch and regulating fishing effort in large areas. The Norway lobster is at risk of depletion if the EU continues to use this model.

Ling (*Molva molva*)

Species description

Ling occurs in waters of the North Atlantic. In the North-East Atlantic, it is found from the Barents Sea and Iceland down to Morocco. It lives on rocky bottoms in waters between 100 and 400 meters depth. The ling's diet consists mainly of other fish, lobster and cephalopods.

State of the stocks

Catches have increased since 2006 to almost double the recommended quotas in the Barents Sea and Norwegian Sea. The pressure on the stock is excessive.

In the Faeroe Islands, the stock stabilised more than 20 years ago under conditions of low biomass.

This same situation in which healthy stock conditions allowed for high catch volumes seems to have disappeared in other areas as well, with the exception of Iceland, where stock conditions are acceptable.

In all areas, ling is part of the by-catch of other fisheries targeting more economically valuable species like cod. ICES has recommended avoiding excessive pressure on the species caused by the temporary aggregation of the fleet in certain areas.

The species is particularly vulnerable to overfishing due to its slow growth rate and late maturity.

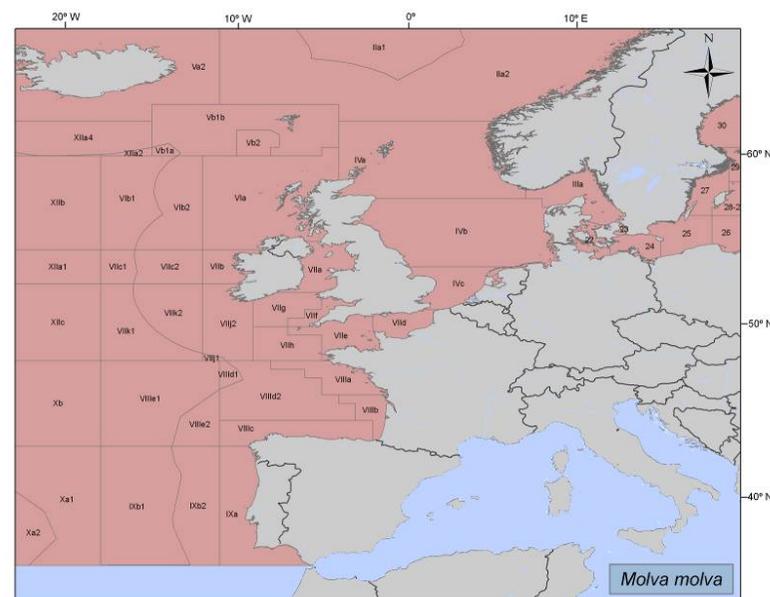
Oceana's position

Except for the Faeroe Islands and Iceland, all of the European Commission's proposals are insufficient. Forty percent (40%) of the ling consumed in Europe comes from these countries, but the Community fleet catch is insignificant.

In the Barents Sea and Norway, the proposed 15% reduction is insufficient taking into account that scientists recommend a 40% reduction.

Taking into account the volume of the EU catch, the proposal for the other divisions is more important, where the necessary reduction is 30%, although the proposed reduction is only half of this percentage and is guided by the *Rules for TACs*.

ICES has repeatedly stressed the need to have and collect more complete data for all areas. Currently, most of the data comes exclusively from the catch per unit effort trends (CPUE).



ICES fishing areas included in the Commission's proposal

Greenland halibut (*Reinhardtius hippoglossoides*)

Species description

Greenland halibut is distributed around the world, in Arctic waters and temperate waters of the northern hemisphere. In the North-East Atlantic, it occurs from the Barents Sea to southern Ireland. This epibenthic species feeds on fish, crustaceans and other benthic invertebrates.

State of the stocks – Oceana’s position

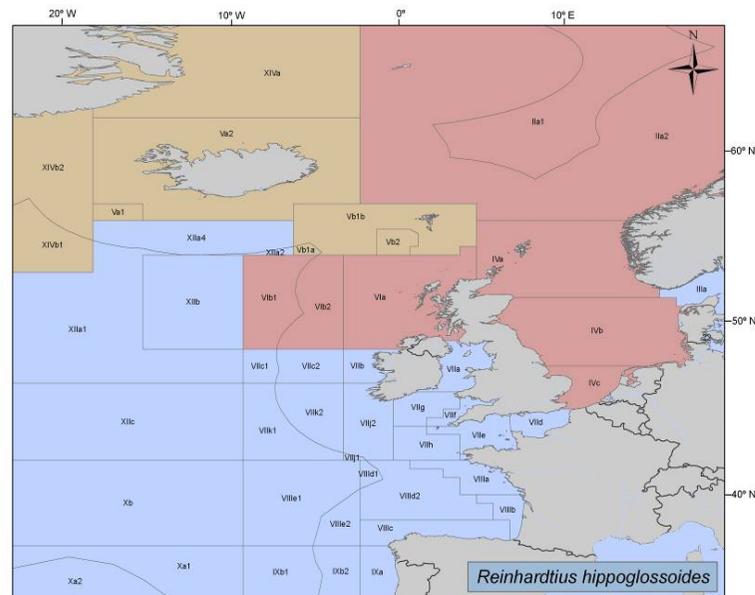
The size of Greenland halibut stocks in waters of the North-East Atlantic is at an all-time low in almost all areas. The situation is a matter of great concern because the species is considered extremely vulnerable and because of the slow response it will have to recovery measures that may be implemented.

