

Mr. Zdeněk Nekula,  
Minister for Agriculture  
Czech Republic

7 October 2022

Subject: NGOs call on you to end overfishing when agreeing fishing limits for 2023

Dear Minister Nekula,

Like every busy autumn, soon you will be back at the negotiation table in the Agrifish Council meetings and in third country negotiations with the UK and other coastal states to decide on total allowable catches (TACs) for the coming year. Despite the increase in fleet profitability and the overall reduction in overfishing brought about by the Common Fisheries Policy (CFP) in the last decade, the EU still failed to fulfil its legal obligation to end overfishing in all its waters and missed the deadline to harvest all stocks sustainably by 2020, with many TACs still set above scientific advice.<sup>1</sup>

In October, you will set EU fishing opportunities in the Baltic Sea, where overfished populations are not improving, and the cod crisis continues.<sup>2</sup> In the meantime, the consultations with the UK will resume with a view to establishing over 70 catch limits for shared stocks. Those shared with Norway and other coastal states will follow shortly, with this year's negotiations for large pelagic fisheries undoubtedly being overshadowed by the Russian aggression in Ukraine.

In December, you will not only finalise decisions for the Northeast Atlantic waters, where 28% of assessed stocks continue to be subject to overfishing, according to the most recent report from the EU's Scientific, Technical and Economic Committee for Fisheries (STECF).<sup>3</sup> This year will also be the first time that Deep Sea TACs are decided during the December Agrifish Council. Further management measures to aid the recovery of the critically endangered European eel will also be discussed.

Persistently poor political decisions drive overfishing and jeopardise both environmental and socio-economic long-term sustainability. For example, after having depleted all European cod populations, the EU now imports large amounts of cod from Russia. This is both an ethical problem as well as associated with a high risk of illegal and unsustainable catch. The EU and the UK must follow scientific advice, apply an ecosystem-based approach, and transition to low-impact and climate-friendly fisheries to restore their own fishing resources. We therefore welcome the Commission's proposal for Baltic TACs which expressly proposes setting catch limits for some forage fish species at lower levels to ensure predators have enough food, and decreasing flatfish catch limits so as to reduce bycatch of sensitive stocks.

In light of accelerating climate change and biodiversity loss these are vital steps to ensure marine ecosystems remain resilient, and we urge you to follow the Commission's

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<sup>1</sup> Froese, R. et al 2020. [Progress Towards Ending Overfishing in the Northeast Atlantic](#). *Marine Policy*. Also see The Pew Charitable Trusts. 2020. [EU Fisheries Management Still Not in Line With Scientific Advice](#).

<sup>2</sup> Please see specific [Joint NGO recommendations on the setting of Baltic fishing opportunities in the Baltic Sea for 2023](#).

<sup>3</sup> Scientific, Technical and Economic Committee for Fisheries (STECF) – [Monitoring of the performance of the Common Fisheries Policy \(STECF-Adhoc-22-01\)](#). EUR 28359 EN, Publications Office of the European Union, Luxembourg, 2022, ISBN 978-92-76-51702-3, doi:10.2760/566544, JRC129080, STECF confirms yet again that "many stocks remain overfished and/or outside safe biological limits and the objective of the CFP to ensure that all stocks are fished at or below  $F_{MSY}$  in 2020 has not been achieved" (p. 9).

lead in this regard for all stocks impacted by EU fisheries. Overfishing and destructive fishing practices have been the main cause of marine biodiversity loss for the last 40 years and now we also know that they critically undermine the resilience of fish and other wildlife to the impacts of climate change, and their capacity to mitigate it.<sup>4</sup> We therefore urge you to finally deliver on your sustainability commitments by:

