



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE/ (2016)

Mr Juan Manuel Liria Franch  
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2º derecha  
28036 Madrid  
SPAIN

**Subject: Implementation of UNGA Resolution 61/105 – Protection of Vulnerable Marine Ecosystems (VMEs) in the South West Atlantic**

*Your ref: Email from LDAC secretariat dated 23 May 2016*

Dear Mr Liria Franch,

Thank you for your letter of 23 May 2016 and for sharing your concerns with regard to the protection of vulnerable ecosystems (VMEs). In your letter you point to the lack of level playing field between the Union fleet and the fleets of other countries, notably in the South West Atlantic.

EU vessels are bound by stringent rules for the protection of VMEs in the high seas from the adverse impacts of bottom fishing gears as laid down in Regulation (EC) No 734/2008<sup>1</sup>. In areas where no Regional Fisheries Management Organisation (RFMO) exists that would cover the fisheries concerned, such as the South West Atlantic, this can indeed lead to a situation where different fleets follow different and unfortunately often lower standards, and this despite existing rules in the form of UN Resolutions<sup>2</sup> and guidelines at FAO level.

There is indeed a governance gap which should preferably be addressed by establishing an RFMO. However, I share your view that it would be difficult in the short and medium-term to convince the Coastal States concerned, and notably Argentina, to establish an RFMO, in view of the lack of recognition of the jurisdiction of RFMOs.

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<sup>1</sup> Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of the bottom fishing gears.

<sup>2</sup> Resolutions 61/105, 64/72 and 66/68.

On a more positive note, later this year, the Consultations of the UN General Assembly (UNGA) on the Sustainable Fisheries Resolutions will provide a good opportunities to raise the issue of lack of implementation of global standards with the review of the UN Resolutions on bottom fishing.

To prepare for that review a workshop on bottom fishing will take place this August at the UN Headquarters in New York. The Commission intends to use these opportunities to promote the protection of VMEs, notably through better enforcement and control. The LDAC will have the opportunity to provide its expertise and knowledge for the review of the bottom fishing resolution, notably through its active participation in the technical meetings that will be organised in September and October to prepare for the UNGA consultations.

With regard to your request to request in commercial and bilateral fisheries agreements that the EU might reach with affected third countries that the implementation of UNGA Resolution 61/105 be extended to all fleets fishing in the South West Atlantic, please note that the EU does already promote compliance with relevant international rules, such as UNCLOS and UNFSA, by including specific commitments in the Sustainable Development Chapter of Free Trade Agreements. The implementation of these provisions are regularly reviewed. As for bilateral fisheries agreements, we do not currently have any Sustainable Fisheries Partnership Agreement in place or planned that would be relevant in the context of fishing activities in the South West Atlantic.

I would like to take this opportunity to thank the LDAC for its continued cooperation and contribution to the improvement of international fisheries governance. If you have any question on this reply, you can contact Ms Evangelia Georgitsi, coordinator of the Advisory Councils ([evangelia.georgitsi@ec.europa.eu](mailto:evangelia.georgitsi@ec.europa.eu); +32.2.295.04.43).

Yours sincerely,

João AGUIAR MACHADO

