



AZORES AUTONOMOUS REGION

Regional Secretariat for the Sea, Science and Technology

Regional Directorate of Fisheries

**Supporting evidence for *de minimis* exemption to the landing obligation
of alfonsinos (*Beryx* sp.) captured by bottom hook and line in Central
North Atlantic Waters (ICES sub-area X)**

May 2018



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GENERAL INTRODUCTION

Discards in fisheries is the part of the catch returned to the sea composed by dead or alive specimens (Catchpole *et al.*, 2013; FAO, 1996). Reasons for discarding include a complex set of decisions taken by fishers while sorting the catches (Eliassen *et al.*, 2014; Rochet and Trenkel, 2005) however, legal obligations (e.g. minimum landing sizes, exhausted species quota) or economic incentives (e.g. low or no market value) are often the preponderant drivers. Ethically, it is a waste of living resources and under an ecological point of view have a negative impact on the marine ecosystem provoking changes in the overall structure of trophic webs and habitats, which compromises the sustainability of the fisheries (Bellido *et al.*, 2011). At the end, discarding results in the loss of valuable scientific information for stock assessment purposes, as fishing mortality is not quantified (Diamond and Beukers-Stewart, 2011). Quantifying discards is therefore a necessary step for a more realistic and relevant management of fisheries, especially within an Ecosystem Based Management context (Bellido *et al.*, 2011; Hall *et al.*, 2000; Viana *et al.*, 2013).

European Union (EU) fisheries are responsible for quite high level of discarding (Feekings *et al.*, 2012) attributed to unselective fishing techniques, excess fishing effort and patchy distribution of species (Johnsen and Eliassen, 2011). To eliminate the “discard problem” the recent reformed Common Fisheries Policy (CFP) in article 15, formally implemented the obligation to land all catches (EU regulation 1380/2013). One of the main objectives of the policy is to end the practice of discarding of all species subject to European quotas and will come into force between 2015 and 2019 according to species and areas. This represents a fundamental shift in the management approach to EU fisheries, switching from landings monitoring to catches monitoring. This change in fisheries management strategy aims to improve fishing behaviour through improvements in selectivity. However, a number of exemptions can be requested by Member States, namely: i) prohibited species; ii) species for which high survivability can be scientifically demonstrated; iii) the *minimis* exemptions



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that allows up to 5% discards under certain conditions if it is evidenced that better selectivity is difficult to achieve.

Historically the discarding problem in the EU has been associated with medium to large-scale fleets in particular largely mixed species trawl fisheries. However, the EU landing obligation (LO) will implicitly include all small-scale fisheries that account around 7% of discards at the global scale (Zeller *et al.*, 2017). The appropriateness and feasibility of the LO in small-scale fisheries are unpredictable in the long-term, but available evidence suggests that in the short to medium-term a LO is likely to bring more negative social, economic and ecological impacts than benefits (Veiga *et al.*, 2016). Small-scale fisheries are predominant in the Azores, a Portuguese archipelago, located in the north Atlantic along the Mid-Atlantic Ridge, within 1360 km from Europe and 1925 km from America (Carvalho *et al.*, 2012). Given their remoteness, combined with their insularity, small size, difficult topography and climate, economic dependence on a few products, that restrain their economic and social development, the nine islands of the Azores archipelago belong to the outermost European regions. Fisheries, mostly small-scale and artisanal, are central to the local economy. As in other European small-scale fishery, the LO would likely entail severe socio-economic consequences for thousands of Azorean families, and compromise the efforts made so far in fisheries management, which has been developed in the Azores with encouraging results. In fact, the progress achieved in recent years to make the fishery sector more competitive, keeping the socioeconomic and resources sustainability, the Region is weaker to issues related to LO. Accordingly, the Region considers that the fishery sector needs special recognition and protection, not only because it is a remote archipelago with many rural communities, heavily dependent on the fishing sector for their economic wellbeing, but also because of the selective nature of the artisanal fishing techniques used that contribute towards the sustainability of marine resources and habitats. Fishing in the Region is monitored through different projects that cover all the fisheries. Moreover, as set in Article 349 of the Treaty on the Functioning of the European Union, whose legal status was reinforced by the decision of the EU Court of Justice, in its ruling of 15 December 2015 (Joined Cases C-132/2014 C-136/2014), the adoption of measures by the European Union,



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including in fisheries policy, should consider the structural, economic and social situations of the outermost regions such as the Azores. The vast majority of the boats will face severe constraints to adapt to the LO which will cause a great number of bankruptcies, and an increase in unemployment in the sector.

PART I. THE AZOREAN FISHERIES

The Azores is a Portuguese oceanic archipelago in the mid North-Atlantic Ocean, composed of nine islands. Maritime territory encompassing nearly a million square kilometers and for which marine resources are central to the local economy. With the absence of a continental shelf and surrounding great depths, fishing occurs around the island slopes and the seamounts present in the area (Silva and Pinho, 2007; Morato *et al.*, 2008). This represents less than 1% of the total area that can potentially be used up to a depth of 600 meters. The uniqueness of the Azorean waters, besides limiting the available areas for fishing activity, requires a very careful application of the precautionary principle in order to guarantee the biological conservation of the fishery resources. In fact, the Economic Exclusive Area of the Azores has a lot of water, great depth and little fish.

The main fisheries components in the Azores was described by Carvalho (unpublished data) and Morato (2012) and can be resumed as: i) the deep-water bottom longline and handline (hooks and lines) fisheries targeting mostly deep-water demersal fishes such as blackspot seabream (*Pagellus bogaraveo*), Atlantic wreckfish (*Polyprion americanus*), alfonsinos (*Beryx* spp.) and the blackbelly rosefish (*Helicolenus dactylopterus*); ii) the Azores pelagic longline, Portuguese mainland pelagic longline, and the foreign pelagic longline fisheries targeting swordfish (*Xiphias gladius*) and blue shark (*Prionace glauca*); iii) the pole and line tuna fishery (including the live-bait); iv) the small-size pelagic fisheries targeting mostly blue jack mackerel (*Trachurus picturatus*) and chub mackerel (*Scomber colias*); v) the drifting deep-water longline targeting black scabbardfish (*Aphanopus carbo*)



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(Machete *et al.*, 2011); vi) the commercial coastal invertebrates; vii) the recreational fishing; viii) and the squid (*Loligo forbesii*) fisheries.

The bottom hook and line fishery to target deep water and demersal species is the main fishery in the Azores in terms of landed value, number of boats and jobs (Carvalho *et al.*, 2011). It is a small-scale fishery operating from coastal areas to offshore seamounts, within ICES sub-area X, all year round. Total landings of the commercial bottom fisheries contributing in average for 40% of all landed weight in the Azores. Considering the landed value is by far the most valuable representing about 75% of all landed value in the Azores. The current active fleet that operates with hook and lines is composed by 463 vessels, which represent 80% of the regional fishing fleet (SRMCT, 2018). It comprises about 2,500 fishermen and for many it represents the only form of income in the family. Note also that many fishing communities are located in remote villages with few employment alternatives other than fishing.

The Azores fleet is dominated by small-scale vessels (Carvalho *et al.*, 2011) with lengths less than nine meters which, despite decreasing over time, still account for around 62% of the Azorean fishing fleet in 2018 (Figure 1). Oppositely, the large-scale or semi-industrial vessels (i.e. > 16 m long) account for around 5% of the whole fleet.

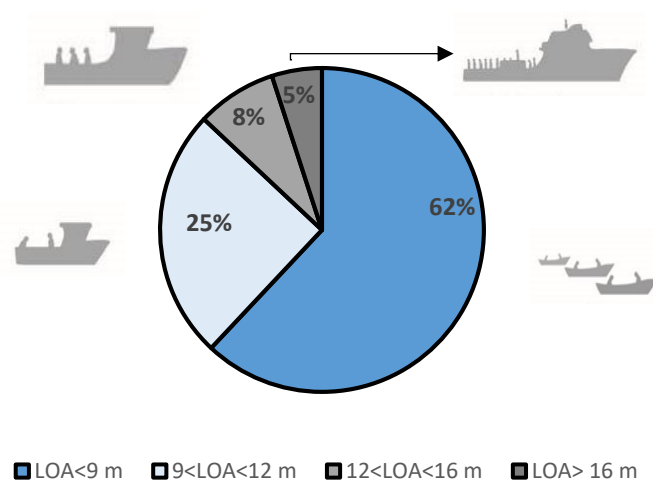


Figure 1. Fleet composition of the Autonomous Region of the Azores in 2018 by length classes.



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I.I. Fisheries management strategies in Azores

Fisheries resources management strategies of the Azores are based on the CFP. Firstly, Total Allowable Catches (TACs) were implemented for several species such as blackspot seabream, alfonsinos and several deep-water sharks (EC Reg. 2285/2016). Apart from fish quotas the regional government has implemented several technical measures such as minimum landing sizes or weights, minimum mesh sizes, limitation of licenses for some specific gears (e.g. trammel nets), area and temporal closures and bans on the use of specific gear, such as the deep-sea trawling. The downsizing of the fleet has also been happening in the last years, which will allow the improvement on the protection of marine resources and the increase of the *per capita* income of fishermen.

The evolution of the number of fishing vessels in the Azores during the period 1991-2018 is shown in Figure 2. As a result of a set of incentives created in the Region to restructure the fishing sector and provide it with adequate technical conditions, the number of licensed vessels has declined significantly over the last 27 years (-43%). In 1992 the fishing fleet was composed by 959 vessels while in 2018, 548 vessels were licensed to fish in the Region with a total capacity of around 6800 GRT and engine power of 41500 kW (SRMCT, 2018).