The stock in division IIa has shown low levels of biomass for 25 years. During the 90s, excessive catches were taken and recommendations for zero TAC were consistently ignored for 6 years. The countries with the largest catches are Norway and Russia.

The rest of the areas included in the European Commission's proposal are concentrated in division VI (west of Scotland and Rockall). However, that stock is mainly distributed in waters between the Faeroe Islands, Iceland and Greenland. The EU takes its largest catch in the waters of Greenland, subjected to agreements reached outside the current proposal.

The stock has been declining since the mid-90s and is currently at an all-time low. Despite this, fishing mortality continues to double scientific recommendations. In 2009, catches may be as much as 5 times higher than the recommended quota.

ICES has recommended the adoption of a management plan that covers all areas and countries involved in this fishery, in order to unify the management of the species.



In red color, ICES fishing areas included in the Commission's proposal. In yellow color, fishing areas of interest for the EU fleet

Horse mackerel (*Trachurus trachurus*)

Species description

Horse mackerel occurs in the Mediterranean and East Atlantic, from Norway to South Africa. It lives in coastal areas on sandy bottoms and forms large schools. Its diet consists mainly of fish, crustaceans and cephalopods.

State of the stocks

There are three large stocks in Community waters and each one is in different conditions.

The western stock is in good condition, above the precautionary limits for more than 5 years thanks to a decline in fishing mortality in the area.

However, the state of the North Sea stock –also distributed throughout the Skagerrak and the eastern English Channel- requires a reduction in TAC, which is double the quota recommended by scientists.

The situation seems stable for the southern stock –exclusively considered division IXa- although biomass is considerably lower than in the 70s and 80s.

The high catch rates of juveniles continues to be one of the problems related to this fishery.

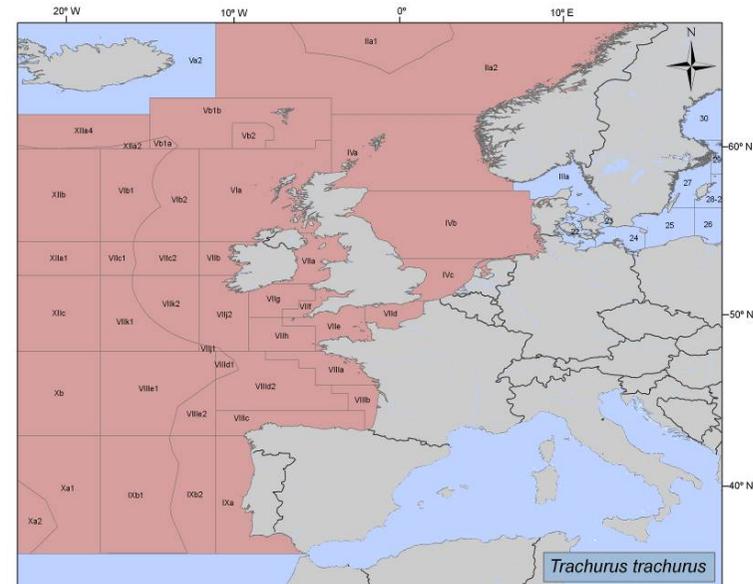
Oceana's position

The Commission has not presented any proposals because it is waiting for the outcome of the negotiations with Norway and the Faeroe Islands.

Following the guidelines of a management plan that has not yet been officially implemented, the recommended TAC for the western stock is 180,000 tons. Oceana applauds the adoption of a plan that regulates the fishery; however, it does not agree with the objective of maintaining the biomass only slightly higher than the precautionary levels. Management plan objectives should be set at reference points above the corresponding maximum sustainable levels.

Scientific recommendations for the North Sea stock have remained stable since 2002, although approved TACs have doubled or tripled these recommendations.

The TACs presented for this fishery's southern stock are usually excessive, and it seems that it is common practice for approved TACs to practically double the scientific recommendations. Although the fleet will not reach these TACs, if it did, this would put the evolution of the stock at risk. As such, Oceana requests that the recommendations be finally adopted.



ICES fishing areas included in the Commission's proposal

ICES has recommended that the management units for the allocation of TACs should conform to the distribution used to assess the different horse mackerel stocks (West, North Sea and South) in order to improve the management of the species.

Plaice (*Pleuronectes platessa*)

Species description

European plaice is distributed throughout the North-East Atlantic, from Greenland and Norway to Morocco. The distribution of the species in the water column depends on its age, where older specimens tend to migrate to greater depths. The species feeds on molluscs and polychaete worms. Plaice is the most important flat fish in European fisheries.

State of the stocks

Most plaice stocks are overexploited. This means the volume of the current catch is much lower than the volume of the catch at the beginning of this decade.

The only exception is in the Irish Sea where, in any case, scientific assessment has warned of the possibility that the size of the stock is being overestimated while fishing mortality is being underestimated.

