



Scheveningen Group

2nd Revised

**Joint Recommendation
of
the Scheveningen Group

amending the Discard Plan
for
Demersal Fisheries in the North Sea**

Main text

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1. Background

1.1. Legal background

One of the main elements of the reform of the Common Fisheries Policy (CFP), introduced by Regulation (EU) no. 1380/2013 (the “Basic Regulation”), is the introduction of a full landing obligation as from 1 January 2019. Article 15(4) of the Basic Regulation provides that details of the implementation of the landing obligation are specified in multiannual plans referred to in Article 9 and 10 of that Regulation.

Regulation (EU) no. 2018/973 established a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks (the “North Sea MAP”). Article 11 of that Regulation provides that for all stocks of species in the North Sea, to which the landing obligation applies under Article 15(1) of the Basic Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 16 of the North Sea MAP and Article 18 of the basic Regulation in order to supplement the North Sea MAP by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of the Basic Regulation.

According to Article 14 of the North Sea MAP Member States, having a direct management interest may submit joint recommendation (JR) for discard plans. These are to contain details of the implementation of the landing obligation. Upon agreeing

a JR the Member States may propose to the Commission to translate it into a Delegated Act.

The Commission is empowered to adopt Delegated Acts concerning specific provisions regarding fisheries or species covered by the landing obligation, exemptions for high survivability and de minimis provisions on the documentation of catches and the fixing of minimum conservation reference sizes by virtue of Article 16 of the North Sea MAP and in accordance with Article 18 of the Basic Regulation.

On the basis of the authority granted to the European Commission by Article 15(6) and 18(1) of the Basic Regulation and Article 11 of the North Sea MAP to adopt discard plans by means of delegated acts, the Member States of the North Sea hereby submit a joint recommendation for the amendment of the Commission Delegated Regulation (EU) 2019/2035, as per Article 18(1) of the Basic Regulation and Article 14 of the North Sea MAP, to the European Commission for a specific discard plan for demersal fisheries in the North Sea.

1.2. Scheveningen High-Level Group

Following Article 18 of the Basic Regulation, the Fisheries Directors of the North Sea Member States cooperating in the Scheveningen Group since 2004 established a High Level Group (HLG) in December 2013 and agreed on a Memorandum of Understanding setting out the principles and working methods of the Group. Members of the Group are Belgium, Denmark, France, Germany, the Netherlands, Sweden and the United Kingdom. An annual chair, with [REDACTED] chairing from 1 January 2019 to 31 December 2019, chairs the group. The HLG is assisted by a technical group and a control group for discussions of control related issues in the North Sea.

1.3. Consultation with relevant Advisory Councils

The group acknowledges the importance of a meaningful input from stakeholders in the process of drawing up the discard plans, especially in relation to identifying challenges and solutions as well as formulating exemptions, in light of Article 18(2) of the Basic Regulation.

With this in mind, the North Sea Advisory Council (NSAC) and the Pelagic Advisory Council (PELAC) were invited to closely cooperate with the Scheveningen group. There has been regular and detailed engagement between the Scheveningen group and the NSAC and PELAC throughout the development of the joint recommendation. In order to have a continuous consultation during the process, the NSAC and PELAC have been invited to attend, in part, meetings of the Scheveningen High Level Group and the Technical Group. Additionally, Scheveningen Group representatives have attended several meetings of NSAC and PELAC in 2019.

On 12 April 2019 a draft of the joint recommendation was sent to NSAC and PELAC for consultation. The NSAC did not reach a common position on advice on “comments on the implementation of the landing obligation in the North Sea demersal fisheries – joint recommendation for a delegated act for 2020”. Separate comments were submitted by some of The Other Interest Group members of the NSAC on 8 May and by the European Association of Fish Producers Organisation on 9 May. The Scheveningen Group regrets not to have received a single position from the North Sea AC and urges the NSAC to provide single advice in the future. The PELAC did not submit written advice on the draft JR. However, the North Sea AC and the Pelagic AC participated in the meeting of the High Level Group on 22 May 2019 and delivered comments at this occasion. Additionally both ACs were invited to attend all meetings of the technical group and the High Level Group.

The Scheveningen group remains committed to working in close cooperation with the NSAC and the PELAC on implementation of the demersal landing obligation in the North Sea area.

1.4. Previously submitted joint recommendations

For the purpose of detailed rules implementing the landing obligation the Member States of the North Sea (Scheveningen group) submitted a joint recommendation on 30 May 2018, which was revised on 30 August 2018, for the years 2019 and beyond for the demersal fisheries in the North Sea. On 6 November 2018 the Scheveningen Group supplemented this joint recommendation with a complementary joint recommendation for a discard plan for turbot in the North Sea. However, this request for an exemption was not granted. Suggested corrections on gear types were accepted. On 19 December 2018 the Scheveningen Group further submitted a joint recommendation correcting two de minimis exemptions for whiting and cod in the North Sea.

Details of implementation of the landing obligation for certain demersal fisheries in the North Sea for 2019-2021 were set out in Commission Delegated Regulation (EU) 2018/2035 of 18 October 2018 (the “North Sea discard plan”) and Commission Delegated Regulation amending the North Sea discard plan in regard to cod and whiting.

