



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Executive Director

Brussels
MARE/C1/APP/ms

Subject: Opinion of the South West Waters Advisory Council (SWWAC) on bycatch of cetaceans, fishing opportunities for 2025 and the management of octopus fisheries.

Dear Sir,

I would like to thank you for providing the advice of the South West Waters Advisory Council (SWWAC) on bycatch of cetaceans, fishing opportunities for 2025 and the management of octopus fisheries¹. Your observations highlight the difficulty of maintaining a balance between environmental preservation, economic activity and the traditional practices of fishing communities. Let me touch on the main aspects of your opinions, which we appreciate and welcome.

Bycatch of cetaceans in the Bay of Biscay

I am pleased to see that the SWWAC has reached a full consensus on this crucial opinion, which contains observations and suggestions for 2025 and 2026. With regard to **data issues**, I note your recommendations (i) to assess the evolution of bycatch rate estimates, based on at-sea observations and strandings; (ii) provide a more detailed presentation of strandings and mortality of common dolphins during the high-risk period and closure, and (iii) strengthen the sampling plan for necropsies. I attach great importance to these recommendations, as they aim to improve the current state of knowledge, and therefore encourage SWWAC and the South West Waters Member States Group to continue their work in this direction. The level of observations at sea will increase significantly from

(1) Your references: Opinion 176, Opinion 174 and Opinion 175 – Our references: Ares(2024)8491200, Ares(2024)8485411 and Ares(2024)8485731, respectively cetacean incidentals, fishing opportunities for 2025 and octopus fisheries management.

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2025. The delegated act adopted in September 2024² establishes that, during the period of high mortality risk, Member States will collect data on bycatch of common dolphins and other small cetaceans through on-board observers or electronic monitoring systems, covering at least 5% of the total bottom trawl effort. The act also urged the same to be done for trammel nets and gillnets. In this regard, active cooperation of SWWAC and a participatory approach of fishermen are essential. As you know, the International Council for the Exploration of the Sea (ICES) reviews and synthesises the information provided on annual bycatch data³. The next working group will meet from 23 to 30 September 2025 in Rostock, Germany, and your participation as an observer could be very useful to the future work of the SWWAC.

I take note of your suggestion to conduct a **socio-economic assessment** of the closure. We know that France, with the support of Ifremer and the University of Nantes, has carried out a detailed analysis of the socio-economic impact on its fishing fleets. However, in order to have a common understanding of the impact of the closure for all Member States concerned, we suggest consulting the Scientific, Technical and Economic Committee for Fisheries (STECF). The latter would be tasked with reviewing the available information to assess the socio-economic impacts of the closures. We also need the support of SWWAC, and I encourage you to share any relevant information you have.

Finally, the suggestion to introduce **technical measures** which have given proven positive results seems very promising, in particular the acoustic device or echo sounder called “DDD03H” for pelagic trawls (PTM) and purse seines (PS). Indeed, the Commission is of the opinion that gear modifications could allow the fishing fleet and these sensitive marine mammals to coexist. It is essential that we continue our efforts to integrate the work done by scientists and the fishing industry on technical measures. I have therefore asked my team to look into the possibility of launching a special application with ICES. The aim would be to compile the available evidence from the many national and EU projects in France, Portugal and Spain (such as PIFIL, DolphinFREE, LICADO and CetAMBICion) and to propose opportunities to reduce bycatch.

Fishing opportunities for 2025

Your opinion on fishing opportunities for 2025 was very much appreciated. Last December, the Council established a number of TACs in line with or close to your recommendations (e.g., for southern hake, megrim and monkfish in the Bay of Biscay and on the Iberian coast, for sole in the Bay of Biscay and for Norway lobster). For some other stocks, the final TACs set were lower than you expected (for example, for hake in the Bay of Biscay and pollack stocks in the Bay of Biscay and on the Iberian coast), but this could not have been avoided given the worrying situation of these stocks, the scientific recommendations and the rules applicable under the Common Fisheries Policy. The

(2) [Commission Delegated Regulation \(EU\) 2024/3089 of 30 September 2024](#) amending Regulation (EU) 2019/1241 as regards measures to reduce bycatch of common dolphins (*Delphinus delphis*) and other small cetaceans in the Bay of Biscay.

