Rough English Translation of original letter in Spanish Dated 16 November 2011 From the DSCC to Minister Rosa Aguilar Rivero

Dear Minister,

We would like to thank you for your response on 13 July 2011to the letter that a number of NGOs sent you in relation to the scientific study "Atlantis", which was carried out by the Spanish Institute of Oceanography (IEO) and coordinated by the General Secretariat of the Sea, and identified a large area of vulnerable marine ecosystems (VMEs) in the Southwest Atlantic Ocean.

We would also like to thank the General Secretariat for the Sea, which shared with us the full report of the scientific project "Atlantis" that we are currently studying. In your letter you informed us that, based on the Sea Fisheries Law 3/2001 and the Ministerial Order of 2 March 1982, Spain had adopted a new temporary fishing permit (PTP), which is being granted to the Spanish vessels as from 1 July 2011, and excluded from fishing operations 9 different areas, in line with the conclusions of the project "Atlantis". We congratulate Spain for the adoption of this measure, which targets the protection and conservation of VMEs, and kindly request you to share with us the text of the new permit in order to understand its implications.

At the UN workshop last September, the Deep Sea Conservation Coalition (DSCC) published a study analyzing the measures adopted by States and RFMOs to implement the UNGA resolutions on sustainable fisheries. The study highlighted the measures that Spain had adopted (which you mentioned in your letter), and stressed the need for such measures (in the new PTP) to be published so that all stakeholders could come to stronger conclusions.

We share the concerns you highlighted in your letter regarding the existence of other (non-Spanish) fishing vessels operating in the Southwest Atlantic Ocean, which do not necessarily comply with the recently adopted Spanish conservation measures. In this regard, we would like to emphasize that during the abovementioned UN workshop, the DSCC made reference to the report of the Division for Ocean Affairs and the Law of the Sea (DOALOS), which indicated that the Republic of Korea had reported they had taken action on the management of bottom fisheries in areas where there is no regulation at all (neither interim nor through RFMOs). Similarly, the DSCC also stressed that by September 2011 none of these measures had been made public through the FAO, as required by paragraphs 87 and 122 c) of the UNGA Resolutions 61/105 and 64/72, respectively.

With regard to the scientific research project "Nereida", we would like to encourage Spain, as well as other countries which have participated in this expedition led by Spain, to analyze and expeditiously send the project results to the scientific body of the Northwest Atlantic Fisheries Organization (NAFO) so that the latter can adopt the necessary conservation measures, similar to those adopted by Spain on the SW Atlantic.

In the same line, it is expected that the European Commission will propose in 2011 the new (draft) European regulation laying down the specific access requirements

and other conditions applicable to fishing for deep-sea stocks in the Northeast Atlantic. This draft proposal would substitute the current Regulation No. 2347/2002 of 16 December 2002.

The adoption of the new European regulation gives Spain the opportunity to continue defending its position in support of the effective implementation of the provisions established in the UNGA resolutions, aiming at the protection of vulnerable marine ecosystems when these are found (in this case) in the Northeast Atlantic Ocean.

The requirements established in the relevant UNGA resolutions on sustainable fisheries are not included in the current Regulation No. 2347/2002, and therefore we expect the new legislative proposal to improve its content by including all of these requirements, following the example of the Regulation No. 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse effects of bottom fishing gears applicable to the South West Atlantic.

We hope that Spain will take a position in favor of conservation and implementation of the UNGA resolutions during the discussions on the adoption of the new EU regulation establishing the specific access and other conditions applicable to fishing for deep-sea stocks, which will be held shortly at the Council of the European Union.

We are available to exchange views on these or any other matters of your interest.

Thank you for your consideration.

Deep Sea Conservation Coalition Ecologistas en Accion Greenpeace Spain WWF-Spain Pew Environment Group