

To: Mr. Costas Kadis
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CC: Mrs. Jessika Roswall
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Mr. Dan Jorgensen
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Brussels, 03/12/2024
Ref: 024/01

Subject: Support to the UK closure of industrial sandeel fishing in the English waters of the North Sea and all Scottish waters

Dear Commissioner Kadis,

We are writing to express our deep concerns regarding the Commission's recent decision to request an arbitration tribunal under the EU-UK Trade and Cooperation Agreement concerning the UK closure of industrial sandeel fishing in English waters of the North Sea and all Scottish waters.

The UK sandeel closure is scientifically recognised as a critical conservation measure and a vital step to secure seabirds' food source and build the resilience of marine ecosystems. It comes at a critical time, and it is underpinned by clear scientific evidence and overwhelming public support¹. OSPAR's authoritative Quality Status Report, released towards the end of 2023, and the UK Birds of Conservation Concern 5 assessment, published in September, both highlighted the concerning poor state of seabird populations across the North East Atlantic², with the latter revealing the largest ever increase in the number of seabird species on the red list. On behalf of the listed NGOs, we urge you to review the EU's position and to formally withdraw the request for arbitration tribunal.

¹ As shown by the results of both UK (DEFRA) and Scottish Government consultations (see results: [here](#) and [here](#))

² OSPAR Quarterly Status Report 2023 (available [here](#)) ; Birds of Conservation Concern 5, 2024 (available [here](#)).

In your reply to the written questions as Commissioner-designate³, we were greatly encouraged to read that you would “**champion the global efforts for ocean protection and restoration** and meet the global commitment of the Kunming-Montreal Global Biodiversity Agreement to protect at least 30% of the ocean by 2030”, which you reiterated during your hearing in the European Parliament on 6 November, by committing to focus on the “**enforcement and implementation of the current legislation**”, and on strengthening ocean diplomacy by making sure that the EU “**steps up its leadership on protection and restoration of the marine environment in Europe and globally**”.

The EU’s current stance not only challenges the UK’s ability to deliver ecosystem recovery but directly threatens the achievement of EU and global environmental targets, which are binding commitments. The EU has a clear imperative to address the negative impacts of industrial sandeel fishing on seabird populations and wider marine ecosystems to ensure objectives are met under the Birds and Habitats Directives, Marine Strategy Framework Directive, Common Fisheries Policy, EU Biodiversity Strategy for 2030, Nature Restoration Law, and the OSPAR Convention, as well as to ensure the achievement of climate targets under the European Climate Law.

Recent scientific advice from ICES⁴ recognised that the annually set quota advice for sandeel does not ensure that sufficient biomass is left for predator species that depend on it, and that solely relying on quota advice is insufficient to ensure ecosystem-based management and wider ecosystem resilience in line with Good Environmental Status. It highlighted the need for national management measures, underscoring the needs of breeding seabirds which depend on food availability within proximity to their breeding colonies.

The EU’s opposition to the sandeel closure also jeopardises the achievement of EU climate and energy security targets. Offshore renewable development will require healthy and resilient marine ecosystems in order for its impacts to be mitigated, and to prevent them from being significantly damaging. All measures that can otherwise improve ecosystem health and resilience and mitigate against the overall impacts of that new infrastructure therefore urgently need to be supported. The UK sandeel closure is critical for the North Sea in that sense, as recognised by the renewable energy sector in their clear support for this measure. The current EU position is therefore self-defeating both in terms of environmental policy and in terms of energy policy.

During your hearing, you also acknowledged that “**ensuring the sustainability of the fishery sector goes hand in hand with ensuring the sustainability of the ecosystems it depends on**”, and highlighted many times that support of **small-scale fisheries** will be one of your main priorities.

³ Questionnaire to the Commissioner-designate, Costas Kadis, Fisheries and Ocean (available [here](#))

⁴ ICES, EU-UK request on ecosystem considerations in the provision of single stock advice for forage fish species (available [here](#))

In addition to threatening the health of marine ecosystems, the **poor status of sandeel populations represents a likely major risk for the livelihoods of small-scale fishers and coastal communities**, as the fish stocks which directly depend on sandeel are necessarily affected by their prey's overexploitation.

Sandeels are an integral component of North Atlantic marine food webs and play a key role in ensuring an abundance of biodiversity in the marine environment by providing a vital food source to vulnerable seabirds, commercially and recreationally important fish species such as cod, haddock, whiting and Atlantic salmon, and marine mammals including seals, porpoises, and whales. As one of the most important prey forage fish⁵, failing to manage sandeel fishing to protect the wider ecosystem and support such dependent and associated non-target species is extremely concerning.

In light of all this, as you take office, **we ask you to stand by your commitments and to seize the opportunity of making the EU a leader of science-based policy by reviewing the EU's position and formally withdrawing the decision to request an arbitration tribunal under the EU-UK Trade and Cooperation Agreement**, thereby allowing the implementation of a true milestone for ecosystem-based management and a historical precedent for marine conservation.

Yours sincerely



Ariel Brunner
Regional Director
BirdLife Europe and Central Asia

On behalf of: **The Royal Society for the Protection of Nature (RSPB), BirdWatch Ireland, Sociedade Portuguesa para o Estudo das Aves (SPEA), Natuurpunt, Lithuanian Ornithology Society (LOD), DOF BirdLife Danmark, Vogelbescherming Nederland (VBN), Faroese Ornithological Society (FOS), Seas at Risk, BirdLife Sweden, Hellenic Ornithological Society (HOS), Ligue pour la Protection des Oiseaux (LPO), Deutsche Stiftung Meeresschutz (DSM), Sciaena, IFAW, Oceana, Association BIOM, NABU, Bloom, BUND, Whale and Dolphin**

⁵ Engelhard et al. (2014) Forage fish, their fishers and their predators: who drives whom? (Available [here](#)) and Ransijn, J.M., Booth, C. & Smout, S.C. (2019). A calorific map of harbour porpoise prey in the North Sea. JNCC Report No. 633. (Available [here](#).)

Conservation Germany, Marine Conservation Society UK, Scottish Seabird Centre, Wildlife and Country LINK, Whale and Dolphin Conservation, Doggerland Foundation, Open Seas, Angling Trust, Northern Ireland Marine Task Force, Scottish Environment LINK, Scottish Wildlife Trust



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