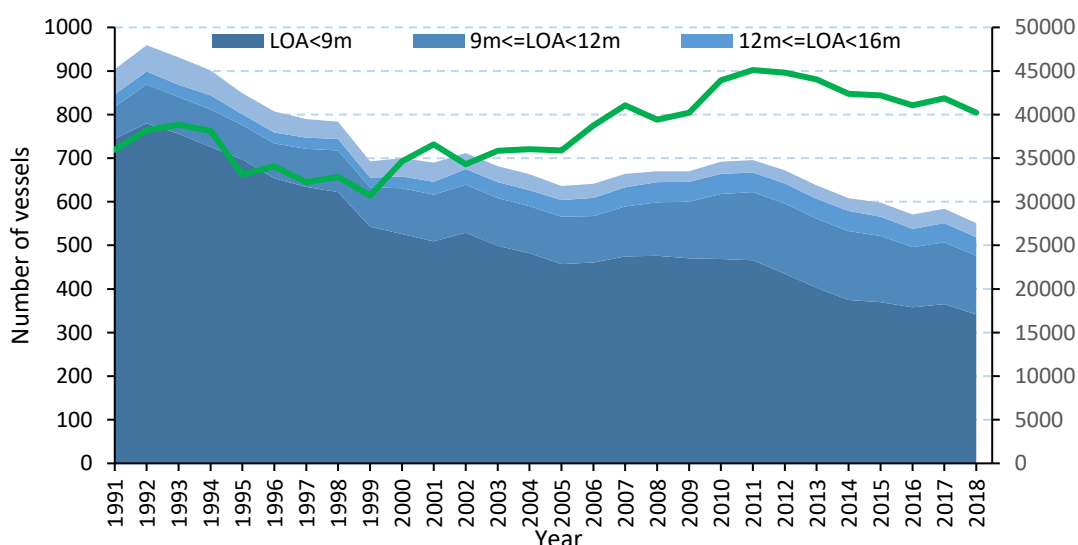


Figure 2. Evolution of the number of licensed fishing vessels and capacity in the Azores between 1991 and 2018.



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The Region has also been reducing the number of licenses to fish with trammel nets and bottom longlines (Figure 3) favouring the handline fishing gear.

Additionally, following some experiment of deep-sea bottom trawling to target orange roughy (*Hoplostethus atlanticus*), that were undertaken in 2001 and 2002 (Melo and Menezes, 2002), the Regional Government of the Azores (RGA) required deep-sea bottom trawling to be forbidden inside the Azores EEZ in order to keep the sustainability of the fishing sector. This prohibition of deep-sea bottom trawling became an EC regulation in 2005 (EC 1568/2005) after the RGA's request.

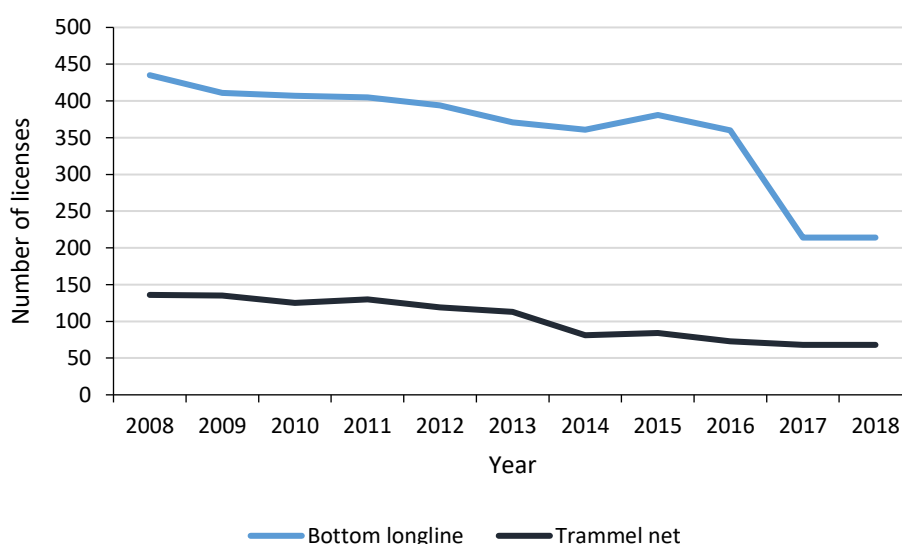


Figure 3. Evolution of the number of licensed fishing vessels to fish with bottom longline and trammel net in the Azores between 2008 and 2018.

The vast majority of the regional fleet (70% of the vessels), given their size, have their operating area limited to 6 nautical miles away from the coast and only 18% can operate at distances greater than 30 miles (Figure 4).



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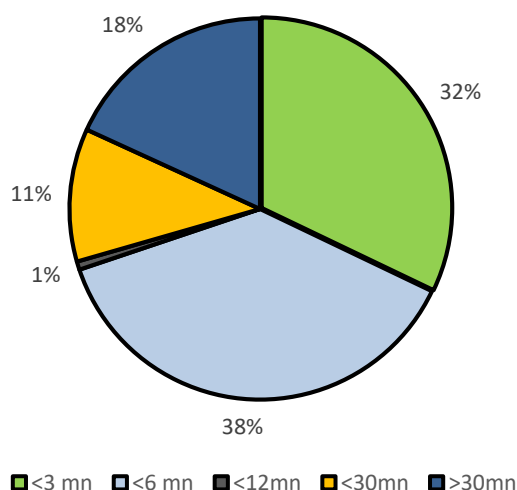


Figure 4. Operating area of the Azorean fishing fleet.

I.I.I. Full list of management measures

A number of legislative initiatives has been put forward by the Regional Government since 2012. The mentioned initiatives aiming the diversity of the fishing techniques, limitations on access to fishing areas and the implementation of conservation management measures for a wide range of demersal species. We highlight the following initiatives:

- Ordinance 50/2012 of 27 April: establishes areas of more restrictive operations for coastal fishing boats. Boats until 14 meters' length are forbidden to fish within 1 nautical mile from shore and boats over 24 meters long may only fish beyond 30 nautical miles from shore;
- Ordinance 87/2014 of 29 December: establishes specific access rules and restrictions to fishing activities in the seamount areas of "Baixa do Ambrósio", "Baixa da Maia", "Baixa da Pedrinha" and the islet of "Ilhéu da Vila" in the island of Santa Maria, including a full ban of demersal fishing;
- Ordinance 88/2014 of 31 December: establishes specific rules for access and extends by three more years the ban of demersal fishing in the seamount "Banco do



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Condor”, to ensure the continuation of scientific projects to monitor the recovery of stocks;

- Ordinance 74/2015 of 15 June: eliminates the margin of tolerance of 15% below the minimum landing size in total blackspot seabream catches previously established in Ordinance 1/2010 of 18 January;
- Ordinance 74/2015 of 15 June sets a minimum landing size for blackspot seabream catches to 300 mm or 400 g, later in Ordinance 88/2016 of 12 August, the minimum size increased to 320 mm and 500 g, and actually by Ordinance 13/2017 of 31 January the minimum size is 330 mm.
- Ordinance 74/2015 of 15 June: clarifies that a closure of any fishery for having reached the fishing opportunities implies an immediate ban into recreational fishing;
- Ordinance 74/2015, of June 15 - Defines the minimum sizes and closed periods. Amended and republished by Administrative Ordinance 13/2017, of January 31;
- Ordinance 74/2015 of 15 June: establishes an annual closure period for blackspot seabream between 15th January to 29th February. The established prohibition period coincides with the breeding season of the species in the Azores and has as its main objective the protection of spawning biomass;
- Commission Delegated Regulation (EU) 2015/98 of 18 November 2014 - Establishes derogations from the obligation to land under the International Convention for the Conservation of Atlantic Tunas and the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries. Atlantic - consolidated version 2017, as amended by Commission Delegated Regulation (EU) 2018/191 of 30 November;
- Ordinance 157/2015 of 4 December: allocates how the blackspot seabream quota is distributed between the islands, to ensure quota management per island;
- Ordinance 53/2016 of 21 June: lays down specific rules for fishing in the marine areas of “Monte da Guia”, in Faial island, and the “Ilhéus da Madalena” and “Baixa da Barca”, in Pico island, including a full ban of demersal fishing;



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- Ordinance 54/2016 of 21 June: which applies specific rules for fishing in the areas of “Ribeira Quente”, in São Miguel island, including prohibiting of demersal fishing;
- Ordinance 55/2016 of 21 June: establishes specific rules for fishing in the “Baixo do Ferreiro”, in islets, “Ilhéu da Praia” and “Ilhéu da Baixa”, in Graciosa island, including a full ban of demersal fishing;
- Ordinance 12/2017, of January 30, changed the distribution of the region's share of Blackspot seabream to 2017 and 2018 by the different islands of the archipelago;
- Ordinance 189/2017, of 1 February, altered the distribution of the quota by the vessels of each island;
- Ordinance 1099/2017, of May 25, altered the distribution of quotas by the vessels of the islands of Faial, Terceira and São Miguel;
- Ordinance 1276/2017, of June 16, altered the allocation of quotas by the vessels of the islands of São Jorge, Graciosa, Terceira and São Miguel;
- Ordinance 1562/2017, of 21 July, amended the allocation of quotas by vessels from the islands of Faial, Graciosa, Terceira, Santa Maria and São Miguel;
- Ordinance 1743/2017, of August 24, altered the distribution of quotas by the vessels of the islands of Corvo, Pico and São Miguel;
- Ordinance 1798/2017, of September 4, altered the distribution of quotas by the vessels of the islands of Corvo and Faial;
- Ordinance 71/2017, of 28 September, amended the allocation of the region's Blackspot seabream quota to 2017 for the different islands of the archipelago, taking into account the allocation of 34,462 tonnes, which added to the fishing possibility for 2017 applicable to Sub-area X of statistical classification of ICES - International Council for the Exploration of the Sea, for the Autonomous Region of the Azores;
- Ordinance 2250/2017, of 6 October, modified the distribution of the quota by the vessels of the different islands of the archipelago, taking into account the allocation of the 34,462 tonnes that increased to the fishing possibility for 2017 applicable to Sub-area X of the ICES statistical classification - International Council for the Exploration of the Sea, for the Autonomous Region of the Azores;



