



NSAC Advice Ref. 15-1617

Prohibited Species Listing

The consensus advice paper was approved by the NSAC Executive Committee at their meeting on the 4 October 2017.

The NSAC notes that the TAC and Quota regulation has for many years contained a prohibited species list. It is a requirement that species on this list, if accidentally caught, are not harmed and specimens are promptly released. When the list was introduced its purpose was to implement requirements under international law to prevent extinction or extirpation of endangered species. However, in recent times other species or specific stocks have been added for which the rationale for their inclusion is less clear.

By way of example, in December 2016, the Council of Ministers took the decision to place spur dog (*Squalus acanthias*) on the prohibited species list set out in the TAC and quota regulation. As this was a zero-TAC species up to that point it would have become a choke species under the landing obligation from 2019, and we understand that adding spur dog to the prohibited list was seen as a way of preventing that from happening.

The NSAC believes that adding species to the prohibited species list to remove them from the TAC management system may address a choke problem but will often have other undesirable consequences that have not been accounted for and for which there may be more appropriate solutions. Adding species in this way should be a measure of last resort once other alternative options have been considered to address the choke and underlying conservation issues associated with by-catch species.

There are a number of additional concerns about the use of the prohibited species list:

- There are currently no criteria for the listing of species or their removal, with the only clear basis for some species being their existing listing under the Bonn Convention on Migratory Species (CMS)



- It can remove a source of fishery dependent data that undermines the scientific assessment of the species. In the case of spur dog, this source of data has been curtailed since 2011 when a zero TAC was first declared. Despite the scientific perception of the species showing a recovery over the last decade, and ICES advising that an incidental catch of 2,500 tonnes, equivalent to that taken prior to 2011, would be consistent with a recovery of the stock similar to assuming a zero catch, the loss of this data risks the assessment soon becoming data poor.
- Targeting of species on the list is prohibited, but only requires that incidental catch shall not be harmed and specimens shall be promptly released. This prevents data collection needed to improve the scientific underpinning of stock assessments.
- Under Principle 2.0 guidelines of the Marine Stewardship Council (MSC), species on the prohibited list are classed as Endangered Threatened and Protected species (ETP), and fisheries should have measures in place to reduce bycatch. Being aware that it is not to European Regulation to adapt to MSC requirements, we nonetheless point out that in order to allow for sensible application of this guideline, having the list change year by year will create an obstacle to businesses implementing measures.

As a result of the concerns outlined above, the NSAC recommends the following:

- The Commission should develop eligibility criteria, based on best available scientific advice, that set out under what conditions a species can be added to the prohibited list.
- A clear procedure should be applied that assesses the potential for alternative measures or management scenarios to reduce unwanted mortality, maintain data provision on a species and avoid creating a choke prior to inclusion on the list.
- Any new species placed on the list should be subject to, at least, bi-annual re-evaluation. Similarly, existing species on the list should be re-evaluated from this perspective.
- That proposals for listing are made public in advance of relevant Council meetings and that ICES / STECF assesses the proposals with regards to whether the listing of the species complies with criteria.



We hope you will take these recommendations into consideration as we see the current system is failing to protect vulnerable and endangered species in practical ways that are consistent with well evidenced sustainable fishing practices. We are willing to assist in the development of the aforesaid criteria and in helping member states come up with a sensible method to collect data on these species to improve the knowledge on the stocks.

Yours sincerely,

A handwritten signature in blue ink that reads "Niels Wichmann". The signature is written in a cursive, flowing style.

Niels Wichmann
NSAC Chairman

