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MARE/D3/PC/mbe/Ares (2019)

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**Subject: Your Advice 131 on the Policy Statement**

Dear Mr Bilbao,

I would like to thank you for your advice relating to the Policy Statement which received our full attention.

I take note of your remarks concerning the performance indicators, and would like to remind you that, as set out in the Commission's working document, it was not possible to calculate some of the indicators for all the segments of the fleet due either to a lack of data, or in order to protect commercial confidentiality. The Commission is continually working with STECF to improve the quality and transparency of its data.

As regards the preparation of fishing opportunities for 2020, I would remind you that, in accordance with usual procedure, the Commission's proposal must be adopted for the end of October 2019. The Commission will then send it to the Council, and it is then the Member State authorities' responsibility to inform the Advisory Councils. Our proposal will also be published on DG MARE's Europa site. Also, you will receive the "de minimis" calculations via the Member States' regional groups. The Commission will ensure the necessary transparency in this process.

The Commission encourages the Advisory Councils to continue contributing to the fishing opportunities while fulfilling the conditions laid down in the plans, particularly in articles 4 and 8 of the multiannual plan for the western waters. The best way to contribute consists in supporting the observation programmes and supplying quality data to the scientists and to the administrations.

TACs are set based on the ICES' scientific advice and on the multiannual plans if they are applicable. The TACs are set taking account of the health of each stock on a case by case basis. If the ICES's advice indicates a figure for the 2020 TAC which would lead to MSY in 2020, the TAC proposal will then correspond to this figure.

Regulation (EU) 2019/472, JO L 83, 25.3.2019, pp. 1-17.

If it relates to a targeted stock but there is no MSY advice, it will be managed according to the precautionary approach.

The ranges in the long-term plans serve to manage the mixed fisheries and to implement the landing obligation. They should help us minimise the choke situations. They will also help us ensure the sustainability of our fisheries in the long term. The conditions for the use of the ranges in the multiannual plans (e.g. to avoid excessive variations in fishing opportunities, as you mentioned in your advice) are established in these plans, particularly in article 4 of the above-mentioned regulation relating to the western waters. In accordance with article 4(3), the fishing opportunities are set according to the lower range. The higher ranges can only be used if certain conditions are fulfilled (see particularly article 4(5)).

As also specified in the western waters plan, the fishing opportunities are set so as to guarantee that the probability of the biomass of the breeding stock falls below Blim i.e. less than 5 %. If the biomass falls below Blim or even below Btrigger, all the appropriate corrective measures are then taken to ensure the recovery of the stock. These corrective measures may consist of a reduction of fishing opportunities and/or of technical measures. Finally, the deduction of "de minimis" exemptions, or exemptions for high survival capacity, is made when the fishing opportunities are set in the context of the application of the landing obligation to all species since 1st January 2019.

I thank the advisory council for the work it has carried out and would ask you to contact Mrs Pascale Colson, Advisory Councils coordinator ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu), +32.2.295.62.73) should you require any further information regarding this reply.

Yours faithfully,

Joao AGUIAR MACHADO