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- Ordinance 79/2017, of 18 October - Approves the Regulation of the Fishing Method by Trap. Repeals Administrative Ordinance 30/2004, of April 22;
- Ordinance 2608/2017, of October 30, made available all the quotas defined by identification set not used or not exhausted, for 2017, to all vessels classified as local fishing and as inshore fishing, contained in the Ordinance 3022/2016 of December 30, amended by Order 189/2017 of February 1, republished by Declaration of Rectification 8/2017, of February 3, by Order 1099 / 2017, of May 25, Ordinance 1276/2017, of June 16, Ordinance 1562/2017, of July 21, Ordinance 1743/2017, of August 24, Ordinance 1798/2017, of September 4, and Order 2250/2017, of October 6;
- Ordinance 90/2017, of November 30, changed the maximum volume of catches of each vessel, classified as coastal or local fishing, to 3% of the fishing possibility for the year 2017;
- Order 2897/2017, of December 4, made available all the quotas defined by set of identification not used or not exhausted, for 2017, to all vessels classified as local fishing and as constant coastal fishing. 3022/2016, of December 30, amended by Order 189/2017, of February 1, republished by Declaration of Rectification 8/2017, of February 3, by Order 1099/2017 , dated May 25, Order 1276/2017, of June 16, Order 1562/2017, of July 21, Order 1743/2017, of August 24, Order 1978 / 2017, of September 4, and Order 2250/2017, of October 6, listed in the annex to this order, which forms an integral part of it. maintaining the maximum limit of 3% of total catch per vessel, in accordance with the provisions of paragraph d) of paragraph 1 of article 7 of Administrative Order 119/2016, of December 27, with the changes introduced by Ordinance 12/2017, of January 30, by Ordinance 71/2017, of September 28, and by Ordinance 90/2017, of November 30;
- Ordinance 94/2017, of December 28 - Approves the regulation of specific access for the exercise of fishing and access and permanence of vessels at the Banco Condor;
- Regulation (EU) 2017/2107 of the European Parliament and of the Council of 15 November - Establishes management, conservation and control measures applicable



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in the Convention Area of the International Commission for the Conservation of Atlantic Tunas (ICCAT);

- Commission Implementing Regulation (EU) 2017/2178, of 22 November 2017, amending Regulation (EU) 468/2010 establishing the list of EU vessels engaged in illegal, undeclared and unregulated fishing;
- Ordinance 3/2018, of January 16 - Fifth amendment and republishing of Administrative Ordinance 66/2014, of October 8, approving the conditions for fishing with Purse seine fishing gear and “Arte de Levantar”, for fishing vessels registered on São Miguel and Terceira islands;
- Ordinance 4/2018, of January 22 - Regulation of coastal commercial fishery with lines, in the Autonomous Region of the Azores;
- Ordinance 32/2018, of March 29 - Extension of the Fishing Licenses for the year 2018;

I.II. Landings composition

During the period between 1994 and 2017, the average annual landings made in archipelago's fish auctions represented 11,994 tonnes corresponding to approximately 28.4 million euros. The fish traded in the auctions present a decreasing trend since the 2010 as a result of a significant reduction in tuna catches in the Azorean Seas (Figure 5). However, it should be noted that fish traded in the Region's auctions during 2017 amounted to about 29.5 M €, which represent a significant increase when compared to the value recorded in 2016 (SRMCT, 2018).



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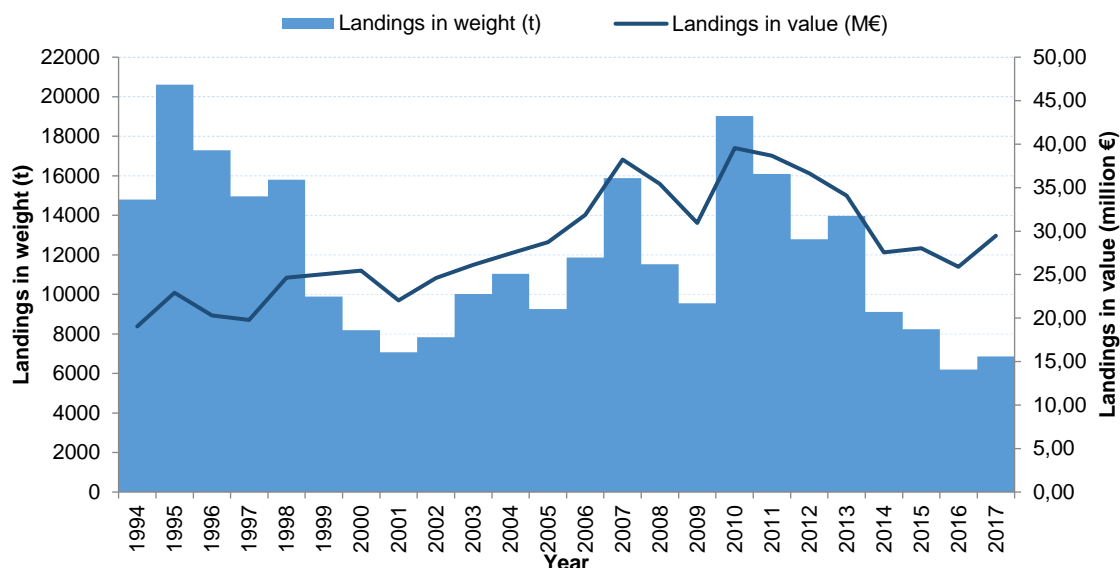


Figure 5. Evolution of landings by weight (tonnes) and value (million euros) during the period between 1994 and 2017 (Source: Statistical Regional System and Regional Auction).

The analysis of catch composition per species group revealed that during the period between 1994 and 2017, landings by weight were dominated by pelagic species, which represented an average of 63% of the total landings (Figure 6). Considering the landings by value, it is possible to verify that the demersal species represent about 61% of the total value traded in the region auctions (Figure 7).



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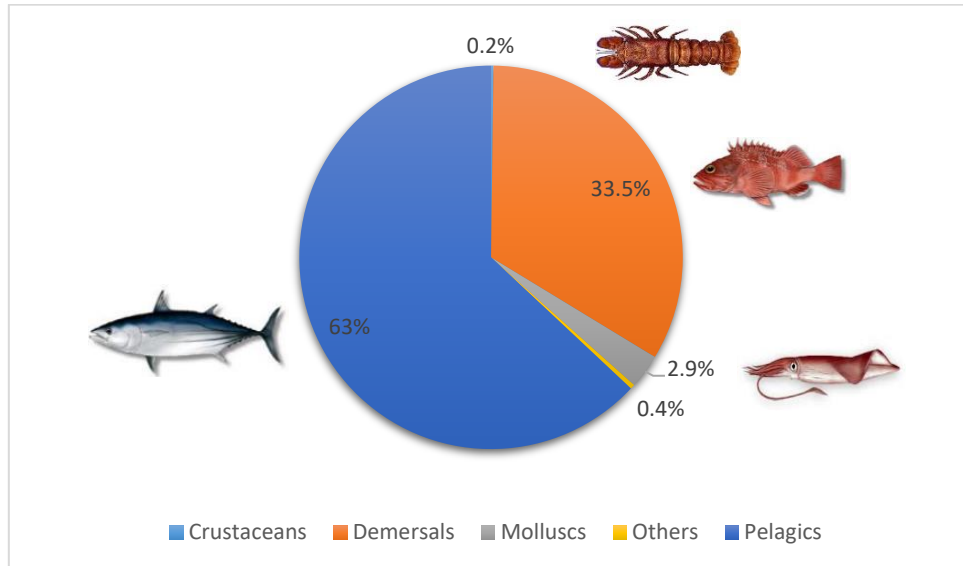


Figure 6. Relative composition of landings by weight during the period between 1994 and 2017 (Source: Statistical Regional System and Regional Auction).

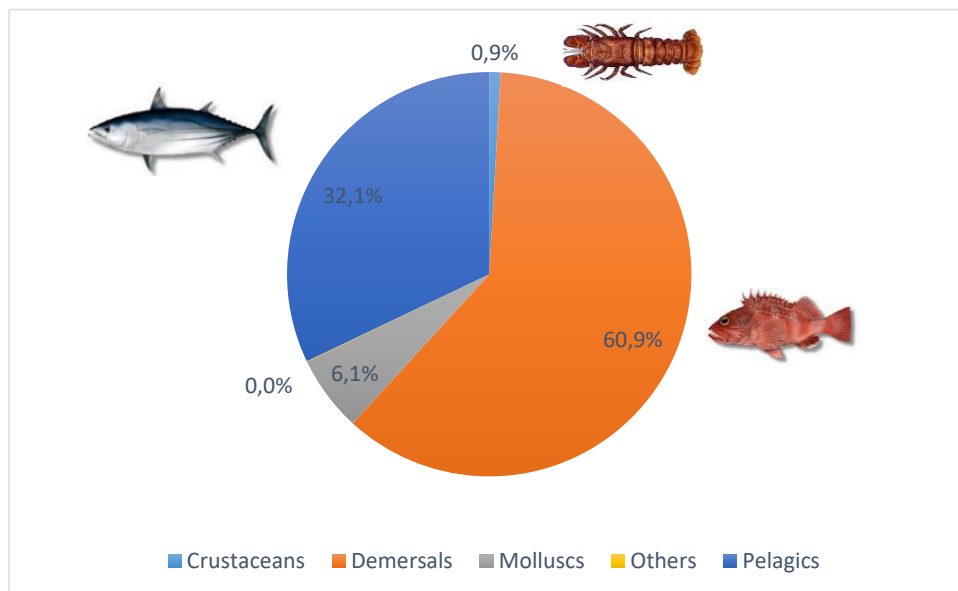


Figure 7. Relative composition of landings by value during the period between 1994 and 2017 (Source: Statistical Regional System and Regional Auction).



