



Ms Charlina Vitcheva
Director-General for Maritime Affairs and Fisheries
European Commission
Jozef II-straat 99
1000 Brussels
Belgium

Dun Laoghaire, 14 January 2025

Dear Ms Vitcheva,

Subject: ICES Advice on VMEs

The North Western Waters Advisory Council would like to acknowledge the Commission's efforts regarding involvement of the Advisory Councils in the work on vulnerable marine ecosystems (VMEs) and particularly the closer collaboration with STECF on this topic.

The NWWAC would like to recall that on 15 September 2022 the European Commission published an Implementing Regulation (2022/1614) which closed 87 areas in EU waters to bottom fishing¹. The closures were based on advice issued by the International Council for the Exploration of the Sea (ICES) in January 2021 on "areas where VMEs are known to occur or are likely to occur and on the existing deep-sea fishing areas"². This advice was updated to remove UK waters in the February 2022 ICES Technical Service advice³.

In 2022 the EU requested ICES "to carry out an annual assessment of areas where VMEs are known to occur or are likely to occur in EU waters. This recurring advice should be based on the advice provided on 5 January 2021, which established a list of VMEs occurrences and likely occurrences for regulatory purposes. Revision or update of this advice shall be made in light of new data reported to ICES". The resulting advice was published by ICES on 18 April 2023⁴ and, relative to the existing EU closures, indicated a 15–17% increase in the total area identified as VME protection polygons in EU waters of the Celtic Seas ecoregion and a 49–62% increase in the Bay of Biscay and Iberian Coast ecoregion.

In a significant departure from the 2022 Technical Service advice, the VME polygons presented in the advice were cropped to the modelled 400-800m depth zone and did not align with the VME closures implemented by the COM. To date the Commission has not revised the Implementing Regulation to account for the changes in the 2023 advice.

¹ http://data.europa.eu/eli/reg_impl/2022/1614/oj

² <https://doi.org/10.17895/ices.advice.7507>

³ <https://doi.org/10.17895/ices.advice.10039>

⁴ <https://doi.org/10.17895/ices.advice.22643356>





In November 2023, the NWWAC submitted its advice on VMEs ([link](#)) highlighting several issues which have yet to be addressed. The AC would therefore appreciate a review of its 2023 advice in conjunction with this current advice in order to identify how to best progress the various issues.

In her response to the NWWAC advice from 16 November 2023 ([link](#)), Director-General Vitcheva announced that ICES would carry out a specific process to address and correct methods of data collection for VMEs and analyses in 2024. The NWWAC is unaware of this process having been carried out as no updates were provided to or contributions requested from the AC.

In its 2023 advice, ICES failed to acknowledge the errors in the VME database and resulting assessment and also failed to retract the erroneous 2021/2022 advice as is their normal policy. As a result, the Commission was unable to modify the Implementing Act. A procedure was eventually agreed by the Institutes to correct the erroneous VME records in the VME assessment. However, there was no revision of the methodology, and this may only be considered at the next benchmark of the VME assessment.

2024 ICES VME Advice

On the 25 September 2024 ICES published an updated 2024 VME Advice⁵. As per the 2023 advice, the VME polygons in the 2024 advice were cropped to the modelled 400-800m depth zone (see below). There is a large discrepancy between the regulated VME closed areas and the advice output from ICES.

It is important to note that ICES did not address the most significant issue in the basis of the advice, which is the use of a modelled 400-800m zone rather than the 400-800m bathymetric zone. As illustrated in the KFO report⁵, the modelled depth zone used in the assessment is 100% larger than the bathymetric depth zone due to the use of the c-square resolution (Figure 1). By using this as the basis of the assessment, significantly more VME indicator data points were included in the assessment than would be the case if the 400-800m bathymetric zone was used. Many of the VME polygons that traverse the 400m contour would in fact not exist if ICES had used an appropriate depth layer as a starting point for the analysis. This issue should be raised and added to the issues list for the next ICES VME benchmark assessment.

Based on precise scientific data and modelling, the designated areas should better reconcile the preservation of VMEs and the sustainability of fishing activities.