- **Not exceeding the best available scientific advice** provided by the International Council for the Exploration of the Sea (ICES), regardless of whether it is based on the Maximum Sustainable Yield (MSY) approach or on the data-limited precautionary approach.
- **Applying the precautionary approach and the ecosystem-based approach** when setting catch limits, with special attention to mixed fisheries, interspecies dynamics (for example the importance of forage species for other wildlife such as seabirds, as well as other prey-predator relationships), and the recovery and conservation of the most depleted stocks.
- **Providing a “climate buffer” and improving population resilience by setting TACs below the maximum catch advice** for species particularly vulnerable to the impacts of climate change, in line with the ecosystem-based approach.
- **Setting TACs for more abundant stocks in mixed fisheries below the ICES single-stock maximum catch advice** to account for mixed fishery interactions, safeguarding the more vulnerable stocks and ensuring that no stocks in the fishery are fished above scientific advice. This is crucial to ensure that all stocks are restored and/or maintained above biomass levels capable of producing the MSY.
- **Prioritising the swift recovery of depleted stocks, particularly in cases where “bycatch TACs” are adopted**, by putting in place effective bycatch reduction or rebuilding plans, and ensuring effective control using remote electronic monitoring with cameras (REM), particularly in fisheries with bycatch of depleted stocks.
- **Implementing the landing obligation and factoring in poor compliance by setting TACs lower than the ICES maximum catch advice**, to ensure that non-compliance does not lead to fishing mortality beyond sustainable levels.<sup>5</sup> If quota adjustments are granted to account for previous discards, Member States should make them accessible only to vessels which demonstrate full compliance and catch documentation, notably through REM and/or appropriate independent observer coverage
- **Fully implementing the Western Mediterranean MAP and setting annual fishing days in line with the scientific advice.** Mediterranean Member States should also tackle overcapacity in the fleet, improve control of engine power to prevent fraud which seriously undermines the fishing effort regime, adopt bottom-trawling closures to protect fish nurseries and juveniles, and enhance data collection.
- **Increasing the transparency of decision-making and applying the recommendations of the European Ombudsman for the Council.**<sup>6</sup> Transparency

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<sup>4</sup> IPCC. 2019. Special Report on the Ocean and Cryosphere in a Changing Climate. IPBES. 2019 Global Assessment Report on Biodiversity and Ecosystem Services.

<sup>5</sup> ClientEarth (2020). Setting Total Allowable Catches (TACs) in the context of the Landing Obligation. July 2020. <https://www.clientearth.org/latest/documents/setting-total-allowable-catches-tacs-in-the-context-of-the-landing-obligation/>. Moreover, this short 5 min presentation (<https://youtu.be/Cw783NtRdCg?t=930>, starting at 15:30) visualises the risk that ‘topped up’ catch-based TACs pose in combination with illegal discards.

<sup>6</sup> European Ombudsman (2019), “[Recommendation of the in case 640/2019/FP](#) on the transparency of the Council of the EU’s decision-making process leading to the adoption of annual regulations setting fishing quotas (total allowable catches)” Also see: [Transparency International, “Overfishing in the Darkness”](#) (2016).

principles should also be applied to the EU's negotiations with the UK, Norway, and other coastal states, in line with the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

The implementation of the CFP is a mission not yet accomplished.<sup>7</sup> The EU, including the Commission, the Council and individual Member States, must act now to remedy this situation, if the EU is to respect its own law and international commitments, as well as deliver on the European Green Deal and Biodiversity Strategy. The CFP's success and the EU's credibility are at stake. Environmental organisations will continue to scrutinise the progress in ending overfishing and urge the EU to transition to fully sustainable and transparent fisheries.

Please find our specific recommendations attached. We look forward to meeting you and your services to discuss them in detail.

Yours sincerely,



Dr Monica Verbeek, Executive Director  
Seas at Risk

On behalf of:

BirdWatch Ireland, Blue Marine Foundation,, ClientEarth, The Danish Society for Nature Conservation, Deutsche Umwelthilfe (DUH), Des Requins et Des Hommes (DRDH), Ecologistas en Acción, The Fisheries Secretariat, FNE, Dutch Elasmobranch Society, Oceana, Our Fish, Sciaena



<sup>7</sup> For more aspects of CFP implementation, please see the NGO policy paper "Common Fisheries Policy: Mission Not Yet Accomplished" (2021). NGOs identify nine specific challenges in this paper (overfishing, especially in the Mediterranean Sea, the LO, harmful impacts of fishing, the transition to low-impact fisheries, harmful subsidies, regionalisation, the external dimension, and climate change) and propose a list of actionable solutions. Also see Pew's "Lessons From Implementation of the EU's Common Fisheries Policy" (2021).