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I.II.I Landings of demersal species

The analysis of demersal species landings between 1994 and 2017 revealed two distinct periods. The first was between 1994 and 2000 showing an annual average catch of 5,200 tonnes. The second, matching with the Ordinance nº7/2000, which banned the use of longlines at less than 3 nautical miles from the coast, with annual average catches of 3,525 tonnes. In terms of value, landings showed an increase trend up to 2007, reaching a maximum of 23.6 million euros, a decreasing trend between 2008 and 2013 and again an increasing trend in the last year of the period under analysis (Figure 8). It should be noted that the average price per kilo of demersal species has increased by 70% in recent years, from 4.01 €/kg in 2014 to 6.70 €/kg in 2017.

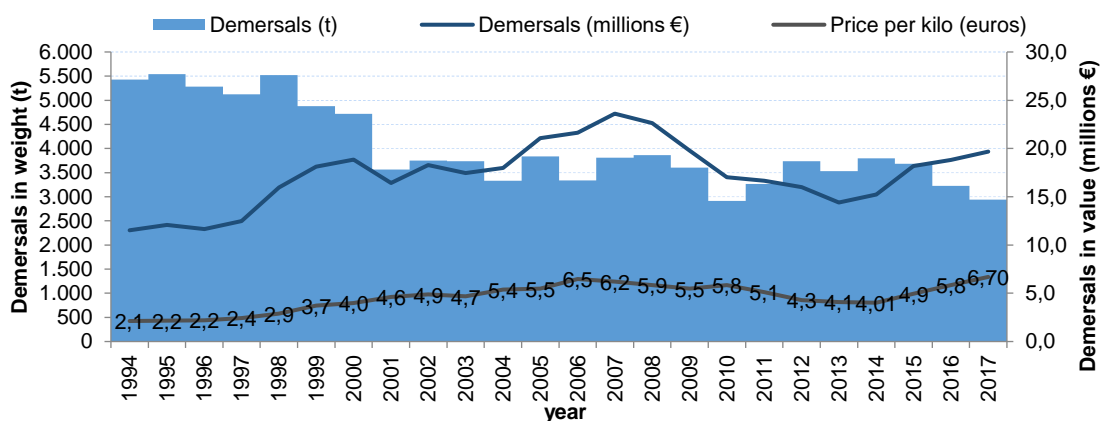


Figure 8. Evolution of demersal species landings by weight (tonnes), value (million euro) and average price per kilo between 1994 and 2017 (Source: Statistical Regional System and Regional Auction).

The catches of demersal species in the Region include about 70 species, and in the period 2007-2017, 10 species represented about 79% of the total landings. The most important species during this period were the Blackspot seabream (*Pagellus bogaraveo*) accounting an annual landing of 654 tonnes, the European conger (*Conger conger*) with 407 tonnes, Forkbeard (*Phycis phycis*) with 235 tonnes, the Blackbelly rosefish (*Helicolenus*



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dactylopterus) with 231 tonnes, the Atlantic Wreckfish (*Polyprion americanus*) with 210 tonnes, the Silver scabbardfish (*Lepidopus caudatus*) with 210 tonnes, the Parrotfish (*Sparisoma cretense*) with 190 tonnes, the Alfonsinos (*Beryx* sp.) with 182 tonnes, the Thornback Skate (*Raja clavata*) with 97 tonnes and the Black scabbardfish (*Aphanopus carbo*) with 90 tonnes.

I.II.II. Discards composition

As part of the DiscardLess project, the discards of all fisheries occurring in the Azores EEZ (ICES sub-area X), including the deep-water bottom longline and handline fishery, were estimated by species for the period 1950-2014. This work, completed the catch reconstruction work performed and published by Pham *et al.* (2013) and was submitted for publication by Fauconnet *et al.* (unpublished data).

Since 1950 to present, an average 784 t (95% CI, 588 - 1008 t) were discarded per year by Azorean fisheries, i.e. 5.0% of their total catch. Discarding has mostly increased since the 1950s until the turn of the century, from 240 t/year in the 1950s-60s to 450 t/year in the 70s-80s and 2080 t/year in the 90s. In the last 15 years, total discards dropped and broadly stabilized at 1070 t/year (Figure 9) (Fauconnet *et al.*, unpublished data).



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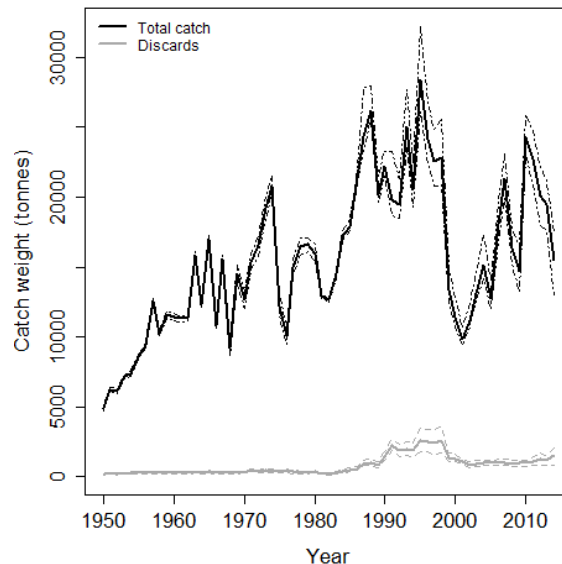


Figure 9. Time series of total catch (black line) and total discard (grey line) amounts of Azores fisheries. Dashed lines display 95% confidence intervals.

Over the recent 2000-2014 period, the bottom fishery in the Azores contributed the most to discards in weight (avg. 447 t/year, 10.3% of total catch), followed by the artisanal purse-seine fishery for small pelagic fishes (270 t/year, 13.0%), and the regional fleet of pelagic longliners (246 t/year, 43.6%). All other fisheries were estimated to discard less than 30 t/year.

I.II.II.I. Discards of the bottom longline and handline fishery

Data sources

An observer programme onboard commercial bottom longline and handline vessels has been implemented from 2004 to 2012 and 2016, as part of the PNRD (Plano Nacional de Recolha de Dados, i.e. Data Collection Framework). This information was completed with an observer programme conducted from 2017 to 2018, in collaboration between the projects



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DiscardLess, MERCES and Sponges. Between 2004 and 2018, a total of 538 fishing trips, 1900 days at sea and 1807 fishing operations were sampled by observers onboard commercial bottom longline and handline fishing vessels.

As part of the PNRD observer programme, vessels from the three main islands in terms of landed volume (São Miguel, Terceira and Faial), were randomly chosen for sampling, attempting to attain a full coverage of all vessel length classes of the fleet. Sampling coverage ranged between 0.9 and 3.1% of landings for the period 2004-2011.

All sets of a trip were usually sampled by the observer, and for each fishing operation data were recorded for:

- (i) Type, and technical characteristics of the gear and fishing operations;
- (ii) Species composition of the total catch (retained and discarded), and landings (collected at the fish auction following the trip) in number and biomass;
- (iii) Lengths - measured to the nearest centimeter below from total or fork length (cm) or opercular length if damaged for fish species, carapace length for crustaceans and mantle length for cephalopods - of retained (subsample), discards (census) and landings (subsample);
- (iv) Sex for elasmobranchs;
- (v) Fate of the retained fraction of the catch that, if not landed, can either be used as bait, as food for the crew, or offered as “gifts” while landing. The observers did not interfere with fishing operations or the decision to whether or not discard a certain species.
- (vi) Reason for discarding as reported by fishers for each individual. Four reasons for discarding were recorded: undersized, no commercial value, damaged and other. “Undersized” includes fish discarded due to minimum landing size motives and also fish with commercial value that were discarded because they were too small to attain any value in the market. “No commercial value” includes species with an absence of market and also species for which the quota was reached. “Damaged” fish resulted either from predation while hooked in the gear or from on board mishandling. “Other” was used when reason for discarding could not be identified.



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Discard estimates

Over the 2000-2014, discards of the bottom fishery were estimated to represent 10.3% of the total catch of the fishery, representing 447 t discarded per year in average. The Azorean bottom fishery (longlining and handlining combined), as in many other small-scale fisheries worldwide produce a very low by-catch and discard (Gillet, 2011) which is also a result of a combination of particular technical-cultural and socioeconomic characteristics, namely the selectivity of the gear and the traditional use as bait or own consumption.

A high number of species (145 species) were caught in the bottom longline and handline fisheries. Although most of these have minor commercial value, the species caught in highest proportions bear high commercial value and feed a well-developed local market (Table I). The two most valuable species, blackspot seabream and wreckfish, were very little discarded (2.2% and 0.3%, respectively) whereas splendid alfonsino, blackbelly rosefish and European conger, all commercial species subject to MLS, were discarded in slightly higher proportions (around 10% of their catch). The major part of discards is composed by five commercially important fish species (*P. bogaraveo*, *H. dactylopterus*, *B. splendens*, *C. conger*, *L. caudatus*) and one deep-sea shark (*E. spinax*).