⁵ <https://doi.org/10.17895/ices.advice.26983726>



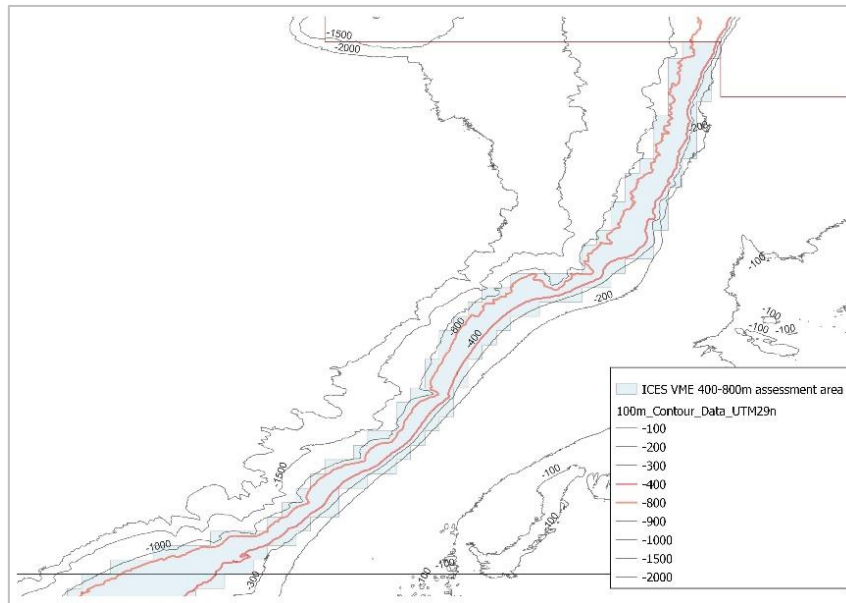


Figure 1: The 400-800m zone (in blue) as defined in the ICES VME assessment model. The 400m and 800m contours (EMODnet bathymetry) are indicated in red.

In the 2024 advice pertaining to the Celtic Seas there were significant changes to the advised VME polygons compared to the 2021/2022 and 2023 advice. In Division 6.a, ICES corrected the erroneous data highlighted by the KFO report and noted that this “results in some of the VME polygons described in earlier advice (ICES, 2023a) no longer being supported by the evidence base” (see Figure 2).

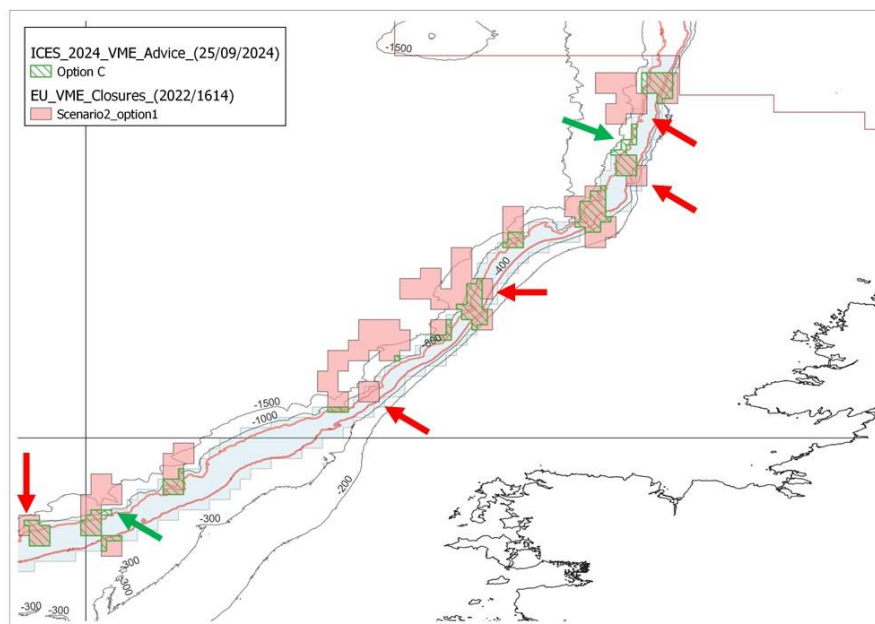


Figure 2: The 2024 ICES VME advice polygons (green hatched) in 6.a and the existing EU VME closures. The red arrows indicated closed areas that are unsupported by the data. The green arrows indicate new VME polygons that were not in the 2021/2022 ICES VME advice.



There were also significant changes to the VME polygons in the Porcupine Bank area where several new VME polygons were advised. However, the most significant change was the removal of the large polygon in the southern part of the *Nephrops* grounds that was used to support the regulated VME closure in that area (Figure 3). During the recent VME assessment the effort data was updated and this showed that the effort in this area exceeded the 0.43 SAR threshold and therefore did not qualify for designation as a VME polygon.