The North Sea stock is overexploited. Recently, though, the reproductive stock has shown signs of recovery.

The same cannot be said for other areas. In the Celtic Sea, the stock continues to be overexploited and is outside the precautionary limits as far as size is concerned. Despite this fact, it is estimated that the catch in 2009 will be 36% over the agreed TAC.

In the English Channel, stocks are not only overexploited; the size of the reproductive biomass has been consistently declining for the last 15 years.

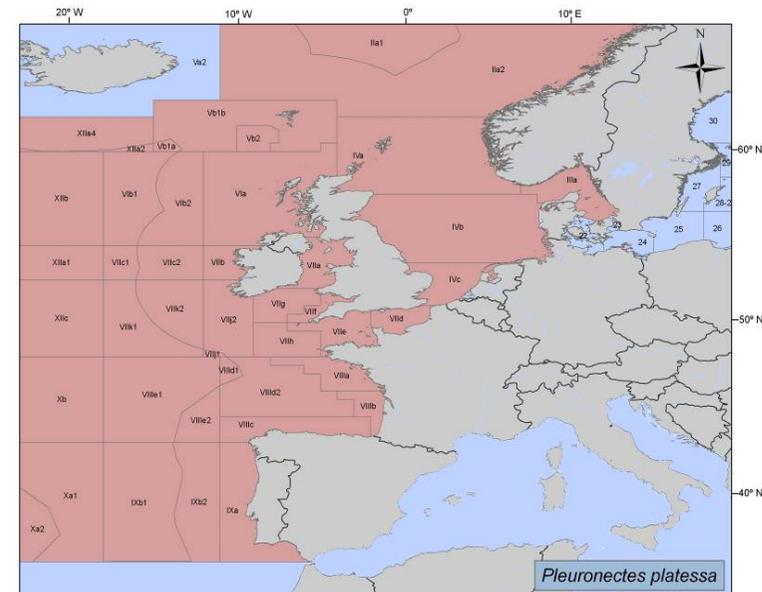
A negative stock situation with an added problem: discards

Plaice discards are one of the main problems in practically all areas.

In the North Sea, roughly 50% of the plaice catch is discarded. For example, in 2008, 48,874 tons of fish were landed while 47,166 tons were discarded. The situation is usually worse: in 4 of the last 8 years, discards have exceeded landings.

Furthermore, the situation repeats itself in the Celtic Sea, with the added problem of mesh sizes that do not comply with the minimum imposed sizes.

To complete this scenario, the worst situation occurs in the Irish Sea, where 8 out of 10 specimens of plaice taken are discarded.



ICES fishing areas included in the Commission's proposal

Oceana's position

The European Commission's proposals are insufficient in the majority of the cases, but especially detrimental in the case of the Celtic Sea stock. An increase in the quota is proposed for this area when the precarious state of the stock and strong fishing pressure exerted on it point to the need to reduce fishing mortality by 50%. Oceana requests the revision of this proposal and a reduction in TACs of 25% in order for the stock to return to the minimum precautionary levels.

The proposal for the North Sea is a product of the bilateral agreements reached with Norway, and was not presented by the Commission. The management plan implemented by the EU for plaice and sole seems to support the recovery of plaice stocks. The objective now must be to increase the biomass. The management plan allocates catches under 63,825 tons. Ten years ago, catches were almost double the current catch; and 20 years ago, they were almost triple. Limiting the catch to 46,400 tons would have positive effects on the size of the reproductive biomass, increasing it by 17%. Oceana recommends this option.

The Commission's proposal for western Ireland is a step forward although insufficient to recover stocks. In fact, the excessively high TACs approved for this fishery have not been reached in years. A 15% reduction is proposed based on the *Rules for TACs* established by the Commission itself, when scientific recommendations point to a 65% reduction. Oceana does not share the criteria of supposed socioeconomic stability that only serve to perpetuate the poor state of the stocks.

Similarly, the proposals for the English Channel are positive, yet insufficient. This should not be surprising because scientific recommendations concerning catch volume have been consistently ignored for 20 years. Furthermore, scientific assessment is carried out separately for stocks in the east and west, so the fishing opportunity proposals should not be carried out jointly for these two areas.

On the other hand, the proposals to increase the catch in the Irish Sea are in line with scientific recommendations. However, taking into account the possible overestimation of the size of the stock, Oceana recommends precaution and strict supervision of its evolution.

Similarly, the reduction of quotas in south-western Ireland is at last in line with the scientific recommendations of the last 3 years. Maintaining excessive TACs was not logical: in the last 9 years, approved TACs totalled 4,845 tons, while only 1,578 tons were landed.

The European Commission has not presented a TAC proposal for the Kattegat and Skagerrak because negotiations with Norway are pending. In any case, scientific recommendations made in the last 2 years have not been followed and a TAC that exceeds these recommendations by 25% was adopted. Oceana hopes the catch will be reduced to the TAC that has been recommended for 3 consecutive years, which is 9,400 tons.

Discards, a problem with more than one alternative

Discards in different areas could be even more significant taking into account that scientists believe that discard estimations are deficient for the majority of stocks.