Table I. Species contributing to over 1% of the total catch of the bottom longline and handline fishery (highlighting * = quota, ° = TAC 0, ^ = MLS), with contribution to the total catch weight of the fishery, annual discard weight estimate and 95% confidence intervals (CI) in tonnes, and discarded weight fraction, for the 2000-2014 period.

Species	Common name	% of total catch weight	Discard weight (t) per year	CI Discard weight (t) per year	Discarded fraction (%)
*^ <i>Pagellus</i>	Blackspot	22.64	21.27	[13.83 - 28.69]	2.17
<i>bogaraveo</i>	seabream				



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[^] <i>Conger conger</i>	European conger	12.00	68.94	[50.92 - 87.98]	13.25
<i>Polyprion americanus</i>	Wreckfish	7.16	0.81	[0.17 - 1.45]	0.26
<i>Lepidopus caudatus</i>	Silver scabbardfish	7.12	104.49	[34.93 - 179.99]	33.82
[^] <i>Helicolenus dactylopterus</i>	Blackbelly rosefish	6.92	32.65	[19.71 - 45.45]	10.88
<i>Phycis phycis</i>	Forkbeard	5.78	13.68	[7.72 - 19.8]	5.45
^{*^} <i>Beryx splendens</i>	Splendid alfonsino	4.81	22.01	[16.86 - 26.83]	10.55
<i>Raja clavata</i>	Thornback ray	2.53	24.59	[7.76 - 41.83]	22.44
[^] <i>Pagrus pagrus</i>	Common seabream	2.10	1.12	[0.65 - 1.6]	1.23
^o <i>Centrophorus squamosus</i>	Leafscale gulper shark	1.92	17.84	[8.76 - 47.68]	21.43
<i>Mora moro</i>	Common mora	1.72	3.53	[0.73 - 6.32]	4.72
<i>Serranus atricauda</i>	Blacktail comber	1.67	0.12	[0.04 - 0.19]	0.17
<i>Galeorhinus galeus</i>	Tope shark	1.50	4.27	[0.01 - 8.53]	6.58
<i>Pontinus kuhlii</i>	Offshore rockfish	1.41	2.09	[1.07 - 3.1]	3.42



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<i>Muraena helena</i>	Mediterranean moray	1.21	7.63	[2.66 - 12.65]	14.57
<i>*Aphanopus carbo</i>	Black scabbardfish	1.04	4.32	[2.17 - 11.37]	9.56
Others	Others	18.47	117.95	[63.48 - 177.43]	14.73

I.II.III. Reasons for discarding and impacts of the LO on Regional fisheries

The reasons for discarding in this fishery were analysed, based on observer data, by Canha (2013) and Fauconnet et al. (unpublished data). At the fishery level, the Minimum Landing Size (MLS) was identified as the main reason for discarding while the low market value was the second cause for discarding. The capture of damaged individuals is also pointed as another important reason. Yet, it is important to note that the LO does not apply to damaged individuals, but that this type of discard is included within the displayed discard estimates. In few cases, the quota can also constitute an important reason for discarding. In fact, the implementation of the TAC system coincides with the recent increase in discarding, especially due to the quota for splendid alfonsino, which was reached increasingly earlier in the last decade (Figure 10). In addition, the wide inter-annual fluctuations in abundance of silver scabbardfish occasionally lead to large catch amounts of this species, which were discarded in large proportions due to low market value (Figure 11).



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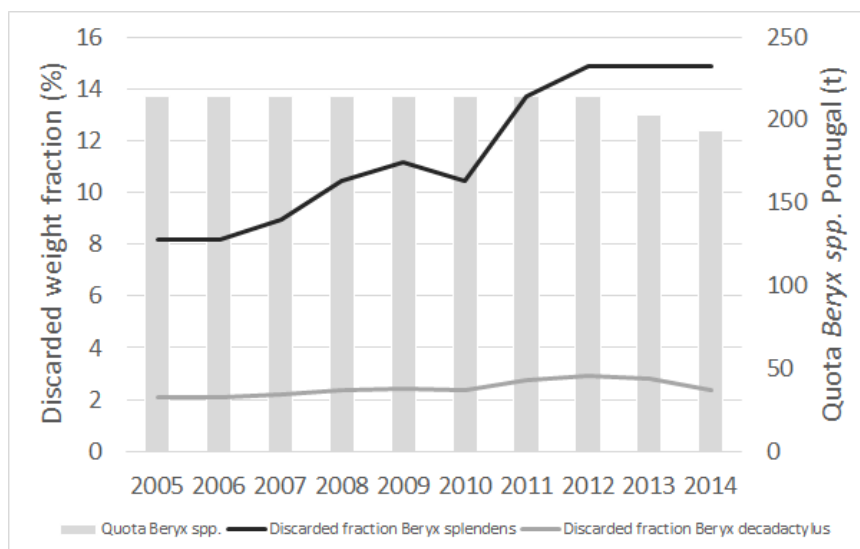


Figure 10. Discarded fraction of alfonsinos *Beryx splendens* (black line) and *B. decadactylus* (grey line) versus the annual *Beryx* spp. quota (grey bars) allocated to Portugal for ICES sub-area Xa over the 2005-2014 period.

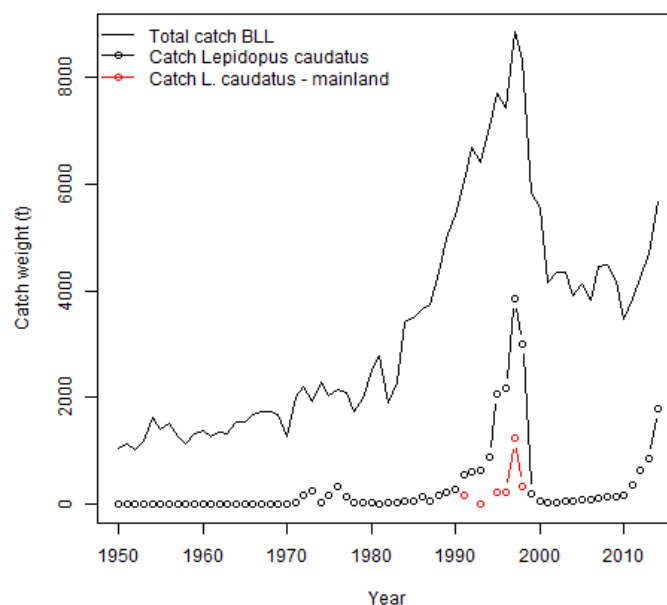


Figure 11. Total catch of the bottom longline and handline fisheries combined (black full line), including total catch of silver scabbardfish *Lepidopus caudatus* (black dotted line) and only by the mainland Portugal fleet (red dotted line) over the 1950-2014 period.



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Overall, regulations under the previous CFP, were the main reason for discarding in this fishery, as the main target species are subject to quota and/or MLS. The implementation of the TAC system has been one of the main driver for the discard increase in this multi-specific fishery, with for example the continuation of alfonsino discards after their landings stopped upon reaching the quota.

Given this scenario, it follows that one can expect considerable impacts of the recent reform in the European fisheries management (European Commission, 2013) in Azorean fisheries. While regulatory reasons (mainly MLS and quota) were compelling fishers to discard under the previous CFP, the LO will now compel fishers to bring back on land all catch of quota species, drastically changing those constraints. Catch quotas will replace landing quota, and all individuals including those under the Minimum Conservation Reference Sizes (replacing MLS) have to be landed. The LO should therefore result in decreasing discards, as observed globally (Zeller *et al.*, 2017). However, the efficiency of such measure strongly relies on the level of compliance and enforcement (Borges *et al.*, 2016). The LO may not result in a dramatic reduction in unmarketable catches if better selectivity is not incentivised (Condie *et al.*, 2013), if a better selectivity can be achieved. Even if the fishing selectivity is high and discards are low in Azorean fisheries, the LO could negatively affect them. The potential “choke” species (i.e. species for which the quota would be reached first forcing fishers to stop fishing) are alfonsinos and blackspot seabream for the deep-water bottom longline and handline fishery, the main fishery in the Region in terms of landed value, number of fishing vessels and number of fishers. Potential socio-economic impacts of the LO could therefore be highly detrimental in Azorean commercial fisheries, as argued for other small-scale fisheries for which the LO seems inappropriate (Veiga *et al.*, 2016; Villasante *et al.*, 2016).



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PART II. SUPPORTING EVIDENCE FOR HIGH SELECTIVITY OF ALFONSINOS IN THE BOTTOM LONGLINE AND HANDLINE FISHERY

II.I. Low catch and discards of *Beryx splendens*

Despite splendid alfonsino being an important commercial species for the region, its catch in the bottom longline and handline fishery remain limited, only representing 4.8% of the total catch of the fishery. Off an annual catch of around 208 tonnes (average for 2000-2014), discards of splendid alfonsino (*Beryx splendens*) were estimated to average 22.0 tonnes per year, [16.9 - 26.8] t/year 95% CI, which represent 10.55% of the species total catch (Figure 12).

