



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director general

Brussels,
MARE/C1/D.3/UK/ds/Ares (2021)

MR Aurelio Bilbao
Barandica Président du CC -
Sud rue Alphonse Rio, 6
F-56100 Lorient

Subject: Advice 143 of the SWWAC on the Fishing opportunities for the deep-sea species

Dear Mr Bilbao,

Thank you for your Advice 143 referenced above in the subject concerning the TACs and quotas of the deep-sea species for 2021 and 2022.

The Commission developed its proposal in accordance with the Communication "Towards more sustainable fishing in the EU: state of play and orientations for 2021"¹, in accordance with CFP objectives and, when this was necessary in accordance with the multiyear plan for the stocks fished in western water².

In accordance with article 2(2) of the regulation on the common fisheries policy (CFP)³, fisheries management involves the application of the precautionary approach. The aim is to ensure the exploitation of stocks so that Maximum Sustainable Yield (MSY) is achieved. To this end, the International Council for the Exploration of the Sea (ICES) proposes MSY advices for the stocks for which analytical data is available, and precautionary advices for the others. This year the ICES has produced no MSY advices for deep-sea stocks.

¹ Communication of the Commission to the European Parliament and to the Council "Towards more sustainable fishing in the EU: state of play and orientations for 2021" (COM(2020) 248).

² Regulation (EU) 2019/472 of the European Parliament and of the Council of the 19 March 2019 establishing a Multiannual plan for the stocks fished in western waters and adjacent waters and for the fisheries exploiting these stocks

³ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the common fisheries policy (JO L 345, 28.12.2013, p. 22)

The Commission's proposal was based on the ICES' most recent advices published on 10 June 2020⁴ and for deep-sea sharks on 4 October 2019⁵.

The scientific advice based on the precautionary approach indicates that the fishing pressure on certain deep-sea stocks is still too high and that the fishing opportunities for these stocks should be further reduced until the evolution of the stocks shows a positive trend.

The Council's results of 16 and 17 December 2020 are as follows:

- For black scabbardfish 8-10: -20% for 2021 and renewal in 2022;
- For roundnose grenadier 3a: a small TAC of 5 tonnes, solely bycatch (choke) and renewal in 2022;
- For red sea bream 9: -20% for 2021 and renewal in 2022;
- For orange roughy: maintenance of the prohibition;
- For deep-sea sharks: maintenance of the prohibition and removal of the TAC for bycatch.

Following the departure of the United Kingdom from the EU, certain stocks are now managed with this third party country. The Council has adopted provisional quotas from January to March 2021. 25% of the 2020 quotas are maintained until March awaiting the finalisation of the bilateral negotiations. The negotiations with the United Kingdom on the annual TACs for 2021 will begin in the near future. Then the TACs will be shared with the United Kingdom in compliance with the Brexit agreement and we will establish the final TACs for 2021.

The fishing sector has requested an increase in the fishing opportunities to break the vicious circle related to the absence of MSY advices due to a lack of data, this lack of data itself being due to the reduction in fishing effort. Allow me to express my surprise at such a recommendation, relating to very vulnerable species for which the recovery of the stocks would be extremely long if they were exploited more. I would ask you to adopt the precautionary approach recommended by the ICES when drafting your recommendations. All recommendations that do not follow this principle has no possible chance of being adopted by the Commission.

Your mention in your letter that the removal of the TACs is not a solution favouring sustainable management for the NGOs. I would ask you to note for the record that the ICES issued an advice in 2018 which confirms that the removal of TACs for certain stocks will not lead to greater pressure on certain stocks concerned. As long as there is no change in the state of these stocks, these TACs will not be restored. The Commission monitors the evolution of these stocks very closely and could intervene, if necessary.

Regarding Rock Grenadier and Roughhead Grenadier I would remind you of the argument put forward in a recital in regulation (EC) No 2025/2018:

"According to the ICES advice, limited observations on board show that the percentage of roughhead grenadier is lower than 1% of the declared catches of rock grenadier. In view of this data, the ICES recommends that there should be no targeted fishing of roughhead grenadier and that the bycatch should be attributed to the rock grenadier TAC so as to minimise the risk of erroneous declarations of species. The ICES

⁴ <http://www.ices.dk/advice/Pages/Latest-Advice.aspx>

⁵ <https://ices.dk/advice/Pages/Latest-Advice.aspx>

indicates that there are considerable differences, of more than an order of magnitude (more than ten times more), between the relative proportions of rock grenadier and roughhead grenadier declared in the official landings, on the one hand, and the catches observed and the scientific studies undertaken in the zones where roughhead grenadier are currently fished, on the other hand. The data available for this species are very limited and some of the figures declared for the landings are considered by the ICES as erroneous declarations of species. Consequently, it is not possible to draw up a precise history of the roughhead grenadier catches registered. All bycatch of roughhead grenadier should therefore be limited to 1% of the quota of each Member State for rock grenadier and attributed to this quota, in accordance with the scientific advice. If roughhead grenadier are considered only as a bycatch of rock grenadier and belong to the same TAC, there will no longer be any erroneous declarations".

I share the wish for better documentation of shark bycatches and the establishment of measures designed to protect them. Deep-sea sharks cannot be fished. Every year, the ICES issues an advice recommending 0 catch (as well as for "orange roughy"). Since 2018 there has been a prohibition which was once again adopted for 2021-2022. This time there are no quotas for deep-sea shark bycatch. The Commission is monitoring developments in Portugal and the measures put in place by the Azores designed to prevent bycatch of deep-sea sharks.

I thank the Advisory Council for the work it has carried out and would like to point out that recommendations that are not compliant with the principles of the CFP cannot be adopted by the Commission. I invite you to contact Mrs Pascale Colson, coordinator of the Consultative Councils (pascale.colson@ec.europa.eu, +32.2.295.62.73) should you require any further information regarding this reply.

Yours faithfully,

Charlina VITCHEVA