(3) See the latest reports of the Working Group on Bycatch of Protected Species ([2024 WGBYC](#)) and the workshop on mitigation measures to reduce bycatch of common dolphins in the Bay of Biscay ([WKEMBYC2](#)).

sentinel fisheries for brown ray in the Bay of Biscay and on the Iberian coast are maintained in 2025. I am convinced that the package of measures agreed last December has produced a good result, which ensures a balance between the environmental and socio-economic pillars. Finally, I fully agree with you on the desire to move towards multiannual TACs. Following the publication of the last ICES opinion on this topic on 31 October 2024⁴, we are currently working with ICES and Member States to determine the way forward with regard to multiannual advice and TACs for EU-only stocks and stocks in the Baltic Sea.

The management of octopus fisheries

As your opinion indicates, octopus is a very important fishery resource along the Iberian coast and in the Bay of Biscay, on which several coastal communities depend heavily, and for which the EU is one of the most important markets in the world. I agree that octopus fisheries are often quite variable from year to year, depending on the season or location.

This reflects a strong influence of environmental conditions, with consequences for the economy, the market and society. I am therefore very pleased to see the measures proposed, particularly with regard to the impact of climate change, import controls and standardised market rules. On the other hand, I regret to note that the SWWAC and the Market Advisory Board (MAC) have not reached a consensus to increase the minimum size/minimum conservation reference weight (currently set at 0.750 kg). I am aware that the issue of increasing the weight up to 1 kg has been discussed at length. From the Commission's point of view, we see that other regions such as Asturias and Galicia have increased the weight with positive results, as prices and abundance have increased. It is also important to keep in mind that the weight corresponding to the estimated spawning age is about 1 kg and that the octopus is a fast-growing species (so it takes little time to increase by 0.250 kg). I strongly encourage the SWWAC to continue to work with its members as well as national authorities to make progress on this important measure, for example by carrying out studies with the support of the European Maritime, Fisheries and Aquaculture Fund. We would be happy to provide additional support if SWWAC and MAC decide to move forward.

As far as science is concerned, I would like to inform you that ICES is organising a working group on cephalopod fisheries and life history to improve the knowledge of cephalopods as an exploited resource. The group reviewed more than 200 papers on the biology and fisheries of the EU's most abundant and important cephalopods. The results of these reviews have been published in peer-reviewed journals:

- [Lishchenko et al \(2021\)](#). "A review of recent studies on the life history and ecology of European cephalopods with emphasis on species with the greatest commercial fishery and culture potential".

(4) <https://doi.org/10.17895/ices.advice.27239946>

- [Pita et al \(2021\)](#). “Fisheries for common octopus in Europe: socioeconomic importance and management”.

The last report, which dates from 2023⁵, will be updated in 2025 at the next working group (24-27 June 2025, Caen, France). The follow-up to this work could be relevant for the SWWAC.

Thank you once again for your commitment and valuable contributions. They are taken into account and contribute to the development of policies. Let me also remind you that thanks to the publication of the [public consultation](#) on the evaluation of the Common Fisheries Policy Regulation, you have a new opportunity to submit your comments until 21 April 2025, in addition to all your advice.

I look forward to our continued cooperation and exchanges. If you have any further questions about this answer, please contact our Advisory Board Coordinator, Ms Julia Rubeck (MARE-AC@ec.europa.eu) or our Policy Officer, Ms Amanda Pérez Perera (Amanda.PEREZ-PERERA@ec.europa.eu).

Yours faithfully,

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(5) [ICES \(2023\)](#). Working Group on Cephalopod Fisheries and Life History (2022 meeting outcomes). ICES Scientific Reports.