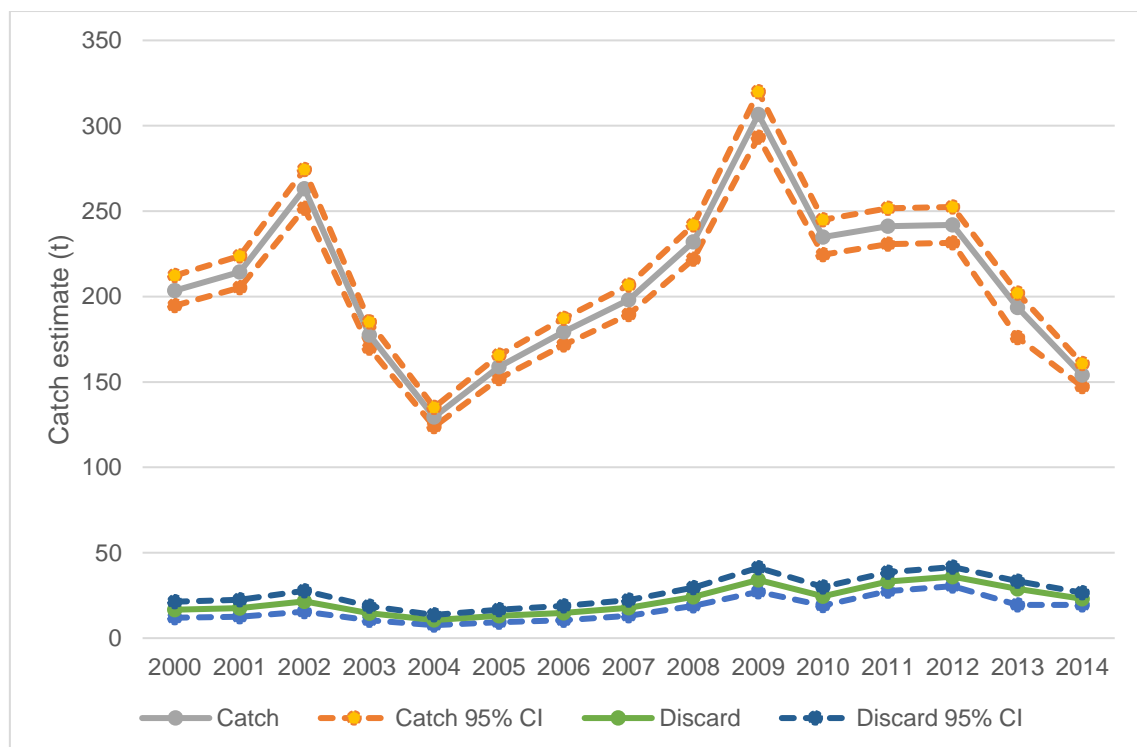


Figure 12. Annual catch and discard estimates, with 95% confidence intervals, of splendid alfonsino in the bottom longline and handline fishery.



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However, it should be noted that the uncertainty associated with this estimation is high given the large variability in the discard practises as highlighted in various studies (e.g. Rochet and Trenkel, 2005; Uhlmann et al., 2014). The calculation of the coefficients of variation (CV) of discard amounts for the species based on all observed fishing operations for the period 2004-2011, results in an overall CV of 12.03%, but with high inter-annual variation (Table II).

Table II. Coefficients of variations (CV) of the discard amounts for splendid alfonsino based on all fishing operations sampled onboard bottom longliners and handliners over the period 2004-2011.

Year	CV discard volumes (%)
2004	22.58
2005	21.13
2006	21.18
2007	12.61
2008	17.51
2009	13.43
2010	32.53
2011	36.24
All years combined	12.03

The analysis of the reasons for discarding of splendid alfonsinos showed that the main reason for discarding is under-size individuals, followed by damaged individuals, and individuals without commercial value, that can also account for some individuals that were discarded because the quota was reached (Figure 13).

It should be noted that 28.8% of individuals were discarded because damaged, individuals that would still be possible to discard under the LO. Without taking into account of the damaged individuals, the discards of the species only represented 15.7 t per year, i.e. 7.5% of the species catch.



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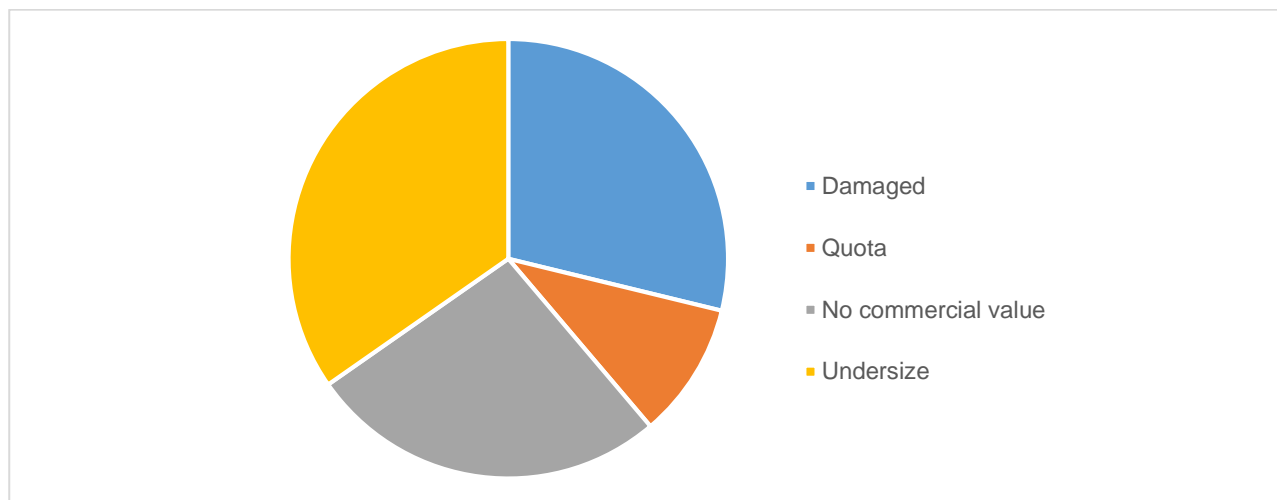


Figure 13. Reasons for discarding as reported by fishers for splendid alfonsino caught by bottom longlines (n = 4468 sampled individuals).

II.II. Low catch and discards of *Beryx decadactylus*

In the same way as for splendid alfonsino, alfonsino (*Beryx decadactylus*) is an important commercial species for the region, yet its catch in the bottom longline and handline fishery remain very limited, only representing 1.0% of the total catch of the fishery. Off an annual catch of around 39.3 tonnes (average for 2000-2014), discards of alfonsino were estimated to average 0.9 tonnes per year, [0.3 - 1.6] t/year 95% CI, which represent 2.3% of the species total catch (Figure 14).



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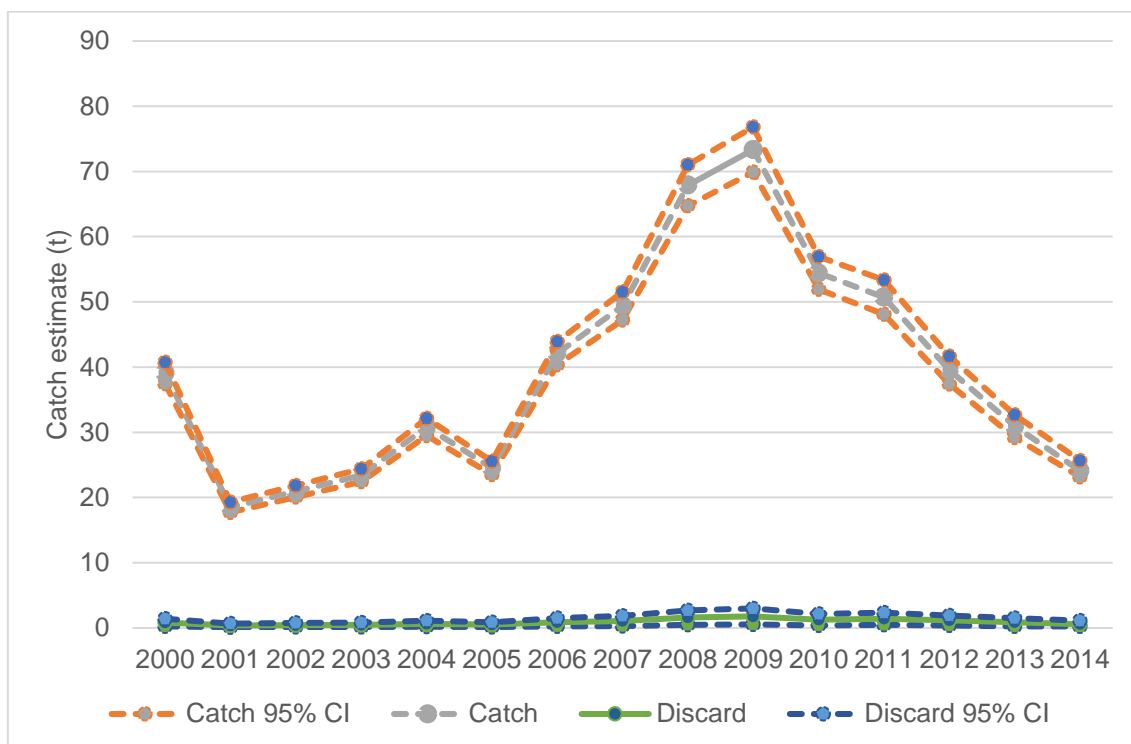


Figure 14. Annual catch and discard estimates, with 95% confidence intervals, of alfonsino in the bottom longline and handline fishery

This estimation is also associated with high uncertainty, even higher due to rarer catch of this species. In fact, the calculation of the coefficients of variation (CV) of discard amounts for the species based on all observed fishing operations for the period 2004-2011, results in an overall CV of 24.39%, ranging between 19.99% and 71.59% according to the years (Table III).

Table III. Coefficients of variations (CV) of the discard amounts for alfonsino based on all fishing operations sampled onboard bottom longliners and handliners over the period 2004-2011.

Year	CV discard volumes (%)
2004	34.77
2005	59.64



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2006	71.59
2007	35.38
2008	28.20
2009	19.99
2010	49.70
2011	39.61
All years combined	24.39

The analysis of the reasons for discarding of alfonsinos showed that the main reason for discarding is under-size individuals, followed by damaged individuals, and individuals without commercial value, that can also account for some individuals that were discarded because the quota was reached (Figure 15).

