

Mr. Gérard Romiti, Chairman of Comité National des Pêches et des Elevages Marins (CNPMMEM)  
Mr. Antoine Dhellemmes, Chairman of Association Nationale des Organisations de Producteurs (ANOP)  
and Fish Producers Organisation (FROM NORD)  
Mr. Jean-Marie Zarza, Chairman of Union des Armateurs à la pêche de France (UAPF)  
Mr. Patrice Donnard, Chairman of Pêcheurs de Bretagne

### **Registered letter with acknowledgment of receipt**

CC: Members of Fisheries Committee of the European Parliament; Mr. Ángel Boixareu Carrera; General Secretariat of the Council of the EU, Directorate General B, Directorate General; Ms. Lowri Evans, European Commission, DG MARE, Director-General; Mr. Jean-Jacques Maguire, Chair of ICES ACOM; Fishing industry National and EU representatives: EUROPECHE, COGECA, CEPESCA, NFFO, SFA, KFO.

In Santiago de Compostela, December 4th 2012

Dear Sirs,

We have received your letter dated October 18<sup>th</sup> 2012 objecting to our recent paper “*Sustainability of deep-sea fisheries under the European Union Common Fisheries Policy*” in press in *Ocean and Coastal Management*. We respect the knowledge held by the European deep-sea fishing industry, welcome a discussion related to the issues raised and appreciate your interest in our work. Our intention with this paper was to objectively assess patterns related to sustainability of deep-sea fish species. We tried to be as accurate as possible in acquiring and analyzing the data on which our paper is based. We have verified our sources to ensure that a mistake had not pervaded our data collection and found our analysis to be perfectly robust. Your claims about our statements being “false and flawed” as well as your threats to “take legal action” against us and seek compensation if we “fail” to correct our analysis are therefore unwarranted. If you have specific information that we may not have had access to and that may shed a different light on the history of EU deep-sea fisheries, we would encourage you to make it publicly accessible for the shared benefit of all.

You will find below specific comments to the statements made in your letter.

1. You state: “*These statements [about the fact that in the period 2002-2011, in 50.6% of cases, the reported catches did not respect the TACs for deep-sea species and when the catches exceeded the TAC, catches were on average 3.5 times higher than the agreed TACs] are false and flawed, as shown by the registered catches with the Commission*”. The data and methodology we have used in the paper are exhaustively exposed in the methodological section, in particular the following official and public databases:

- a) Landings data for 27 deep-sea species that were subjected to TAC regulations under the CFP in European waters for the 2002–2011 period caught by EU fleets were obtained from the official ICES database <<http://www.ices.dk/fish/CATCHSTATISTICS.asp>> (See TS1 of the Supplementary Material for detailed information for each species and ICES area);
- b) Data on scientific recommendations and approved TACs were gathered from ICES reports (ICES, 2001, 2007, 2008 and 2011; all of them cited in the paper) and European fisheries legislation. TACs for species caught by the EU fleet in non-EU waters and in international waters, as well as TACs granted to foreign fishing fleets were excluded from this analysis.

The paper deals only with 27 deep-sea species that were subjected to TAC regulations under the CFP. In order to facilitate transparency, we hereby also provide you with the data used for our analyses (see attached spreadsheet).

2. You state: “*Your assertions tarnish the reputation of companies we represent. More generally, they harm the credibility of the Common Fisheries Policy*”. The management issues identified in our paper are factual and objective observations. Our publication did not use information which identified the companies you represent. As mentioned in point 1) we only used official and public data published by FAO, ICES and the European Institutions.

Results showing failure of the Common Fisheries Policy are not new in the scientific literature. Several publications have thus demonstrated that the Common Fisheries Policy failed to achieve its biological, economic and social objectives, mainly because of overcapacity and overfishing, the lack of enforcement and adequate incentives, among other relevant factors (see for example, European Commission (2007, 2009); Khalilian et al. (2010); Villasante et al. (2010); Froese (2011); O’Leary et al. (2011); Österblom et al. (2011); Da Rocha et al. (2012))<sup>1</sup>. Official documents demonstrating the non-compliance of the French fishing industry with agreed catch limits, for example, with the overshooting of deep-sea shark TACs by 255% in 2011<sup>2</sup> or 447,8%<sup>3</sup> in 2009 are publicly accessible. The exceeding of the TAC has led the European Commission to issue several regulations establishing a prohibition of fishing for deep-sea sharks by French vessels.<sup>4</sup> We therefore do not believe it is our responsibility if the companies you represent feel that their reputation is tarnished by the quantified measure of the mismanagement of deep-sea fisheries.

3. You state: “*You refer to the 2007 ICES Advisory Committee’s report to declare that latest scientific evidences suggest that numerous deep-species species are currently exploited beyond sustainable levels*”. Since 2007 very little new information on life habits and stock discrimination, and no new information on stock sizes or spawning stock biomass has been produced using fishery-independent methods. A check of the WGDEEP reports for the past five years shows that the only fishery-independent data reported come from Scotland, and even WGDEEP notes that those data are from water deeper than what is normally fished (>1000 m). With the exception of the Scottish data input, all the data used in recent advice to estimate likely harvest levels for the mixed trawl fishery species in, for example, the Rockall area where an important part of the French fishing occurs (ICES subdivisions Vb, VI, and VII), come from fishing industry logbooks. What we see from these data is that cpue or lpue estimates for the last several years have been very low compared to the early years of the fishery. And since they are not declining further, the population is “assumed” to be stable. Stability set at 10-20% of original abundance should not be considered “sustainable,” unless sustainable means “not likely to decline further.”