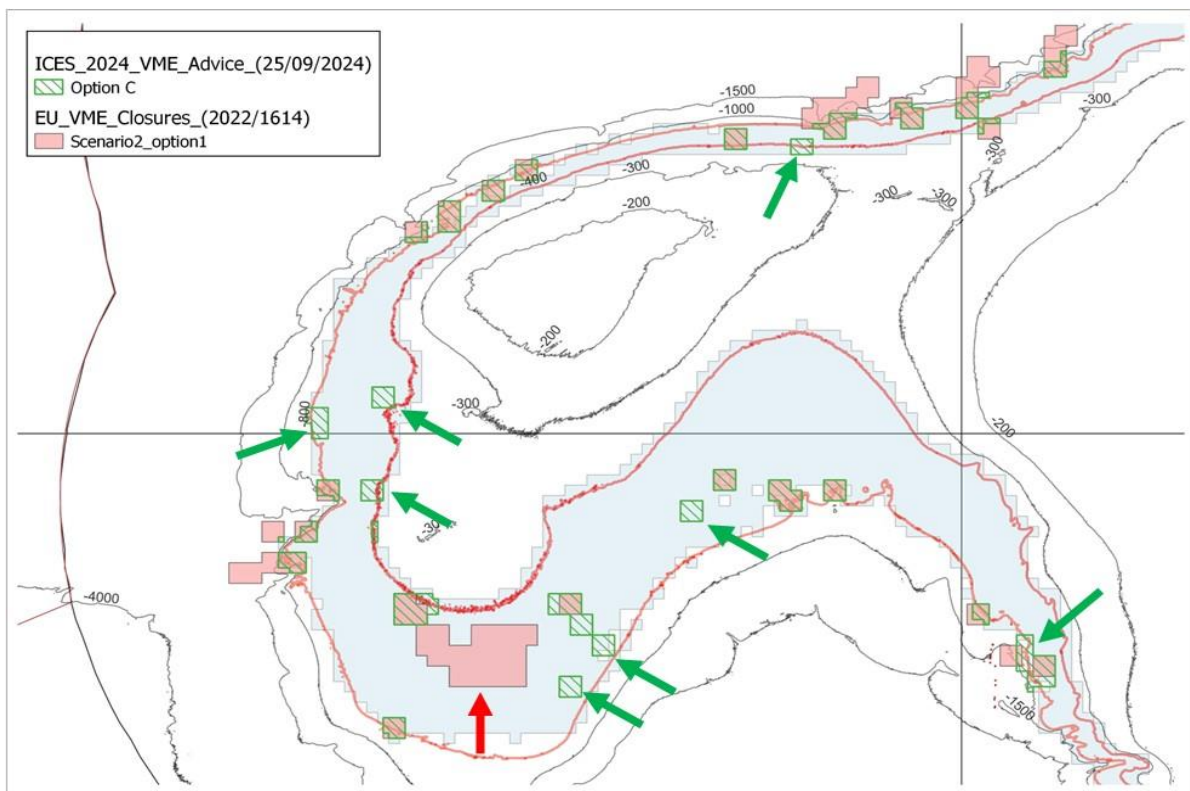


Figure 3: The 2024 ICES VME advice polygons (green hatched) on the Porcupine Bank and the existing EU VME closures. The red arrows indicated closed areas that are no longer supported by the ICES advice. The green arrows indicate new VME polygons that were not in the 2021/2022 ICES VME advice.

In the Rockall Bank area, part of one VME closure in the southeast has been modified as the geographic position of the supporting VME habitat has been changed in the database (Figure 4). Two new VME polygons have also been advised; one because of a correction in the position of a VME indicator record. The basis of the other new VME polygon in the northern part of the area is unclear. However, as it traverses the 800m contour it has no impact on EU fishing operations.