On 29 May 2019 the Scheveningen Group submitted the joint recommendation amending the discard plan for the demersal fisheries in the North Sea. The current revision follows comments made by the Commission on the 15 July 2019 in light of the evaluation by STECF in July 2019. The annexes referenced to in the joint recommendation can be found in the joint recommendation of 29 May 2019.

1.5. Extent of discarding in North Sea Demersal Fisheries

The Scheveningen Group produced a Demersal Discard Atlas in 2014 detailing catch compositions, landings data and discards estimates for 2010-2012. Data was sourced from that reported by individual countries. Information on discards in demersal fisheries (STECF; ICES; NSAC, JRC) suggests that discards in the different fisheries varied significantly from close to 0% up to more than 40% of average catch in weight before the introduction of the landing obligation.

With the phased introduction of the landing obligation since 2015, certain measures to increase selectivity have been introduced, in particular as part of exemptions granted in the framework of discard plans. Unwanted catches having become an important issue with the entry into force of the landing obligation, the Scheveningen group developed a choke mitigation tool and undertook an analysis of the choke species allowing easily identifying potential choke species as tools for the identification of additional solutions. Similar cases may arise where choke situations are not due to a lack of sufficient quotas but to economic constraints, such as the need for additional crew members for sorting the catch and more calls into ports with the limited storage capacity being used for fish of little value affecting the operating range of the fishing vessels and increasing the operation costs in terms of additional steaming time and fuel costs. For some vessels, this could affect the economic viability of their operations.

As to the recording of catches, the introduction of the code DIM allows the separate recording of discards under de minimis exemptions. However, serious control concerns remain, as infringements are extremely difficult to prove. It is therefore likely that certain discards continue to occur but will vary between species, fisheries and over time. However, whilst considering possible limitations, the available data has allowed the informed development of this JR.

2. Objectives and scope of the discard plan

2.1. Objectives

The discard plan shall establish provisions for any of the specifications referred to in Article 11 of the North Sea MAP in conjunction with Article 15(5) of the Basic Regulation.

It is the position of Member States that increased selectivity, where possible, is the most desirable way to deliver compliance with the landing obligation.

The recommendation of exemptions from the landing obligation is based on a thorough, evidence-based process.

The Member States of the North Sea consider it desirable to achieve, where possible, consistency with recommendations for specific discard plans to be submitted by other regional groups in EU waters.

2.2. Scope

This JR will apply to demersal fisheries subject to catch limits in the North Sea as defined in Article 4(2)(a) of the Basic Regulation comprising ICES areas 3a and 4. Additionally, under Article 15 of the Basic Regulation the Scheveningen Group recommends that the discard plan also covers the Union waters of ICES area 2a as the TAC areas for the relevant demersal stocks also comprise this area. Throughout this JR, reference to the North Sea hence means Union waters of areas 2a, 3a and 4, unless otherwise stated.

This JR will apply to all fishing vessels engaging in the specified demersal fisheries in the North Sea without prejudice to rules applicable outside the aforementioned Union waters under Member State jurisdiction. It is to be noted that part of the North Sea lies within the Norwegian zone. This part being subject to Norwegian legislation, it cannot be a part of this plan.

3. Implementation of the landing obligation

In accordance with Article 15(1) c of the Basic Regulation, the Member States of the Scheveningen Group are committed to the full introduction of the landing obligation for demersal and deep-sea fisheries in the North Sea from 1 January 2019.

The Scheveningen Group will pay due respect to the application of the landing obligation, research into survivability and selectivity and any advice from the Advisory Councils before proposing further recommendations for future years.

The obligation to land all catches shall not apply in cases for which a specific exemption is recommended as detailed in section 4 of this JR.

The obligation to land all catches shall also not apply in cases where catches as part of a normal operational procedure is released, e.g. when cleaning the gear by rinsing it in the sea or disposing of debris that builds up in the cod end.

The Scheveningen Group recognises the continued importance of addressing the challenges of choke species in 2020 and beyond. The Group agrees on the importance of Member States working collaboratively and with the European Commission and the Advisory Councils on a variety of measures. This includes exploring with the European Commission solutions not currently available to Member States.

4. Exemptions

Situations where the landing obligation shall not apply are specified in Article 15(4) of the Basic Regulation.

Moreover, taking into account that the Basic Regulation Recital (16) states that the CFP should pay full regard, where relevant, to animal health, animal welfare, food and feed safety and that Article 3, point h recalls that the CFP shall respect consistency with other Union policies, catches of aquatic animals for which flesh contaminants would exceed the maximum limits set by EU rules for human or animal consumption would also be covered by this exemption. According to food safety prescriptions as set out in Regulation (EC) No 853/2004 of the European Parliament and of the Council as well as in Commission Regulation (EC) No 1881/2006 catches of contaminated fish shall not be kept on board a vessel. This fish has to be disposed directly into the sea.