4. You state: “*You do not clarify how you infer longevity from a depth*” and question how we derived longevity from the depth distribution data. In the paper we say that the mean longevity of fish reported by the EU fleet was estimated as a function of depth of occurrence of those species. We assumed this was clear for most readers to understand the methodology used. We basically estimated the average longevity by depth strata of fish species reported in official landings. Fishbase was used to estimate the average depth of occurrence and longevity for most of the species or groups included in the landings statistics. The average depth of occurrence for taxa identified at species level in the landings statistics was estimated as the mean of the common depth range or as 1/3 of the total depth range. Depth range is defined as the extreme range reported for juveniles and adults (but not larvae), while common depth is the range where adults are most often found. For those taxa not reported to species level, the average for the genus or family was calculated using the most likely species. Data for both average depth of occurrence and average life span were derived independently from information in the publicly available database [www.FishBase.org](http://www.FishBase.org). Many other studies have previously shown that longevity and depth were correlated (see for example the paper by Drazen and

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<sup>1</sup>-European Commission, 2007. Communication from the Commission to the Council and the European Parliament on Review of the Management of Deep-sea Fish Stocks. COM (2007) 30 Final, Brussels, 01.29.2007.

-European Commission, 2009. Green Paper-Reform of the Common Fisheries Policy. Brussels, 22.4.2009, COM 163 Final.

-Da Rocha, J.M., Cerviño, S., Villasante, S., 2012. The Common Fisheries Policy: an enforcement problem. *Marine Policy* 36 (6), 1309-1314.

-Froese, R., 2011. Fishery reform slips through the net. *Nature* 475, 7.

-Khalilian, S., Froese, R., Proelss, A., Requate, T. 2010. Designed for failure: A critique of the Common Fisheries Policy of the European Union. *Marine Policy* 34(6): 1178–1182.

-O’Leary, B.C., Smart, J.C., Neale, F., Hawkins, J.P., Newman, S., Milman, A.C., Roberts, C.M., 2011. Fisheries mismanagement. *Marine Pollution Bulletin* 62 (12), 2642-2648.

-Österblom, H., Sissenwine, M., Symes, D., Kadin, M., Daw, T., Folke, C., 2011. Incentives, social-ecological feedbacks and European fisheries. *Marine Policy* 35 (5), 568-574.

- Villasante, S., García-Negro, M.C., González-Laxe, F., Rodríguez, G., 2011. Overfishing and the Common Fisheries Policy: (un)successful results from TAC regulation. *Fish and Fisheries* 12 (1), 34-50.

<sup>2</sup> Commission Regulation (EU) No 323/2011 of 31 March 2011.

<sup>3</sup> European Commission Fisheries Catch Reporting Information system, page 41:

<http://marinemanagement.org.uk/fisheries/management/documents/quotas/100816-sbs.pdf>

<sup>4</sup> Commission Regulation (EU) No 1201/2010 of 15 December 2010 and Commission Regulation (EU) No 323/2011 of 31 March 2011.

Haedrich, 2012, Deep-Sea Research I, p. 34-42 or the paper by Morato et al., 2006, Fish and Fisheries, 7, p. 24–34, Fig. 4 page 32). Thus, species being caught at greater depths will on average be longer-lived species.

5. You state: “*A reader might even be led to think that the mean longevity of the catches is the mean of the longevity of each species caught, and is not counterbalanced by the quantities of each species caught*”. That is exactly correct. That was the point of the analysis. The quantity of each species being caught is irrelevant. In other words, you cannot mitigate the effects of catching 50 year-old fish by catching a greater number of 20 year-old fish. The 50 year-old fish are still being caught and will face population problems because of their lower reproductive output and slower growth. While we did not address it in our publication, a similar problem exists with taking deep-sea sharks, many if not most of which produce very few young. At some point, the sharks will inevitably be put into a population crisis.

6. You state: “You do not provide any data as supplementary material to support your study”. This is not true, there is a Supplementary Material incorporated into the paper as Appendix A which shows all deep-sea species and areas included in our study. It can be found at <http://dx.doi.org/10.1016/j.ocecoaman.2012.07.033>. However, the raw data we used to derive our tables, figures, and analyses are not included in paper, as they never are. As previously said, in order to facilitate transparency, we hereby also provide you with the data used for our analyses.

In summary, we acknowledge your comments regarding the conclusions presented in our paper. Nevertheless, we stand by our results obtained using scientific methods applied to official and public data in order to assess the management of deep-sea fisheries in the European Union. We therefore regret to inform you that your accusations were unfounded and invite you to provide us with the data and information which support your contradiction of our paper, and commit to closely analyzing anything you will share with us.

Sincerely yours,

Sebastian Villasante. University Santiago de Compostela (Spain)



Telmo Morato. Universidade dos Açores (Portugal)



David Rodríguez-González. University Santiago de Compostela (Spain)



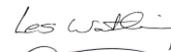
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