In the North Sea, most discards are due to the use of 80 mm mesh sizes that take large quantities of plaice that has not yet reached the minimum landing size of 27 cm, but optimise the sole catch, with a minimum size of 24 cm. Furthermore, it was recently detected that the fleet concentrates in areas where the proportion of juvenile plaice is highest.

Oceana requests the improvement of protection measures for juveniles, including the designation of more areas of limited access and an increase in the mesh size over 80 mm. At the same time, the minimum size for sole must also be increased. This increase is expected to help reduce plaice discards, but also discards of another overexploited and highly valuable species, the cod.

An increase in mesh size can be implemented with less inconvenience in the Celtic and Irish Seas, where assessments show that the reduction in discards due to the implementation of this measure would lead to an increase in the size of the stock and increased fishing opportunities.

Oceana requests that discards be included in the assessments of all stocks as is the case in the North Sea.

Sandeel (*Ammodytidae*)

Species description

Sandeels include the species *Ammodytes marinus*, *Ammodytes tobianus* and *Ammodytes lanceolatus* that are distributed throughout the North-East Atlantic, from the waters of the Barents Sea to the coasts of the Iberian Peninsula. These species are usually territorial, burying themselves in the seabed during the winter and feeding on plankton.

State of the stocks

The state of the majority of the sandeel stocks is unknown due to insufficient or inadequate information. In the absence of information that allows correct management guidelines to be established, the evolution of catches shows significant decline in all areas compared to 10 years ago.

The North Sea is the only stock for which information is available, and its reproductive biomass is under the precautionary limits and scientific recommendation is zero TAC. This recommendation has been made for the last 5 years and has been systematically ignored. Scientists have warned of the risk of the depletion of some substocks in that area.

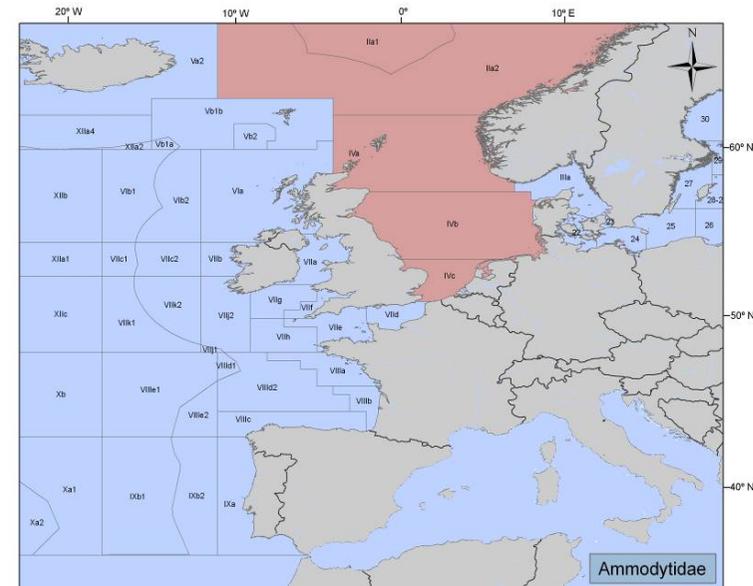
Oceana's position

The importance of the apparent evolution of the sandeel stocks may have been underestimated during recent years due to the variability of this type of pelagic species and its high rate of natural mortality.

The role played by this species, which is mainly used in the fish flour and oil industry, may have also been underestimated. ICES warns about the importance of these stocks in the ecosystem because they comprise the diet of many other species and recommends the prevention of the decline of its biomass by establishing correct management measures.

The management of the species in the North Sea is developed jointly with Norway. Currently, the methodology used to calculate annual TACs is being revised. Any modification will be insignificant if scientific recommendations continue to be ignored.

Oceana requests zero TAC in all areas until more information is available and zero TAC in the North Sea until biomass has recovered and exceeded the precautionary levels.



ICES fishing areas included in the Commission's proposal

Saithe (*Pollachius virens*)

Species description

Saithe is distributed throughout the North-West and North-East Atlantic. In the case of the North-East Atlantic, the species occurs from the Barents Sea to the Bay of Biscay and around Iceland. A gregarious fish, the saithe migrates to and from the North and South, feeding predominantly on other fish.

State of the stocks

In the North Sea, the Skagerrak, west of Scotland and Rockall, the stock progresses adequately since it recovered from reduced biomass and overfishing at the beginning of the decade.

In the Norwegian Sea, the EU maintains a small catch but the stock is managed by Norway and Russia. The state of this stock has been stable for 15 years after a long period of reduced biomass.

On the other hand, the situation is getting worse for the Faeroe Islands stock, where reproductive biomass is declining and fishing mortality is excessive.