Besides, in line with point c) of Article 15(4) of the Basic Regulation, which is in force since 1 June 2015, fish showing damage caused by predators is not subject to the landing obligation either.

In the North Sea discard plan for the period 2019-2021 a number of exemptions from the landing obligation were granted for the duration of the Delegated Regulation, but required Member States having a direct management interest to submit additional scientific information supporting the exemption in order for STECF to assess the provided scientific information. Other exemptions were limited to 2019. These exemptions are resubmitted for 2020 and beyond with supporting scientific information. Finally, the Scheveningen Group has identified new requests for exemptions from the landing obligation, which the Scheveningen Group submits to the Commission.

All proposed exemptions are proposed for the remaining duration of the North Sea Discard Plan, i.e. 2020-2021.

The Scheveningen Group is faced with iterative and increasing requests for information and data related to approved or extended fisheries specific exemptions from the landing obligation. Such increasing requests are deemed to facilitate both the presentation and the review of the exemptions covering various fisheries and species complexes. However, the Scheveningen Group notes that such requests add a substantial additional workload to the already heavy work programmes of national research institutes. If such requests were to become a permanent feature in the preparation of future discard plans, additional financial resources should be considered in the framework of the DCF. Additionally, in such a case and with a view to ease the work of the scientists in this respect, ways to facilitate the access of scientists to fisheries related data should be reflected upon. In some cases the

general knowledge of the fisheries in the North Sea and common sense should be considered when evaluating the exemptions requested.

The Scheveningen Group notes that STECF has so far not been able to provide updated fisheries specific catch estimates and effort figures for 2017.

The Scheveningen Group emphasises the need for further developments regarding selectivity and survivability facilitating the continued development of selective gears and fisheries.

For all exemptions, except Article 5, in the North Sea demersal discard plan the Scheveningen Group requests the removal of the condition to “release below the sea surface”. For some exemptions, this was inserted in 2018 in the discard plan for 2019-2021 although not mentioned in the JR in 2018. The Scheveningen Group would like to point out that imposing such a requirement by the letter may actually lead to reverse effects for the fish and poses great difficulties for fishermen, even raising safety concerns for the fishermen. As nets are hauled on board for sorting the normal procedure for discarding would be to remove the fish from the net while hauling it on board or to push the discard fish over board from a table while being sorted. These procedures minimize air exposure and handling of the fish.

If ‘underwater release’ is required, then fishers are likely to store “discard” fish in baskets until the end of sorting, which may considerably increase time on deck for some individuals (it’s very unlikely that fishers would stop sorting to release each one underwater immediately they are picked up – this would simply be unworkable).

Fishers using some gears (e.g. set nets and lines) may simply shake unwanted catch of the gear on hauling (therefore with a short drop back to the sea). The proposal would see these having to be brought on board therefore increasing stress and potential further trauma.

Such a proposal may therefore be counter-productive in terms of animal welfare whilst at the same time increasing risk to fishers. A better approach might be education of fishers to help them develop release techniques optimised for their operations.

4.1. Additional scientific information supporting existing exemptions

4.1.1. High survival exemption for Norway Lobster caught by demersal bottom trawls

Member States have conducted a number of survival experiments on *Nephrops* caught in demersal trawls. These experiments show high levels of survival whether they are using trawl gears fitted with a species selective grid, trawl gears fitted with a

SELTRA panel, trawl gears fitted with a netgrid or trawl gears with a cod end larger than 80mm.

Based on these findings exemptions for high survival are already included in Article 3 of the North Sea discard plan Regulation (EU) No 2018/2035 until 2021.

The Scheveningen Group recognises that further scientific information is requested for certain areas on this fishery if the exemption is to be continued beyond 2021.

Due to the level of time and resource required to carry out further scientific studies in this area, and due to the lack of other available scientific evidence outwith the evidence already submitted, it has not been possible to provide further evidence on the high survival of Nephrops caught by demersal trawls with a cod end larger than 80mm at this time. Although further information was requested the Scheveningen Group notes that the STECF found that the supporting scientific information was based on a robust approach and the validation technique used in the context of the wider fleet is reasonable. Thus, in this regard further data should not be required. The Scheveningen Group hereby submits new data supporting the high survivability of Nephrops in the Northern Prawn fishery in annex A.

As regards the fishery targeting Nephrops in ICES area 4 and the fishery targeting Northern Prawn in ICES area 3a and 4, the Scheveningen Group can accept limiting the exemption to 2020 allowing time to submit additional scientific information supporting the exemption. The Scheveningen Group commits to submit additional scientific information by 1 May 2020.

4.1.2. High survival exemption for skates and rays caught by all fishing gears in the North Sea

On the basis of scientific evidence and rationale provided in the Joint Recommendation from the Scheveningen Group a high survivability exemption for Skates and Rays (excluding Cuckoo Ray) was granted for skates and rays until 31 December 2021 as set out in Article 8 of the North Sea discard plan. This exemption requires Member States to collect additional information on survivability and evidence that will contribute to the development of longer term management measures. The Scheveningen Group submitted a roadmap on Skates and Rays to the Commission on 31 October 2018 to illustrate the further work envisaged.