It should be noted that 31% of individuals were discarded because damaged, individuals that would still be possible to discard under the LO. Without taking into account of the damaged individuals, the discards of the species only represented 0.62 t per year, i.e. 1.6% of the species catch.

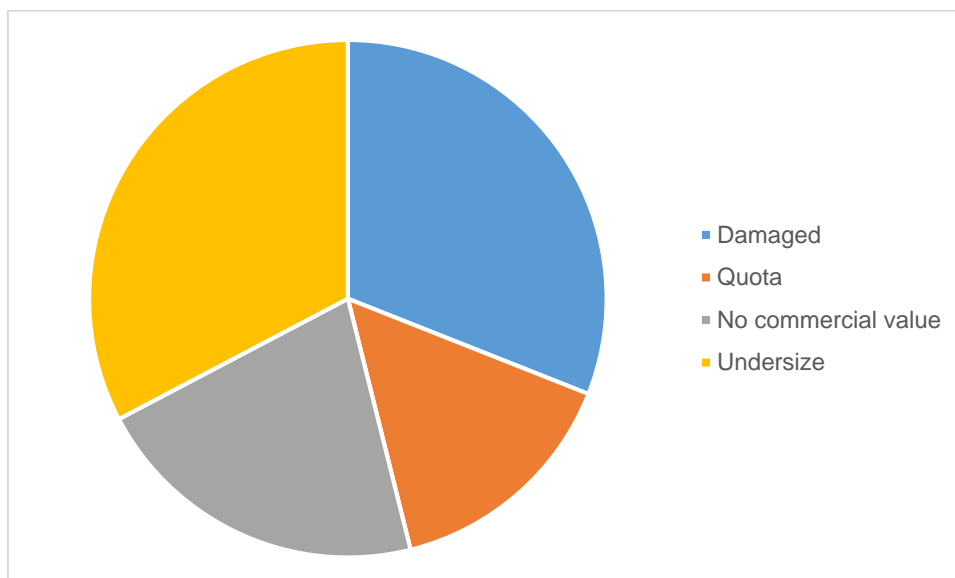


Figure 15. Reasons for discarding as reported by fishers for alfonsino caught by bottom longlines (n = 245 sampled individuals).



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II.III. Highly selective fishing gear

Current knowledge confirms that the hooks-and-lines demersal fisheries such as those making up the bulk of the Azorean catch in the last decades are far more selective and generate substantially less discards than demersal trawl fisheries. Discarding in Azorean handlining is smaller than in longlining (A. Canha, pers. comm.), just like the global estimates for handlining (2.0%; Kelleher, 2005), but disentangling the two fisheries was complicated by difficulties in segregating catch between those two multi-specific fisheries. The levels of discarding of deep-water demersal longlining in the Azores and elsewhere are generally much lower than those in European deep-sea demersal trawling for fishes or crustaceans, which range from 20%-70% (Allain *et al.*, 2003; Borges *et al.*, 2001; Connolly and Kelly, 1996; Fernandes *et al.*, 2015; Grazia Pennino *et al.*, 2014; Holley and Marchal, 2004; Kelleher, 2005).

As to the trustworthiness of this picture, a wide range and diversity of discards data have been collected in the fishery through onboard observer programmes. Sampling covered a wide spectrum of fishing characteristics and conditions and are thus considered representative of the fishing activity and discarding practices. Onboard observer data are a very reliable yet costly way of assessing total catch, including discards. It is important for an efficient fisheries management that such programmes are maintained to monitor both the catch of commercial species and non-commercial and vulnerable species (Dickey-Collas *et al.*, 2007; Punt *et al.*, 2006).

Deep-sea, seamount dependent or seamount aggregating species, are characterized by low productivity and are therefore particularly vulnerable to fishing (Morato *et al.*, 2006). Yet, it has been argued that the sustainability of deep-sea fisheries can only be achieved in rare occasions but more likely so when using artisanal small-scale passive gears (Norse *et al.*, 2012), as it is the case in the Azores.



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II.IV. Quota limitation for alfonsinos

Catch and discard estimates for alfonsinos presented above show that the selectivity of the bottom longlines and handline fishery regarding those species is high, with little discarding. Yet, as the quota for alfonsinos has been reached increasingly earlier in the recent years (i.e. in summer in the last years), the implementation of the LO could have detrimental effect for this multi-specific fishery, for which alfonsinos could turn into very limiting choke species.

The quota of alfonsinos is set for both species together, *Beryx splendens* and *B. decadactylus*. However due to data limitations, the advice made by ICES regarding *Beryx* quota is based on the precautionary approach (e.g. ICES 2014, 2016). The uncertainty of the stock structure and general absence of data on species composition of the catches and biological parameters are important limiting factors for the knowledge of these fish stocks. Survey data are available from the Azores (1995–2016), but the survey is not considered to provide a reliable indicator of abundance as it may not be optimally designed for these highly mobile and aggregative species, *B. decadactylus* in particular. Consequently, ICES still considers that the survey is not adequate to provide advice for this stock, and as a result, the ICES framework for category 5 stocks (stocks without information on abundance or exploitation – ICES 2012) was applied (ICES 2016 – Table IV).

Table IV - Alfonsinos in the Northeast Atlantic. The basis of the assessment. ICES stock data category (ICES, 2016).

ICES stock data category	5 (ICES, 2016)
Assessment type	No assessment (ICES, 2016)
Input data	Landings
Discards and bycatch	Not included, discarding is considered negligible (less than 10%).
Indicators	None
Other information	None
Working group	Working Group on the Biology and Assessment of Deep-Sea Fisheries Resources (WGDEEP)



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This lack of data, and precautionary approach in the stock assessment, has led to a quota reduction in the recent years, that was accompanied with a decreasing in catches for both species (Figure 16).

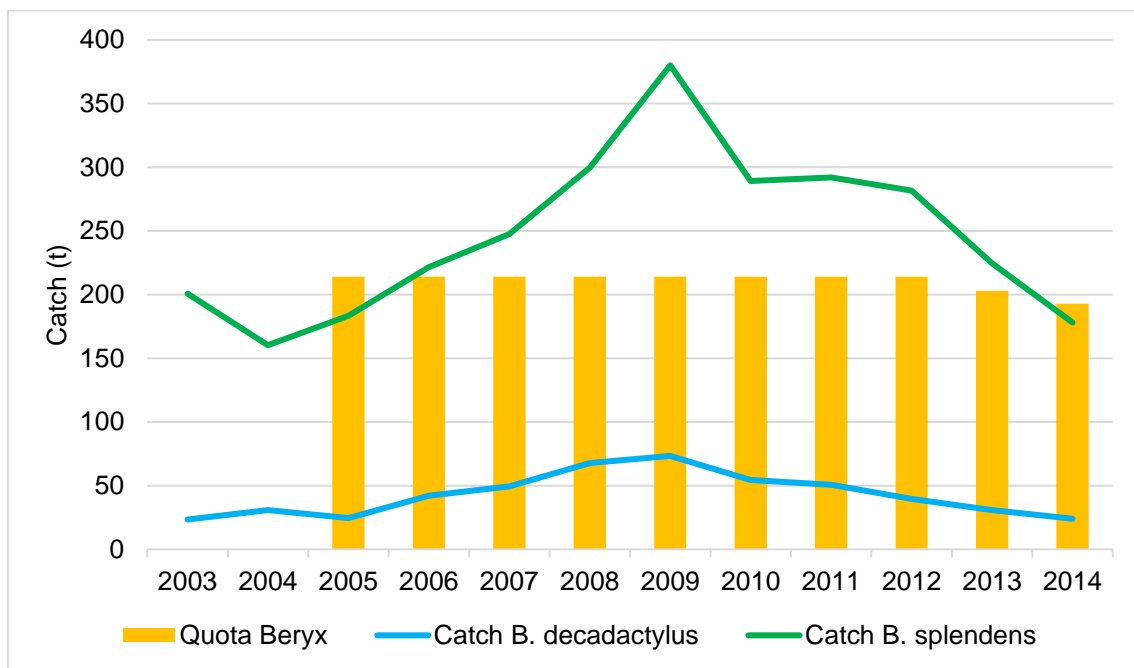


Figure 16. Annual total catch (including discard and catch used as bait) and quota of alfonsinos in the bottom longline and handline fisheries.

This quota reduction has also led to the quota being reached increasingly earlier in the recent years (Table V). To partially cope with the socio-economic consequences of this early closure, a “80% notice” has been implemented by the Regional Government of the Azores since 2013. As *B. decadactylus* is less frequent and have higher commercial value than *B. splendens*, this “notice” allows that whenever 80% of the quota of the *Beryx* complex is reached, the catch of *B. splendens* is not allowed anymore while up to 5% of *B. decadactylus* in the total catch can still be landed.



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Table V. Summary of the quota closure for alfonosinos in ICES area Xa over the period 2007-2015

Closing date	Month	Quota species	Species closed	Advise 80%	Reopening of the quota	Closure of the quota
23 December 2015	12	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
30 October 2015	11	<i>Beryx spp.</i>	None		X	
7 July 2015	07	<i>Beryx spp.</i>	<i>Beryx splendens</i>	X		
13 December 2014	12	<i>Beryx spp.</i>	None		X	
21 June 2014	06	<i>Beryx spp.</i>	<i>Beryx splendens</i>	X		
29 August 2013	09	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
6 August 2013	08	<i>Beryx spp.</i>	<i>Beryx splendens</i>	X		
28 July 2012	08	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
5 September 2011	09	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
18 November 2010	11	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
1 October 2009	10	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
20 November 2008	11	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X
23 November 2007	11	<i>Beryx spp.</i>	<i>Beryx spp.</i>			X

II.V. Avoidance measures

Avoidance measures of those species already used in the region include technical and tactical strategies.