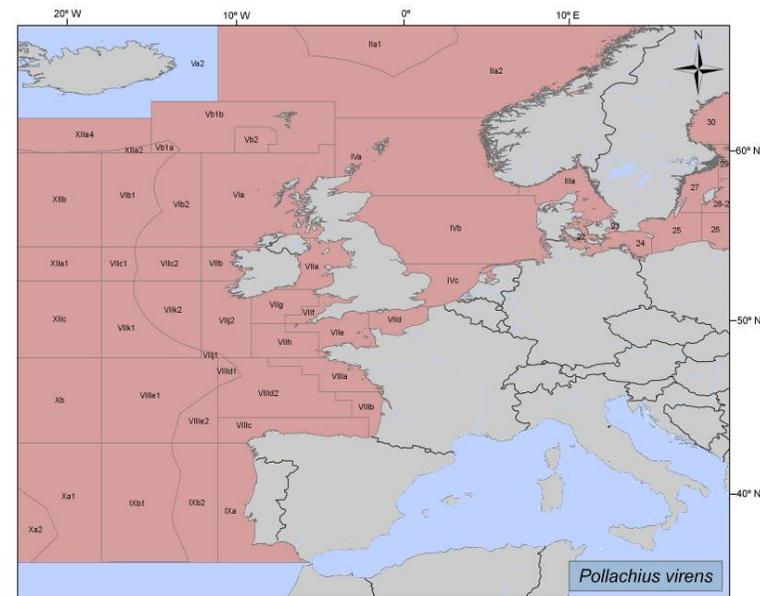
It should be mentioned that the fishery in this area operates under a system of fishing effort control that is not functioning properly. Scientists have been recommending a reduction in fishing effort and fishing mortality for more than 20 years. Despite this, landings have exceeded the recommendations by an average of 44%.

The effort management system is also fostering an acceleration of improvements in fishing technologies and practices that may be hindering the reduction of fishing mortality.

Oceana's position

The TAC for the North Sea, the Skagerrak, west of Scotland and Rockall is pending negotiations with Norway. Oceana requests a TAC of less than 107,000 tons.

In the Faeroe Islands, fishing effort must be further reduced. It is the second consecutive year that scientists recommend a 20% reduction in days at sea.



ICES fishing areas included in the Commission's proposal

What are the real objectives of management plans?

In the North Sea, the Skagerrak, west of Scotland and Rockall, management is based on a long-term plan agreed upon by the EU and Norway. The plan was implemented on a stock that was in acceptable conditions with the long-term objective of “providing sustainable fisheries and maximum output.”

According to the maximum fishing mortality set by the plan to reach its objective, TACs in 2010 should be reduced by 24%.

However, and it seems to be the norm in management plans to ensure the socioeconomic stability of the fishing sector, a clause was also agreed upon that restricted annual variations to 15%. This restriction would allow for the approval of fishing mortality rates over the agreed limit and would reduce reproductive biomass by 10% in 2011.

Oceana requests that the EU and Norway comply with article 6 of the management plan –that allows TAC to be modified when the parties consider it necessary- and establish TACs that comply with the objectives of maximum sustainable output. If not, it can be inferred that stock management is focused on keeping reproductive biomass on the limits of the precautionary levels and, as such, placing the stocks at risk.

Sole (*Solea solea*)

Species description

The sole is distributed throughout the East Atlantic, from the Norwegian Sea -including the Baltic Sea and the North Sea- down to Senegal. The species is non-gregarious, lives buried in sandy or muddy bottoms and its diet consists of molluscs, annelids and small crustaceans.

State of the stocks

All sole stocks are overexploited in Community waters. The only exceptions to this dismal scenario are the Skagerrak-Kattegat and the North Sea.

In the first case, the exploitation rate is adequate and the reproductive biomass is high. A trend was detected, however, during the last assessments that points to an overestimation in the size of the stock: in 2008, the size of the stock was overestimated by 30%.

In the North Sea, stock exploitation remains within the traditional trend of maintaining biomass on the limits of the precautionary levels. The positive news is the implementation of a management plan for plaice and sole in this area that seems to be functioning well and the stocks are finally no longer overexploited after 30 years.

The situation is quite different for the rest of the areas. Stocks are overexploited in the Irish Sea and eastern English Channel. Biomass in the Irish Sea is reduced to the point that the stock is in danger of collapse. Its size has been declining for over 40 years and is currently at an all-time low. In addition, and after years of ignoring scientific recommendations, recruitment has been low for the last 3 consecutive years.

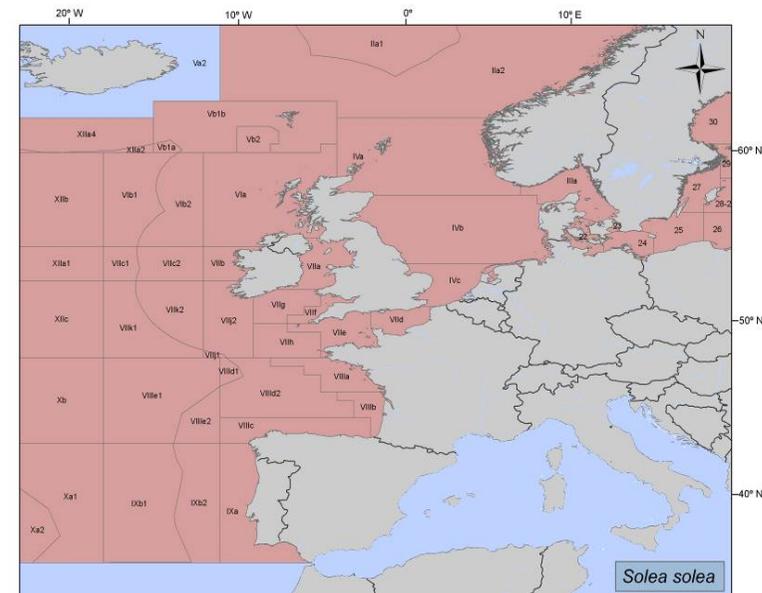
In the Celtic Sea and division VIIIlab, stocks suffer from excessive fishing pressure and the size of the population is on the verge of being outside the established safe biological limits. In the Celtic Sea,

scientific recommendations to reduce the quota have been consistently ignored for the last 20 consecutive years.