The Scheveningen Group hereby submits new information on Skates and Rays supporting this exemption in annex B.

At a workshop held 14 February 2019 Member States in the Scheveningen Group and the North Western Waters Group developed a table outlining the potential evidence gaps for exploring the survivability rates of skates and rays species and how they can be increased.

An extract of this work as regards the North Sea (4 and 3a) is enclosed in annex B. The table captures information on the scientific research that each member state is doing, including key information such as the species and gear type in focus and the type of study that is being carried out or is being planned. The data generated by this research will make a significant contribution to the evidence required to support the continuation of the exemption. Due to limited resources and time, Member States may have to prioritise some of these gaps.

Recognising that cuckoo rays are the highest priority at the current time due to the May 2019 deadline, at the workshop Member States also collated information on the scientific studies that are underway or planned by each MS. France and Spain anticipate having outputs by May. Ireland, Belgium and UK have also initiated or are planning cuckoo ray projects.

The Scheveningen Group has invited the North Sea AC to cooperate on developing guidelines for best practice on handling skates and rays. The NSAC has accepted this task and has provided a compilation of best practice already existing as a first step towards harmonised best practice. The Control Group of the Scheveningen Group is working on providing a more harmonised approach on the identification of rays.

In appendix 1 to annex B further information is enclosed on the occurrence of skates and rays in northern European waters and catches in Swedish fisheries in the Skagerrak/Kattegat and the eastern North Sea.

ICES provided advice on a revision of the contribution of TACs to fisheries management and stock conservation, published 20 September 2018. In this advice, a number of issues regarding rays were highlighted, including fishing patterns, vulnerability and knowledge gaps. ICES also provided advice for undulate ray in Western Waters on July 2018 indicating the high survival of discards and that landing higher shares of the catches would result in an increase in the fishing mortality for the stock.

The Scheveningen Group calls for the Data Collection Framework to provide further information on skates and rays.

[4.1.3. De minimis exemption for Whiting caught by beam trawls 80-119 mm in the North Sea ICES area 4

In the Joint Recommendation of the Scheveningen group of 30 august 2018, a de minimis exemption was requested for Whiting (*Merlangius merlangus*) below minimum conservation reference size (MCRS). The exemption would apply up to a maximum of 2% of the total annual catches of plaice and sole that would fall under landing obligation, for the demersal mixed fishery using beam trawls with a mesh size

of 80-119 mm (BT2) in ICES area 4 as set out in Article 9, litra I of the North Sea discard plan.

The exemption was approved for three years, up to 31.12.2021, after assessment by the STECF Working group and plenary meetings of June and July 2018 and evaluation by the European Commission.

This exemption will apply to all BT2 vessels. The BT2 fisheries are dominated by Netherlands flagged vessels (84 in total), accounting for 82% of all whiting catches in the BT2 fisheries. Besides, by Dutch vessels, whiting in the BT2 is mainly caught by Belgium (13%) and Germany (4%).

Based on the total catches of plaice and sole by the BT2 in the North Sea by all member states in the period 2014-2016 the mean annual catch of both species in the BT2 is 82.020 tons. The maximum amount of whiting discarded under this exemption at 2% of catches of sole and plaice would be 1640 tons.

	2014 landings	2014 discards	2015 landings	2015 discards	2016 landings	2016 discards	2014-16 average catch		
SOL	10401	1497	9604	2848	10893	1026	12089		
PLE	30595	25363	33716	56235	33775	30098	69927		
WHG	201	860	216	1472	224	970	1314		

STECF in 2018 remarked that the evidence that was provided in 2018 to prove additional costs of handling on board of unwanted catches should be provided in the English language. This is provided in annex C.

This exemption request is in line with the existing exemption for whiting that is applicable in areas 7b-7k in the North Western waters for a broad range of gears including BT2. This exemption and supporting evidence was accepted by STECF and previously granted by the Commission.

In regards to whiting, the Scheveningen Group wants to draw attention to the fact that, contrary to last year, it has not had the opportunity to respond to the findings of the STECF Working Group and could not provide evidence supporting the exemption in addition to what has been provided. Furthermore, the Group notes that in area 7b-k a de minimis exemption for whiting is in place and a level playing field should be ensured across sea basins, especially as areas 7d and 4c are adjacent. Last year, the whiting exemption was granted for three years in principle but has now been rejected altogether. This turnaround seems rather large and contrary to intentions of the delegated act in 2018. Finally, submitting a new joint recommendation at a later stage is not the preferred route for member states as evidence from last year shows this to be a drawn out process.

The Scheveningen Group therefore proposes a one year exemption (2020) for this de minimis exemption on the condition of providing additional evidence (on

disproportional costs and availability and feasibility of selectivity measures) by 1 November 2019 for STECF assessment. In this way the intention of the joint recommendations of 2018 and 2019 are respected and the member states commit to provide further evidence in support.

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4.2. High Survivability exemptions

The Scheveningen Group recommends the following exemptions for reason of high survivability in accordance with Article 15 (4)(b) of the Basic Regulation.

