



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

Director General

Brussels,  
ADV/D3 (2017)

Mr Niels Wichmann  
NSAC Chairman  
Office 17, Aberdeen Business  
Centre  
Willowbank Road  
Aberdeen, AB116YG Scotland  
The United Kingdom

**Subject: Prohibited Species Listing**

*Your reference: Advice Ref.15-1617*

Dear Mr Wichmann,

Thank you for your letter dated 16 October 2017 forwarding to us the NSAC advice on the listing of prohibited species.

Let me start with replying to your concerns regarding the listing of picked dogfish as prohibited before answering your more general questions. ICES advice for 2017 indeed stated 'based on medium-term projections, annual catches at the recent assumed level would allow the stock to increase at a rate close to that estimated with zero catches'. This is an improvement over the zero catch advice from previous years. However, the stock is still at a very low level which does not permit setting a regular TAC, especially given the long-lived, slow-growing, and late-maturing character of this species. Nevertheless, Council and Commission reacted to the changes in the advice and allowed for limited fishing by those Member States that establish an avoidance programme for this species.

In general, I agree that very low TACs or the listing of a species as prohibited does not improve the availability of scientific data. However, this is not a sufficient argument to establish TACs above ICES advice if a limitation of catches is needed to recover the stock in question. Please also note that according to Article 31 of Commission Implementing Regulation (EU) 404/2011, all discards, including those of prohibited species, have to be recorded in the logbooks.

I take note of your concern that listing species as prohibited makes it more difficult to get certification by the Marine Stewardship Council (MSC) if no measures are in place to reduce bycatch. The Commission will take this fact into account when making proposals in the future.

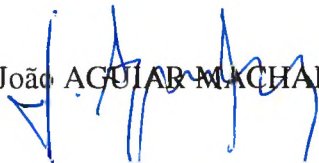
It is clearly a management decision whether to set a TAC at zero (or at low levels), to prohibit catches or to manage the stock with other means than a TAC. Therefore, this

decision cannot be delegated to ICES or STECF. However, I agree that the Commission and the Council will have to take a systematic approach when deciding on management measures for stocks where ICES advises low or no catches. The Commission will further discuss this issue with Member States and stakeholders in the months to come and I am certain that this matter will also be discussed at our upcoming seminar on the landing obligation.

Finally, let me assure you that the Commission will evaluate the list of prohibited species whenever new advice for the species in questions is published by ICES.

Let me thank you again for your cooperation and constructive input. If you have any questions on this reply, you may contact Ms. Pascale Colson ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu); +32 2 29 56273).

Yours Sincerely,

  
João AGUIAR MACHADO

c.c.: Ms Veits, Roller, Kirchner, Georgitsi, Colson, de Diego de la Vega  
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