Oceana's position

The Commission's proposal attempts to maintain healthy stock levels in the Skagerrak and Kattegat and is in line with the recommendations included in the North Sea management plan. Oceana supports both proposals, but warns that management objectives must be established in the first case.

Oceana detects a trend to establish quotas that seem to be aimed at maintaining the status quo of overexploitation and/or reduced biomass in various sole stocks, including the Celtic Sea, eastern English Channel and division VIIIlab.



ICES fishing areas included in the Commission's proposal

As such, the quota proposed by the Commission for the Celtic Sea is in line with scientific evaluations, but in the absence of defined management objectives, it is not regulated according to stock growth.

The Commission seems to be aware of the seriousness of the state of the stock in the eastern English Channel but management is focused on maintaining the biomass on the verge of a possible collapse. Oceana requests a 60% reduction in TACs. The consequence of this quota would be an approximate increase of 20% in reproductive biomass by 2011.

In division VIIIab, a minimum reduction in TACs would lead to an increase in biomass of approximately 10%.

The Commission's proposals for the other areas are inadequate.

In the Irish Sea, the proposal to reduce the quota to 377 tons is unacceptable; scientists recommend zero TAC. The closing of the fishery has been recommended for 3 consecutive years but TACs are still set according to the table in the *Rules for TACs*.

In the western English Channel, the situation is critical but the recommendations to reduce fishing mortality by over 70% have been ignored for 5 consecutive years. Consequently, the stock is at an all-time low.

The Commission's proposed reduction for south-western Ireland – division VIIhjk- is not realistic because in the last 4 years, the catch has not reached even half of the 470 tons that were proposed. The state of overexploitation has been confirmed. Oceana requests the closing of the fishery, following the precautionary criteria, until scientific evaluations prove the contrary.

Discards

Significant discards of plaice and cod are generated by the sole fisheries in the North Sea and eastern English Channel. Both resources are overexploited in the North Sea and are of great commercial interest. In the case of plaice, the problem stems from the concentration of the fleet in areas where juveniles aggregate. Recently, sole discards have been documented and may exceed 10% of the catch.

Oceana recommends an increase in the minimum size of sole and an increase in mesh size of the nets above the current 80 mm minimum as initial measures to solve this problem.

Whiting (*Merlangius merlangus*)

Species description

Whiting occurs in the North-East Atlantic, from the south-western Barents Sea and Iceland down to Portugal. The species lives mainly on muddy and gravel bottoms between 30 and 100 meters depth, although it can also be found on rocky and sandy bottoms. Its diet consists of crustaceans, molluscs, polychaetes and small fish.

State of the stocks

None of the whiting stocks are within the safe biological limits. And everything points to a further decline during 2010.

In the North Sea, the stock is at an all-time low since assessments began 20 years ago. In the west of Scotland and the Irish Sea, the situation is the same and stocks are at an all-time low.

The situation is no better in other areas, like the Skagerrak and Kattegat, where stocks continue to decline due to excessively high TACs. Twenty years ago, landings were 50 times higher.

Oceana's position

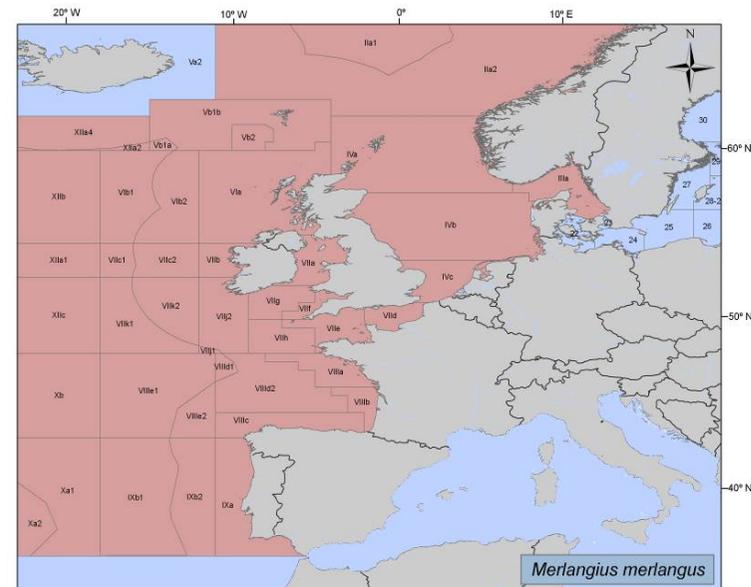
The proposals for the North Sea, the Skagerrak and Kattegat are pending negotiations with Norway. TAC must be reduced by 60% for the stock in the first area.