4.2.1. Catch and by-catch of plaice by vessels using trawl (OTB, PTB) of mesh sizes ≥ 120 mm in the North Sea in the summer months

The Scheveningen Group recommends that by way of derogation from Article 15(1) of the basic Regulation, the landing obligation shall not apply to plaice (*pleuronectes platessa*) caught in the North Sea by vessels using trawl (OTB, PTB) ≥ 120 mm targeting flatfish or roundfish in the summer months. The request is based on Article 15.4(b) of the Basic Regulation. Scientific evidence and rationale is provided in Annex D. The full report of the scientific evidence was submitted 24 June 2019.

On the basis of scientific evidence and rationale provided in the Joint Recommendation from the Scheveningen Group a high survivability exemption for plaice caught in the North Sea using trawl (OTB, PTB) in the fishery targeting flatfish or roundfish in the winter months was granted until 31 December 2021 as set out in Article 6 of the North Sea discard plan.

Discard survival rate from provided studies in ICES area 3a has shown to be 75% in the winter months and 44% in the summer months. The cases described in Annex D originates from Danish fisheries in area 3a, but the Scheveningen Group considers that the principles and evidence are applicable to the entire North Sea as the sea basin of area 3a in regard to salinity, temperature, compilation of species and marine environment is comparable to area 4 and fisheries are carried out at same depth, same gear by the same vessels. Additionally, the exemption would ensure consistency between fishery conditions in the North Sea and the North Western Waters.

Similar to the release of unwanted bycatch of prohibited species in the Council Regulation for fishing opportunities, article 14.2, plaice must be released promptly in order to minimize air exposure, which is necessary in order to maintain the survival rates.

In deviation of the introductory remark in chapter 4, the data provided below is national data for 2018 as no monthly segregated data exists in the FDI database. Data applies for 1 May to 31 October.

Country	Exemption applied for (species, area, gear type)	Species as bycatch or target	Number of Vessels subject to LO	Landings (by LO subject Vessels) (t)	Estimated Discards (t)	Estimated Catch (t)	Discard Rate
DK (2018)	Demersal fishery: (OTB, PTB) ≥ 120 mm	Catch and bycatch of PLE	76	11,195 (All catch)	30	3,477 (plaice)	0.8%
SE* (2016–2018)	Plaice in demersal trawls >120 mm in 3a and 4	Target/bycatch	27	99.9	1	100.9	1%
NL	(OTB,PTB ≥ 100 , 120mm)		6	633	137**	770	17.8%
BE (2016)	TR1 (OTB, PTB) ≥ 100 mm	Catch	4	736	6	742	0.8%
DE	Demersal fishery North Sea, OTB or PTB ≥ 120	Bycatch of PLE	6	13.1	0.1 t	13.2 t	0.8 %

*Only discard sampling in 3a. Due to lack of trips sampled on board for discards, discard can only be estimated on a whole-year basis. We used the whole year discard rate from 3a (0,01033) and applied that to average landings during May-October 2016-2018.

** Estimated by NL scientific institute as the discard rate, ie. this figure does not necessarily equal the registered discards.

The Scheveningen Group will submit additional STECF data by 1 May 2020. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption as regards the summer months on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

4.2.2 Catch and by-catch of plaice by vessels using trawl (OTB, PTB) of mesh sizes 90-99mm equipped with SELTRA in area 3a and 80-99mm in area 4

The Scheveningen Group recommends that by way of derogation from Article 15(1) of the basic Regulation, the landing obligation shall not apply to plaice (*pleuronectes platessa*) caught in the North Sea by vessels targeting flatfish or roundfish using trawl (OTB, PTB) of mesh sizes 90-99mm equipped with SELTRA in 3a, 80-99mm in area 4. The request is based on Article 15.4(b) of the Basic Regulation. Scientific evidence and rationale is provided in Annex D and E. The full report of the scientific evidence was submitted 26 June 2019.

As exemptions for plaice caught in otter trawls in area 7defg was granted in Regulation 2018/2034 for North Western Waters for 2019-2021 the exemption would provide consistency between neighbouring waters. The sea basin of area 7defg is comparable to area 4 in regard to salinity, temperature, compilation of species and marine environment and fisheries are carried out at same depth, same gear by the same vessels.

Country	Exemption applied for	Species as bycatch or target	Number of Vessels subject to LO	Landings (by LO subject Vessels)	Estimated Discards*	Estimated Catch*	Discard Rate*	Survival rate
FR, DK, NL	Bottom trawls (OTB, PTB) with mesh size ≥ 80-99 mm in area 4	Catch and bycatch of PLE	170	28 798 t	8 003 t	36 801t	22%	42%
SE (2016-2018)	Plaice in demersal trawls >90mm (SELTRA) in 3a*	target/by-catch	77	94.1	108.0	202.1	0.535	

*SE does not use TR2-trawls in area 4

The Scheveningen Group will submit additional STECF data by 1 May 2020. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption as regards the summer months on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

4.2.3. Catch and by-catch of plaice by vessels using Scottish seine in the North Sea

The Scheveningen Group had in the joint recommendation of 29 May 2019 submitted a request for an exemption from the landing obligation for plaice (*pleuronectes platessa*) caught in the North Sea by vessels using Scottish seine (SSC) in the North Sea on the background explained in Annex F. In light of the evaluation by STECF, the Scheveningen Group accepts to postpone this request to a future joint recommendation.

