**North Sea Advisory Council**

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**Agenda No. 5.0 Paper No. 5.1**

**Ecosystem Working Group Paper for Discussion**

**6th September, 2017**

**NSAC Advice in Development**

**This is paper is NOT approved NSAC advice.**

**This paper has been produced by Irene Kingma in response to a discussion held at the NSAC Ecosystem Working Group meeting of 23rd February 2017.**

 **Irene Kingma For Discussion**

 **Version (1)**

**Prohibited Species Listing**

In December 2016, the Council of Ministers took the decision to place spurdog (S*qualus acanthias*) on the prohibited species list set out in the TAC and quota regulation. This was described as a way to prevent it becoming a choke under the landing obligation from 2019, when it would have become subject to this obligation as a species subject to catch limits. When looking for solutions to the landing obligation several options have been proposed for dealing with bycatch species that are not the main driver in a fishery.

The NSAC believes that adding species to the prohibited species list to remove them from the TAC management system and therefore the landing obligation is not an advisable solution to addressing chokes. It goes against the purpose of the list. This should be a measure of last resort to protect species at risk of extinction or extirpation from being caught in fisheries. It is also likely to reduce the incentive to increase selectivity in order to avoid unwanted catch. 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
* The targeting of species on the list is prohibited but requires only that accidental catch is discarded. This does not actually lead to better management of the species, making it difficult to control fishing mortality, and jeopardises the achievement of the CFP’s objectives.
* It is likely that management of the species on the list will differ between Member States, which only serves to exacerbate this.
* The Principle 2.0 guidelines of the Marine Stewardship Council species on the prohibited list are classed as Endangered Threatened and Protected species (ETP) and fisheries should have measures in place to reduce bycatch. To allow for sensible application of this guideline, having the list change year by year will not allow businesses to implement measures.

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

* The development of criteria for the addition, and removal, of species to the prohibited species list in order to avoid the scenario of just adding problematic species to the prohibited species list as a way to address chokes, in conflict with the purpose of the list and the CFP’s objectives.
* That proposals for listing are made public at least 6 weeks in advance of December Council and that ICES / STECF assesses the proposals with regards to whether the listing of the species complies with criteria
* A process for periodic re-evaluation of listed species
* The development of additional management measures by Member States for listed species to reduce unwanted mortality and improve their conservation status.

We hope you will take these recommendations into consideration as we see the current system is failing on both protecting vulnerable and endangered species and in providing clarity to fishermen who want to operate a sustainable business. We are willing to assist in the development of the aforesaid criteria.