In 2009, TACs for the Skagerrak and Kattegat were at last set to the upper limits recommended by scientists after years during which approved TACs tripled landings. In previous years, TACs set for this stock had been 15 times higher than landings.

In the Irish Sea, this is the tenth consecutive year that scientists have recommended zero TAC. And in the west of Scotland, it is the fourth consecutive year. In both cases, recommendations have been ignored. The Commission seems to be aware of the critical state of

both stocks; however, based once again on the *Rules for TACs*, it proposes a 25% reduction in TAC for both cases, in other words a total of over 150 tons and 431 tons, respectively. Landings in the Irish Sea 10 years ago were 25 times higher.

In division VIIe-k, the situation is so critical that scientists cannot even establish the necessary TAC reduction. In any case, scientific recommendations have been systematically exceeded and even doubled in this fishery during the last 15 years.



ICES fishing areas included in the Commission's proposal

Spurdog (*Squalus acanthias*)

Species description

The spurdog, also known as spiny dogfish, is a small, slender benthic-pelagic species, common in temperate and boreal continental shelves. It is found from Murmansk, Russia, down to the Canary Islands, and can also be found in the Mediterranean and Black Sea. This species can form dense feeding aggregations when feeding grounds are rich, and populations often segregate by sex and maturity. The spurdog is extremely long-lived (70-100 years), slow-growing and late-maturing (at 10-25 years). Most females do not reproduce until their teen years and have long gestation periods lasting up to two years, one of the longest known for any vertebrate. This makes the species extremely vulnerable to overfishing, especially when aggregations of pregnant females are targeted.

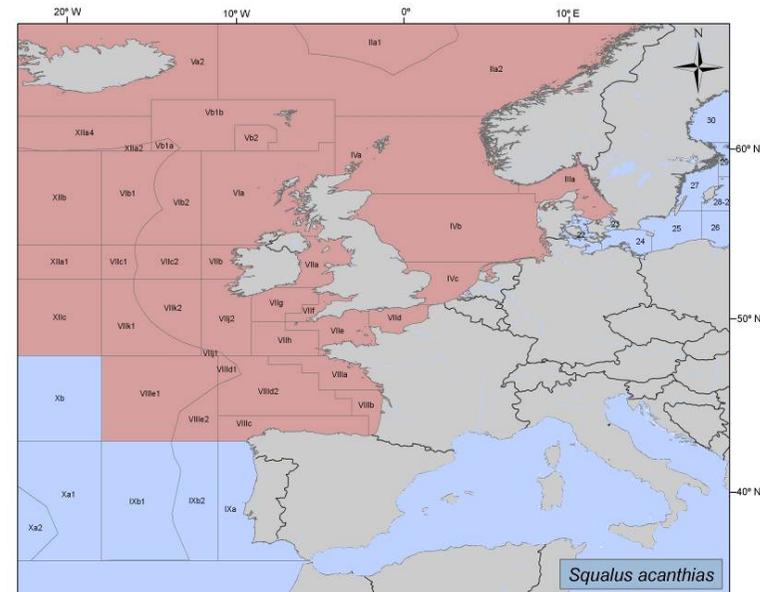
State of the stocks

This species is heavily exploited to satisfy the constant European demand for its meat, especially in the UK, Germany, Belgium, France and Italy. In France, the shark is marketed under various, somewhat misleading, names, such as *chien de mer* (seadog). In Germany it is sold as *Seeaal* and *Schillerlocken*. *Seeaal* is spurdog meat served fresh or smoked, while *Schillerlocken* is made from smoked belly flaps. In the UK, it is most commonly found in the famous dish of fish and chips. The spurdog's liver oil (for use as "squalene" in cosmetics) and its fins (exported to Asia for shark fin soup) are also highly commercialised.

Unfortunately, the spurdog's biological characteristics make it highly vulnerable to overexploitation, and years of overfishing, particularly that of aggregations of pregnant females, have made the Northeast Atlantic stock one of the most depleted in the world. The IUCN Red List classifies this species as *Critically Endangered* in the Northeast Atlantic, *Endangered* in the Mediterranean Sea and *Vulnerable* in the Black Sea and globally.

The European Community has proposed this species for listing on CITES Appendix II. This species is listed under all OSPAR regions and included in Appendix II of the Convention on the Conservation of Migratory Species.

ICES advice for 2009 and 2010 remains the same as that given since 2006, noting that the state is depleted and in danger of collapse. This scientific body advises against any targeted fishing and notes that by-catch should be reduced to the lowest possible level. A zero TAC has been recommended for all areas where spurdog is caught in the Northeast Atlantic.



ICES fishing areas included in the Commission's proposal

Oceana's position

As per a joint Commission/Council commitment made in 2008, the Commission has proposed to reduce the 2010 TAC by 90% from the 2009 level. That is, the Commission has proposed a total TAC of 142 t, which should be for by-catches only.