4.2.4. High survival exemption for plaice below MCRS caught by 80-119mm beam trawl gears (BT2) in ICES area 4

The Scheveningen Group recommends a continued exemption from the landing obligation of plaice (under MCRS) caught in 80-119mm beam trawl gears (BT2) in ICES area 4. The request is based on Article 15.4(b) of the Basic Regulation.

Request

1. The survivability exemption referred to in Article 15(4)(b) of Regulation (EU) No 1380/2013 shall apply in Union waters of ICES division 2a and ICES subarea 4 and to catches of plaice below the minimum conservation reference size made with 80-119 mm beam trawls (BT2).
2. The exemption on the basis of high survivability will apply:
 - a. for plaice below MCRS caught by 80-119mm beam trawl gears (BT2) in area 4 for 2020 and 2021 by using the flip-up rope or Benthos release panel (BRP) for vessels with an engine power of more than 221 kW;
or
 - b. for plaice below MCRS caught by 80-119mm beam trawl gears (BT2) in area 4 for 2020 and 2021 of vessels of Member States implementing the roadmap for Fully Documented Fisheries;
or
 - c. for flatfish for 2020 and 2021 caught by BT2 vessels, with an engine power of not more than 221kw or less than 24m in length overall, which are constructed to fish in the twelve miles zone, if the average trawl duration is less than ninety minutes.
3. The Member States having a direct management interest commit themselves to continue research and studies to improve selectivity and survivability in BT2 fisheries.
4. The Member States having a direct management interest will report on the progress and results of the use of flip-up rope or Benthos release panel, the implementation of the roadmap for Fully Documented Fisheries and research and studies to improve selectivity and survivability, by 1 May of each calendar year. This will be open to assessment by STECF.

This request for continued exemption starts with the fulfilment of the two conditions that have been included in the delegated act applicable to 2019 (Regulation (EU) no. 2018/2035):

1. The roadmap for high survivability and selectivity, including a program for Fully Documented Fisheries. This was provided to the Commission and was assessed by STECF in November 2018;
2. Progress reports on survivability and selectivity work are provided by Belgium and Netherlands in Annex G.

The extension of the survivability exemption is requested for two years (2020 & 2021). This is of quintessential importance to implement the survivability and selectivity work, which needs time to allow further investments in innovative ideas and initiatives to be developed, tested and trailed in a scientific and robust manner. Application and implementation at vessel level also takes time.

Description of the fisheries

The North Sea flatfish fishery is a typical example of mixed demersal bottom-trawl fishery; catches include sole plaice, turbot, and brill. Landings are dominated by plaice and sole, being considered to be the main target species. The stock condition is positive according to ICES (ICES, 2018a).

The Belgian fishing fleet is a relatively small fleet with a total number of 68 active vessels (as of January, 1st, 2019). The Dutch fleet that would make use of the exemption in the North Sea consists of around 100-120 vessels. The fisheries for sole and plaice takes place in the North Sea.

All North Sea Member States	2014 landings	2014 discards	2015 landings	2015 discards	2016 landings	2016 discards	Avg. Catches 2014-2016	Avg discards 2014-2016	Avg discard rate
Plaice	30595	25363	33716	56235	33775	30098	69927	37232	53%

Landings and discards all North Sea member states in area 4, 2014-2016 (STECF).

		2017 landings	2017 discards*	2017 catch	2018 landings	2018 discards*	2018 catch
BE	PLE	1540	1508	3048	958	1033	1991
NL	PLE	15491	23263	38754	12043	26138	38181

Estimates of landings, discard and catches from estimations 2017 and 2018 (Netherlands and Belgium) for BT2 (TBB 70-99mm+100-119mm) gears in area 4. For BE only for TBB_DEF_70-99 *Discard data is based on samples of observer trips.

The economic impact of landing all bycatch of plaice would be significant for the affected fleets. Studies show that landing plaice would result in an increase of work on board for the equivalent of 3.6 full time fishermen. The on shore handling, sorting and additional logistic processes would increase costs by €1600 per trip (Hoekstra & Hamon, 2018).

Survival rates of plaice discards

Many survival studies of plaice in beam trawl fisheries (both traditional and pulse) have taken place from the start of the landing obligation. Results show that survival of plaice shows large variability, ranging from 5% to 90% between different hauls

and trips. Causality that explains the variation is very much the object of research, as many factors seem to influence survival of plaice, including environmental conditions, water temperature, air exposure, haul duration, on board handling, the amount of debris from the sea floor and fishing gear design. (ILVO 2019, Schram & Molenaar C037/18, Smith & Catchpole (draft paper), 2017, Morfin et al. 2017, Uhlmann et al. 2016, Van der Reijden et al. 2017).