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Menezes (1996) studied frequencies of occurrence of several demersal species occurring in the Azores by means on survey data. Results showed that alfonsino and splendid alfonsino tend to occur at deeper depths than many commercial species targeted by the bottom longline and handline fishery such as blackspot seabream (*Pagellus bogaraveo*, Figure 17). Even if an overlap between species' vertical occurrences still exist, and bycatch still occurs to some extent, this local ecological knowledge is used by fishers to avoid/limit catch of alfonsinos when the quota has already been reached.

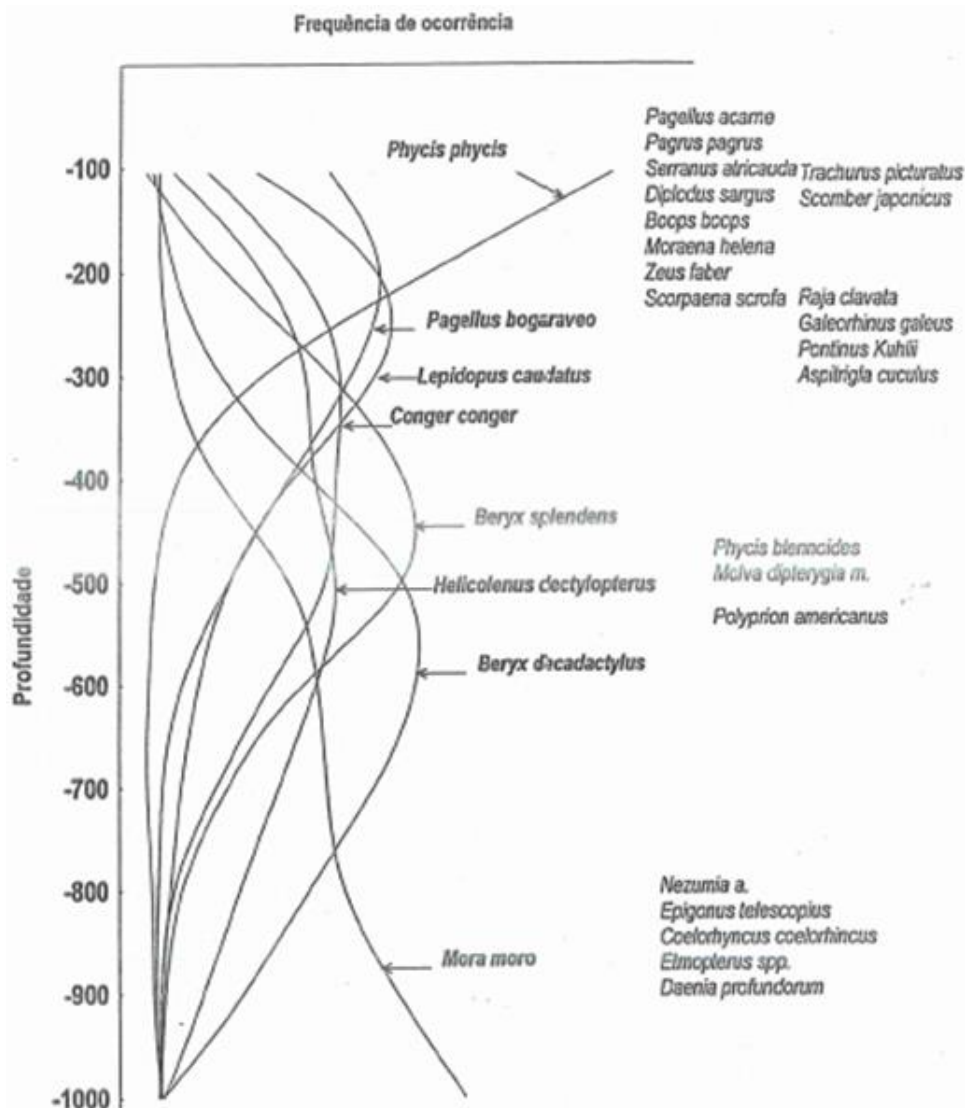


Figure 17. Frequency of occurrence of several demersal species occurring in the Azores according to depth in meters, based on survey data (Source: Menezes, 1996).



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As part of the technical avoidance strategies of the species, the conversion of bottom longliners to handliners that has been occurring in recent years, has also greatly contributed to the decreasing in the catch of alfonsinos. Indeed, observer data shows that both species are almost exclusively caught by bottom longlines, with *B. decadactylus* and *B. splendens* only accounting for 0.03% and 0.5% of the catch of handliners respectively (Fauconnet *et al.* unpublished data). Discarding is also lower with handlines than with bottom longlines. This gear conversion has greatly been incentivized by the management that has been implemented by the Regional Government of the Azores, namely the decrease in licenses attributed to bottom longliners, and the spatial limitations in fishing grounds that are more constraining for bottom longliners than for handliners, leading several fishers to voluntarily convert to this gear type.

II.VI. Size selectivity

The hook selectivity in the Azorean bottom longline and handline fishery has been studied by Sousa *et al.* (1999). The catch of alfonsinos in those fishing experiments, being too reduced, the selectivity of different hook sizes could not be tested on those species. Only blackspot seabream (the main target species of this fishery) and bluemouth rockfish were caught in large enough numbers so that the selectivity of different hook sizes could be studied (Figure 18). The legal hook size that has been implemented in the fishery is hook size number 9. This hook size was appropriate to avoid catching undersize blackspot seabreams (MLS of 25 cm from 2006 that has since been increased, up to 33 cm in 2017) and bluemouth rockfish (MLS of 25 cm from 2013 that has been increased to 27 cm in 2017). An increase in the legal hook size to hook size number 8 is foreseen in a near future to limit the catch of undersize individuals under those new MLS. As for alfonsinos, the implementation of a minimum landing size (or weights) has only been recent for both species, starting in 2015 with a 250 g limit for both species, and since 2017 a MLS of 30 cm applies to splendid alfonsino, and 35 cm for alfonsino. This contributes to explain the lower importance that has been given to the size selectivity of alfonsinos in the bottom longline



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and handline fishery, along with the fact that they only constitute secondary targets, caught in relatively low amounts, of this widely multi-specific fishery.

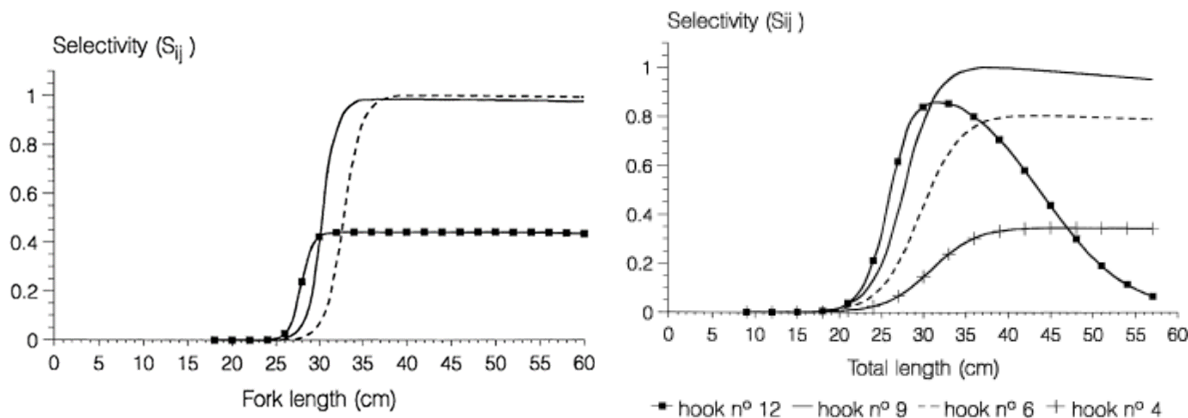


Figure 18. Estimated selectivity curves for four hook sizes for the blackspot seabream (left), and the bluemouth rockfish (right). Source: Sousa et al., 1999.

PART III. *de minimis* REQUEST RATE for *Beryx* sp. HOOKS AND LINE FISHERIES

- Due to the small bycatch and discard evidence presented in this document;
- Due to the fact that the Azorean fleet, that targets deep-sea demersal species, is dominated by small-scale vessels using highly selective fishing gears;
- Due to the fact that these fleets tend to decrease, like it has happened in these late years
- Due to the fact that, legally, high impact fisheries like trawl or big purse seines are banned from Azores EEZ waters since 2005;
- Due to the fact that the Azores are an outermost region with distance and market obstacles;

According to the information presented on the characteristics and the discarded fraction of Alfonsinos in bottom longline and handline fishery, summarized in Table VI, we request



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the allocation of 5% *de minimis* exemption for Alfonsinos hooks and lines fisheries in ICES sub-area X.

It should be noted that part of the catch is used for bait or kept by the crew that is also accounted within the total catch but not reported as landings, nor discards.

Table VI. Summary of the request of *de minimis* exemption for Alfonsinos in the Azores bottom hook-and-line fishery in ICES sub-area X.

Country	Exemption applied for (species, area, gear type)	Species as bycatch or target	Landings (by LO subject vessels) (2014)	Estimated discards (2014)	Estimated catch (2014)	Discard Rate (2014)	Maximum volume of discard with 5% DM (in tonnes)
Portugal	Beryx splendens, ICES area X, bottom longline and handline	By-catch	111.0	22.9 – 16.3 (excluding discards due to damaged individuals)	154.1	14.9% - 10.6 % (excluding discards due to damaged individuals)	7.7
Portugal	Beryx decadactylus, ICES area X, bottom longline and handline	By-catch	22.5	0.56 – 0.39 (excluding discards due to damaged individuals)	24.1	2.3% - 1.6% (excluding discards due to damaged individuals)	1.2



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