Oceana disagrees with allowing a by-catch TAC, as it would allow targeted fishing for this depleted species to continue under a misleading name. Oceana recommends a Zero TAC for this species. Retention and landing should be prohibited and any caught individuals should be promptly released unharmed to the extent practicable. A 5% by-catch limit should be established. Once reached, vessels shall be required to change fishery areas.

Oceana's position

The Commission has not presented a proposal for porbeagle in 2010.

Oceana emphasizes the need to follow the scientific recommendations, which clearly advise against porbeagle targeted fishing. Oceana recommends a Zero TAC for this species, with retention and landing prohibited and any caught individuals should be promptly released unharmed to the extent practicable. We warn against a by-catch TAC, which would permit targeted fishing for this depleted species to continue under a misleading name. A 5% by-catch limit should be established. Once reached, vessels shall be required to change fishery areas.

Rays (Rajidae)

Species description

The Rajidae family is a large family of the Rajiformes (batoids), a remarkably diverse order of elasmobranchs. These skates are benthic species occurring in all oceans, laying on or buried in the seabed for long periods of time. Like the majority of shark species, skates' slow growth and low fecundity make them especially vulnerable to fisheries exploitation.

State of the stocks

There is a large general lack of knowledge about the status of ray species, as catches are often not differentiated by species. Skates are taken both as targeted catch for their meat and fins and accidental catch in fisheries targeting other species. While some stocks are being maintained with perhaps slight increases or decreases, others are on the brink of local or total extinction.

ICES has raised the alarm about the depleted status of certain skate and ray species in Northeast Atlantic waters. For example, the common skate (*Dipturus batis*), Europe's largest skate, is Critically Endangered. The white skate (*Rostroraja alba*) is Endangered. Last year the Fisheries Council banned retention for these two species, in addition to that of the undulate ray (*Raja undulata*) and Norwegian skate (*Raja nidarosiensis*).

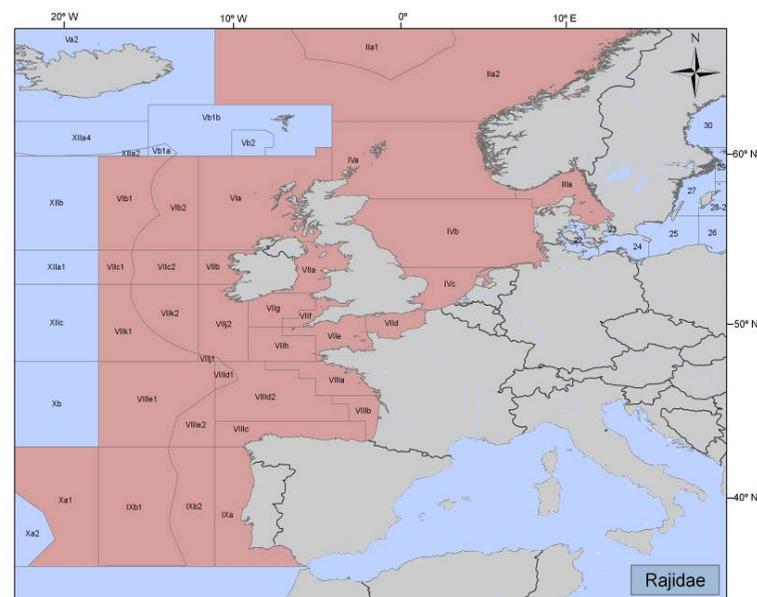
For areas IIa, IV, IIIa, VIId in 2009 and 2010, ICES advises status quo fishing for most rays, with prohibitions on *D. batis*, and *R. undulata*. Prohibited retention of angelsharks (*Squatina squatina*) was also recommended.

For areas VI and VII, ICES provided similar advice, and recommended highest possible protection for *R. alba*.

For areas VIII and IX, ICES had recommended that the landings of skates and rays in 2009 do not exceed the recent average from the years 2002-2006. That is, 3900 t.

Oceana's Position

Oceana points out the lack of a TAC proposal for ICES area X. In 2008, the Commission included ICES area X with their proposal for areas VIII and IX. Although ICES has not made a recommendation on skates and rays in this area, Oceana recommends that a TAC be set at the status quo.



ICES fishing areas included in the Commission's proposal

The Commission has proposed 15% reductions from 2009 TACs for skates and rays in the following zones:

- IIa and North Sea (IV): 1397 t
- IIIa: 58 t
- VIId: 887 t
- VI and VII: 13,387 t
- VIII and IX: 5459 t

Oceana supports these reductions for areas IIa, IV, IIIa, VIId, VI and VII. Oceana urges against these TACs being increased to any higher level as catches may become unsustainable for the skate and ray species targeted.

However, Oceana points out that for areas VIII and IX, ICES has recommended landings of skates and rays of 3900 t and recommends this number for a TAC. The Commission's proposal of 5459 t is excessive.

Further, Oceana fully supports the Commission's proposal to elevate the protection provided to *Dipturus batis*, *Raja undulata*, and *Rostroraja alba* (and *Squatina squatina*) from a prohibition on retention to a full prohibition on fishing, retention, transshipping and landing. This would apply both to Community vessels and third-country vessels in EC waters. In addition, Oceana supports the Commission's proposal to extend the protection of these species to ICES area X for 2010.

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