Summary of the annexes on the progress and future work on selectivity and survivability of plaice

Survival:

- Vitality index scores and vitality index scores: In a study by Molenaar & Schram (C037/2018), using the the “Reflex Action Mortality Predictor” (RAMP), discards survival was shown to be strongly affected by fish condition/vitality. The study concludes that measures aimed at increasing discards survival should focus on improving the condition of discarded fish and the capture process in the water rather than catch processing on board. In recent years the RAMP-method became a standard procedure to examine the relationship between reflexes and probability of survival of flatfish.
- On board handling: The effect of a water filled hopper (compared to a dry hopper) on discards survival was tested on plaice. Although no advantage of a water filled hopper on plaice discards survival probability was found, there was, significant variation in results between hauls. This is subject of further analysis.
- Haul duration: studies indicate that haul duration has an effect on immediate mortality (mortality at the point of releasing the catch on board) of plaice, where shorter hauls (90 minutes) result in lower immediate mortality (17%) than longer hauls (150 min)(40%) (Uhlmann et al, 2016, ILVO 2018). Another study however did not reproduce these findings for haul duration between 90-150 minutes (Molenaar & Schram C38/18, 2018). These findings would support an exemption for smaller vessels (<221Kw) with a limited towing time of 90 minutes on average.

Additionally, with regards to economic effect of implementing a reduced towing time for larger vessels, the practical implementation of much shorter hauls seems unrealistic as this would significantly reduce effective fishing time (approximately 17%) and an almost double workload for the crew. (Van der Reijden et al., 2017, Molenaar & Schram C38/18, 2018)

- the effect of a knotless cod-end on discards survival was tested during one sea trip, including 6 hauls. Based on this single test it results indicate that the knotless cod-end did not result in a large positive effect on discards survival.

Selectivity:

- Increasing mesh size from 80mm to 90mm was researched extensively. Contrary to expectations, the research has shown that increasing mesh size from 80mm to 90mm would reduce catches of plaice by 4-25%, while catches of sole would also be reduced by 14-25%. This implies that a greater fishing effort is needed with 90mm mesh size compared to 80mm if the entire quota of sole is to be landed. (Molenaar et al C049/2018, Brunel et al 2019). This would then

potentially result in higher unwanted catches of plaice and significant decrease in value of landings by 10-20% (Hoekstra & Hamon, 2018,).

- Bycatch fluctuations by haul can be significant, depending on the spatial distribution of species. Catches of sole and plaice are relatively evenly spread out in the North Sea, making spatial and temporal measures to avoid bycatches less effective. Other species such as turbot, skates and rays seem to have more specific spatial occurrence. (Brunel et al. C015/19)

Fully Documented Fisheries 2019-2021: state of play

- Through the use of cameras, the project will aim to establish an automated system to estimate catch weight and composition as well as discard weight and composition.
- Key policy objectives that FDF can facilitate:
 - Exact insight into landing and discard amounts and composition, enhancing registration and data collection and fisheries management;
 - Lowering of the administrative burden and simplification of procedures on board, including possible cost-saving effects;
 - Underpin and enhance innovations and research such as automatic sorting or effects of gear trials and survivability and selectivity work.
 - Ensure transparency in the fisheries sector, stakeholder commitment and work towards sustainable future of fisheries.
- The project will start with 3 fishing vessels and will be gradually increased to 10 in 2019 depending on the success of the implementation of FDF as indicated in the roadmap. If successful, a further expansion can be considered.

Benthos Release panel and flip up rope 2019-2021: state of play

Belgium implemented two survival/selectivity measures:

1. From January 2016 all Belgian beam trawlers are obliged to use the 'Flemish panel', a 3-m long, large mesh panel (120 mm) to reduce retention of sole smaller than the MCRS.
2. From 1st January 2019 onwards, Belgian vessels with an engine power of more than 221 kW (large fleet segment) are obligated to use either:
 - a. A flip-up rope rigged on top of the bobbin rope in the net opening to prevent stones and boulders entering the trawl;
or
 - b. A benthos release panel, a square mesh panel inserted in the belly of the trawl, just in front of the Flemish panel, to release stones or debris from the trawl.

Concerning the use of a benthic release panel and flip up rope, initial research has shown that survivability is about 10 times lower when the sediment content in the catch is more than 25%. This means that survival rates are much higher as long as the volume of sand and/or stones is less than 25% of the catch. The results suggest that use of the flip up rope and BRP can contribute strongly to survivability (ILVO 2019).

To collect additional data for scientific evidence and to investigate the effect of the above-mentioned measures, a project (Survivability Monitoring' 2019-2021) was set up. This project was initiated for the duration of two years with 12 commercial beam-trawl fishing trips.