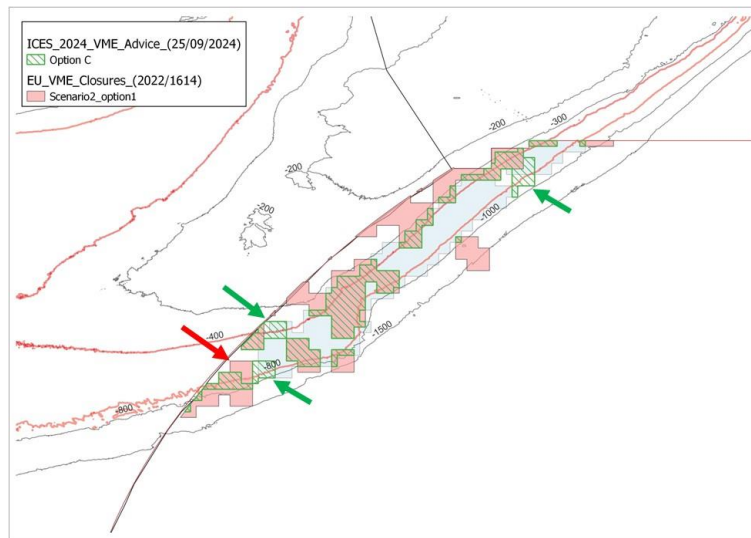


Figure 4: The 2024 ICES VME advice polygons (green hatched) on Rockall Bank and the existing EU VME closures. The red arrows indicated closed areas that are unsupported by the data. The green arrows indicate new VME polygons that were not in the 2021/2022 ICES VME advice.

In the southern canyons area, several new VME polygons were identified in the 2024 ICES advice (Figure 5). These appear to be the result of new records. These are also in deep water so have no impact on fishing.

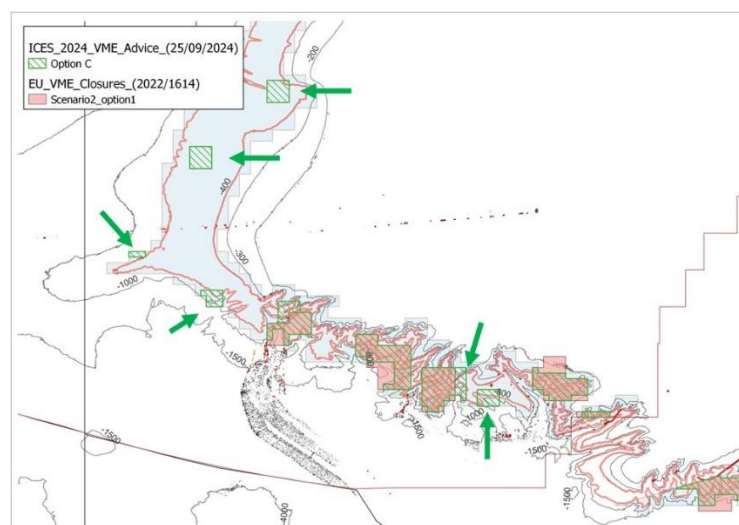


Figure 5: The 2024 ICES VME advice polygons (green hatched) in the southern canyons area and the existing EU VME closures. The green arrows indicate new VME polygons that were not in the 2021/2022 ICES VME advice.

In the advice pertaining to the Bay of Biscay and the Iberian Coast, there were very limited changes from the 2023 advice as no new VME records were submitted to ICES for inclusion in the analyses. The only changes were related to the updated effort data, which had a limited impact on the VME polygons in this area. However, both the 2023 and 2024 advice indicated that there was a basis for significantly increasing the number of VME closures in northern Spanish waters. Portuguese waters remain largely unaffected due to a lack of data being submitted to ICES for inclusion in the analyses.

Differences between Celtic Seas and Bay of Biscay & the Iberian Coast

It must be stressed that due to the use of c-squares as the spatial basis of the VME assessment and the different rates of submission of data by member states, there are significant differences between the advice for the Celtic Seas region and the Bay of Biscay & the Iberian Coast region. The advice for these regions is also presented separately in the ICES advice. Therefore, there is no reason that the Implementing Regulation should take a universal approach to updating the VME closed areas, with different updates performed as per the relevant ICES advice.

Future Work

In her response to the NWWAC advice from 16 November 2023 ([link](#)), Director-General Vitcheva announced that a wider socio-economic assessment of the VMEs closures will be undertaken by STECF in the course of 2024. This assessment is currently in progress with close involvement from this AC and its members. The STECF Expert Working Group Meeting (EWG 24-09) on VMEs socio-economic impact assessment is scheduled for 03-07 March 2025⁶. The AC would like to thank the Commission and STECF representatives who joined the NWWAC Working Group 2 meeting on 09 October 2024 to discuss the upcoming work and planned involvement of the ACs.

As a final point, ICES admitted the errors in the 2021/2022 advice which is the basis of the current closures but have not retracted said advice. It is normal policy for ICES stock advice that if an error is found, the advice is retracted and reissued as quickly as possible. It appears that a different approach is taken with ICES' environmental advice, which has caused concern for NWWAC members.

Thank you for your attention on this matter. We look forward to your response.

Yours sincerely,



Emiel Brouckaert, NWWAC Chairman

⁶ https://stecf.ec.europa.eu/meetings-calendar/meetings-past-future/ewg-24-09-vmes-socio-economic-impact-assessment-2025-03-03_en

