



To: Hélène Clark, Director of Directorate C – Fisheries Policy Atlantic, North Sea, Baltic and Outermost Regions, DG Mare, European Commission

Re: Clarification on further steps regarding North Western Waters bycatch reduction plans

24 May 2019

Dear Ms Clark,

We are writing to you to express our serious concern about the lack of action displayed so far by the North Western Waters (NWW) regional group, and the limited safeguards included in the development of bycatch reduction plans for Irish Sea whiting, West of Scotland whiting and cod, Celtic Sea cod, and plaice in area 7h-k. As you are aware, these five stocks are in a dire state and the International Council for the Exploration of the Sea (ICES) has issued a zero catch advice for 2019. Since the regional group was due to submit its plans to the Commission by 30th April 2019, we urgently seek clarification on the next steps in this process, and on how the Commission intends to respond if these plans are not sufficiently ambitious.

We highlighted the risks associated with the granting of bycatch Total Allowable Catches (TACs) for these vulnerable stocks prior to the implementation of effective bycatch reduction plans from an early stage.¹ While the development of such plans has so far been in the hands of the regional group, we call on you to monitor this process closely and step in as needed to ensure that this approach meets its purpose, and that these stocks are fished in line with the requirements of the Common Fisheries Policy.²

The purpose of bycatch TACs and bycatch reduction plans

The five bycatch TACs agreed for the stocks in question were intended to avoid premature fisheries closures resulting from setting zero TACs in line with the ICES advice. However, these were only granted based on the condition of multiannual bycatch reduction plans being developed urgently to progressively reduce unwanted catches of the stocks concerned.³ Therefore, we expect the Member States to collaborate effectively to develop ambitious plans, which minimise bycatch, do not allow increases in fishing mortality, are compatible with the CFP's maximum sustainable yield (MSY) objective⁴ and encourage stock recovery in the shortest possible time frames. Moreover, as recognised in recital 8 of the TAC and Quota Regulation for 2019⁵, all vessels benefitting from bycatch TACs should implement full catch documentation as from 2019. An enhanced programme of monitoring will be necessary to ensure that this is properly enforced.

The process so far: work in the North Western Waters regional group and Advisory Council

The Member States of the NWW regional group committed to developing these bycatch reduction plans by 30th April 2019 in close collaboration with the NWW Advisory Council (NWWAC).⁶

¹ Joint NGO recommendations on fishing opportunities for 2019 – Policy Annex, see section 2.3 on p. 6.

<https://www.documents.clientearth.org/library/download-info/joint-ngo-recommendations-on-fishing-opportunities-for-2019-policy-annex/>

² Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy.

³ See recital 8 of the TAC and Quota Regulation for 2019, Council Regulation (EU) 2019/124.

⁴ Article 2(2) of Regulation (EU) No 1380/2013

⁵ Council Regulation (EU) 2019/124

⁶ Statement of the North Western Waters regional group made at December Council 2018. Available on <http://data.consilium.europa.eu/doc/document/ST-5692-2019-INIT/en/pdf>

However, so far the sharing of information about the ongoing discussions within the group as well as consultation with the NWWAC have been very limited, making it difficult for us to provide detailed and meaningful input at an early stage of the process.

The draft version of the plan we received via the NWWAC⁷ on 5th April appears to primarily contain references to measures already included in the current discard plan, or agreed as part of the new Technical Measures Framework. A more recent update of this draft plan received through the NWWAC on 15th May contains a limited number of additional measures, most of which remain rather vague and/or are not due to come into force until 2020.⁸ We are very concerned about the prospect of business continuing as usual in the absence of strong, concrete and immediate measures as part of this bycatch reduction plan, allowing the dire state of these stocks to remain unchanged or even deteriorate further, since the bycatch TACs exceed scientifically advised levels.

Given the short time frame and the lack of information provided by the regional group in April, the NWWAC was unable to develop consensus advice on the topic, and decided to provide some recommendations by collating contributions from individual NWWAC members as well as key points discussed at the NWWAC meetings in Madrid on 12th and 13th March 2019. However, the finalisation of this document⁹ has unfortunately been delayed and some of the points of relevance to the Other Interest Group (OIG) members could not be fully reflected. Given that the 30th April deadline has now passed, the NWW OIG members signing this letter have decided to bring their concerns to your attention directly.

Request for clarification on next steps and potential Commission intervention

Since the deadline for submission of the draft bycatch reduction plans has passed on 30th April 2019, we assume that the Commission is currently reviewing the draft, and that there is still scope for improvements before the document is submitted to the Scientific, Technical and Economic Committee on Fisheries (STECF) for review. To this end, we ask the Commission

1. **To clarify what the next steps in the process are** and share with us and the NWWAC any updates of the draft plan received from the regional group since the 15th of May;
2. **To remind Member States that the bycatch reduction plan needs to go beyond already agreed or planned measures**, and to strongly encourage them to prioritise additional measures that effectively reduce bycatch and mortality; and to put a mechanism in place that ensures that vessels can only avail of the bycatch TAC if they demonstrate that they are fully implementing the relevant measures as well as full catch documentation;
3. **To confirm that all these measures will be submitted for review by STECF at the next opportunity**, and that their effectiveness will be reviewed on a regular basis to ensure that unwanted catches of the stocks concerned are progressively reduced, the requirements of the CFP are being met, and the measures are adjusted accordingly;
4. **To include the review of the bycatch reduction plan in the Terms of References of a dedicated STECF Expert Working Group (EWG)**. This is important to ensure that the STECF has sufficient capacity to scrutinise the plan in the necessary level of detail, which may not be possible if the topic is addressed solely at an STECF Plenary meeting.¹⁰

⁷ By-catch reduction plan (BCReP) in the North Western Waters. 2019-04-02 version. Draft received on 5th April 2019.

⁸ By-catch reduction plan (BCReP) in the North Western Waters. 2019-05-14 version. Draft received on 15th May 2019.

⁹ NWWAC Discussion document: NWW Recommendations on Bycatch Reduction Planning, 25th April 2019.

¹⁰ For example, in its STECF PLEN-18-02 report, the STECF noted regarding exemption requests for discard plans that the 'supporting evidence dealt with by plenary could not be scrutinised and checked for consistency in such depth and detail as carried out by the dedicated EWG'. STECF PLEN-18-02 report (Scientific, Technical and Economic Committee for Fisheries (STECF) – 58th Plenary Meeting Report (PLEN-18-02); Publications Office of the European Union, Luxembourg.), p. 9.

5. **To confirm the consequences if STECF's assessment of the bycatch reduction plans suggests that these are unlikely to deliver the necessary improvements**, such as decreasing or withdrawing the bycatch TACs and/or implementing emergency measures in order to protect these stocks.

We strongly urge the Commission to remind the regional Member States that continued access to bycatch TACs is dependent on their cooperation on effective bycatch reduction plans. The Member States must ensure that bycatch reduction measures and full catch documentation are properly monitored and enforced. We are available to discuss the issues raised in this letter further.

Yours sincerely,



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