



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director - General

Brussels
MARE.C.5/JE/il/(Ares2021)

Subject: NSAC advice on Choke Identification Tool

Dear Mr Skau Fisher,

Thank you for the NSAC email from 9 December in which Ms Talevska, on behalf of the NSAC, shares the NSAC advice on the North Sea choke identification tool adopted via written procedure.

My services and I welcome this advice, which provides valuable insight into stakeholders' views on the reality of North Sea fisheries. I greatly appreciate the work that has gone into preparing it, in particular the constructive approach taken to not only flag existing challenges, but also to examine their root causes and to set out possible ways of addressing them. I also value the recognition that no one solution exists to deal with such situations, but that different management responses are required.

Without wanting to enter into too much detail on any of the stocks in question, I would nevertheless like to use the opportunity to share several general observations.

1. Overall, the NSAC analysis identifies **moderate or high choke risks** for 7 out of the 14 stocks listed in the table. These include important and valuable or otherwise iconic fisheries, e.g. for haddock and cod, many of which are set together with both the United Kingdom and Norway. However, it is also worth highlighting that the choke risk is deemed **minimal or non-existent** for the other 7 stocks listed, including for hake, plaice and sole.
2. One of the causes of a choke risk identified by the NSAC concerns a discrepancy between the **scientific advice**, which the Commission uses as the basis for its TAC proposals, and 'what is encountered in the field'. As you are well aware, the

Ms Tamara Talevska
Executive Secretary
NSAC
tamarat@nsrac.org

Common Fisheries Policy¹ requires that fisheries management is based the best available scientific advice. For us, this means proposing fishing opportunities in line with the internationally peer-reviewed advice provided by ICES. As such, **I must insist that our collective aim cannot be to set fishing opportunities at levels that do not correspond to scientific advice.** Rather, we should strengthen the science to ensure that it reflects to the greatest possible extent the reality that the fishing industry experiences.

3. The **multi-annual plan for the North Sea**² is a key tool for choke mitigation. It allows managers to take mixed fisheries considerations into account, notably by providing flexibility through the MSY ranges for those species listed as target species in Article 1 of that plan. This approach has been identified by ICES as precautionary, as the NSAC have rightly identified in the final column of the table.
4. Without a doubt, the **departure of the UK** from the EU has further complicated fisheries management in the North Sea. Most if not all of the stocks in this sea basin are now set either bilaterally or even trilaterally, with all the challenges and adaptations that this entails. The temporary swapping mechanism with the UK, while now fully functional and delivering, took time to develop at the beginning of the year. We aim to continue this temporary mechanism until a permanent one has been established following discussions in the Specialised Committee on Fisheries. We expect that this will provide further stability and clarity.
5. Regarding **exemptions from the landing obligation**, the NSAC stresses the importance of maintaining existing exemptions for those stocks where the choke risk is identified as high. While I understand how existing exemptions may prove useful in reducing choke issues on the ground, I must remind you that Art. 15 (4) and (5) of the CFP Regulation are very clear as to when an exemption can be granted: either where there is scientific evidence of high survivability or – for *de minimis* exemptions – where increases in selectivity are very difficult to achieve or to avoid disproportionate costs of handling unwanted catches. It follows that **preventing a choke situation is not a legitimate reason to maintain or introduce an exemption.**
6. Finally, I note the comment included in the table for several stocks whereby **ICES advises that management should be implemented at the stock level, and that combined species TACs (lemon sole/witch, turbot/brill) could lead to overexploitation.** These issues have partly been flagged in the Trade and Cooperation Agreement between the EU and the UK (Art. 504), and have also been raised between the EU and the UK during the consultations for 2022. We will return to them in the Specialised Committee on Fisheries next year, with a view to considering possible ways forward.

¹ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy

² Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea

I understand that the NSAC analysis has also been shared with North Sea Member States and the European Parliament. I welcome this broad dissemination, which can contribute to a shared understanding of the issues at hand. In this spirit, and in the interest of transparency, I have instructed my team to share a copy of this letter with the Chair of the Scheveningen Group.

Allow me to close by once again thanking the NSAC for the advice provided. I look forward to receiving the NSAC's further advice on this once you have concluded your work in spring 2022. My services remain available to discuss this work in greater detail once the final results are available.

Should you have any further questions on this reply, please contact Ms Pascale COLSON, coordinator of the Advisory Councils (Pascale.COLSON@ec.europa.eu; +32.2.295.62.73), who will forward it to relevant colleagues.

Yours sincerely,

Charlina VITCHEVA