



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,
MARE/D3/MM/mb/Ares (2020)

Mr Ken Skau Fisher
Chairman Executive Committee
NSAC (7th Floor)
Louis Braillelaan 80, 2719 EK
Zoetermeer,
The Netherlands
Email: admin@nsrac.org

Subject: NSAC Letter to the Commission on Prohibited Species List (Ares (2020)1325861)

Dear Mr Skau Fisher,

Thank you very much for your letter to my predecessor of March 2020. Let me apologise for the long delay in replying to you, which is linked also to the unexpected and abruptly changed circumstances we have all been facing since March.

In your letter, you refer to the use of the prohibited species list and the conditions that should apply to the listing of species in this article in the Fishing Opportunities Regulation to prevent misuse of the list. We are very much aware of the position of the NSAC on this matter and I would like to thank you for your valuable input on this topic.

The Technical Measures Regulation¹ offers the means to protect certain rare fish species where even a limited fishing activity could result in a serious risk for their conservation. Annex IV of this Regulation comprises the current list of species that fall under these conditions, and Article 10 ‘Prohibited fish and shellfish species’ stipulates the necessary procedure to be followed in case modifications are deemed necessary. As you are aware, these species are to be released unharmed when caught accidentally.

We fully agree with the NSAC that solid scientific data are indispensable before taking action. Therefore, it would indeed be very important for the Advisory Councils to work together with the national research institutes to find ways to come to a better assessment of the species and the evolution of these populations. In this regard, I would also

¹ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

encourage the Advisory Councils to work with the fishing industry that has to deliver the data.

I draw your attention to the fact that for any species (be it prohibited or not), the Member States are allowed to undertake scientific fishing without any quota allocation, as long as that fish is not sold commercially afterwards.

As for the upcoming December Council, the Commission proposal will be published at the end of October. As usual, it will be based on the scientific advice we receive from ICES, and it will be in line with the provisions of the multiannual plans.

The opinion of the Advisory Councils is important and very useful for developing management strategies and legislation. The 2018 and 2019 recommendations by the Advisory Councils on the landing obligation, its challenges and possible solutions were very useful in the context of the intensive discussions on choke issues or the discard plans. I can therefore only commend you on the work you have undertaken and invite you to continue sharing the position of the NSAC on various fisheries matters with DG MARE.

I look forward to our continued cooperation and invite you to contact Ms. Pascale Colson (pascale.colson@ec.europa.eu; +32 2 29 56273) should you have any further question on this reply.

Yours sincerely,

Charlina VITCHEVA

c.c.: MARE C1, MARE D1, MARE D3