Future work

In the Netherlands, four research projects that have been granted from March 2019 onwards for two years:

1. Reduction of bycatches of undersized plaice in beam trawl fisheries (BT2);
2. Increasing survivability of undersized plaice in beam trawl fisheries (BT2);
3. Improving the survivability of undersized plaice in beam trawl fisheries by using a *closed cod end* (BT2);
4. Implementation of the Fully Documented Fisheries Roadmap 2019-2021

Survivability and Selectivity Work 2019-2021			
Work package	Time	Description	Deliverable
WP 1 General cooperation	2019-2021	Reporting, stakeholder involvement, dissemination of results.	
WP 2 Design phase for innovative ideas and designs,	2019: Q2&Q3	Scientific institutes, fishermen, stakeholder involvement, selection of potentially viable ideas.	Delivering 1-2 viable ideas per research area. Especially fundamental research and practical research into fish behavior under water.
WP 3 Trial and development	2020: Q1-Q3	Research technical viability and effectiveness of selectivity and survival measures. Scale models, designs, sampling, simulations	Establish Technical viability and indicative estimation of effectiveness of potential measures. Selection of best ideas and designs.
WP 4 Measuring	2021: Q1	12 Research trips, quantification of results, evaluation	Identify measures that have scientifically proven effect of selected ideas under WP3.
WP 5 Validation	2021: Q 4	Continued research trips, data analysis, reporting	First validated results (data) for the measure(s) that was selected

Fully Documented Fisheries 2019-2021			
Work package	Time	Description	Deliverable
WP A	2019: Q2-Q4	Define catch composition	Aim of WP A is to develop Electronic Monitoring capability to sample catch composition, percentage of catch below and above minimum conservation reference size (MCRS) by species and total catch, landing and discard weight registration.
WP B	2019 Q3 – 2020	Define catch and discard volume	Include automated catch recording to existing EM methodology both catches and discard volumes;
WP C	2019 Q3/Q4 – 2021	Automated video analysis	In the proposed FDF set up EM will be used for complete registration of species composition, this leads to a significant increase on the resources needed for video review. Therefore, automated identification and automated registration of catch quantities by species through computer vision technology and machine learning techniques is a key element of this project.
WP D	2019 Q4 – 2021	Reporting, disseminating results and evaluation.	Determine the most reliable, accurate and suitable FDF method.

In Belgium the EMFF project 'Monitoring survivability' has been divided into several work packages (WP). The project started on the 1st of January 2019 and will commence before the summer 2019

Working Package	Timing	Description
WP0 Organization Steering Group	Every 6 months, continuously process	Guarantees good execution of the project and enough tolerance in the sector
WP 1 Organization of Sea trips		Arrangements are made between the Belgian fisheries producers organization (Rederscentrale)n and the vessel owners to select vessels that are suitable to participate. Clarify which criteria the vessels must follow. Intensive communication between all parties.
WP 2 Monitoring Vitality & survivability		Collection of data (vitality, reflexes, wounds) of plaice discarded from BT2 using a flip-up or BRP, together with the registration of relevant factors which can influence the chance of survival. Random selection of plaice out of the catch. TEach sampled fish will be scored. There will be scored for vitality, injury and reflexes with is related to survival probability to reveal whether a reduction of catch volume and/or changes in catch composition (from the use of a flip-up or BRP) did contribute to and improved survival of discarded plaice.
		Collection of data for a further identification of facts with influence on survivability
WP 3. Data management and data analyses		
WP 3.1. Integration data (length, other biologic parameters of the haul) in Smartfish database		With software 'Smartfish' registration of fishery related data (trip, haul,...). Collected on board in local database. At home synchronisation on server. Besides the collection of new data for plaice, old data will be uploaded in Smartfish. So, a holistic analyses can be performed on all existing data for plaice.
WP 3.2. Analyses survivability data		Two types of mortality are calculated: "immediate mortality" (analysed with Generalized Lineair Models GLMs) and "delayed mortality" (non-parametric Kaplan-Meier curve).
WP 3.3. Modelling and analyses		Recommandations to improve survivability plaice
WP 4 Communication and evaluation		
WP4.1 Communication with the shipowners		The Belgian fisheries producers organization will inform their members to take part in this research. There is a close consultation between vessel owners and ILVO
WP4.2. evaluation ad interim		After 2- 3 trips, the first results will be evaluated, in combination with a report. On the base of the first statistical models, there will be examined which factors are contributing towards the survival of discarded plaice .
WP 4.3. Communication results and advice		Through different channels communication

The progress reports from Belgium and the Netherlands are provided in annex G.

4.2.5. High survival exemption for turbot caught by TBB gears with a cod end larger than 80mm in ICES area 4.

The Scheveningen Group recommends an exemption of turbot (*Scophthalmus maximus*) from the landing obligation caught with beamtrawl with a cod end larger than 80mm (TBB) in ICES area 4. The request is based on Article 15(4)(b) of the Basic Regulation.

Evidence collected in the beam trawl fisheries shows discard survival estimates of 20-43% using gear with a cod end larger than 80mm. Discard survival estimates were generated from samples taken during normal commercial fishing activity. This research provides a first indication that will be followed up in research initiated by both Belgium and the Netherlands and their respective research institutes.

Turbot is a very valuable fish, which means that fishermen are never inclined to discard unless absolutely necessary (for example in order to respect the MCRS and/or the quota). In usual circumstances, discards are therefore rather low. It is to be emphasized that the discard levels of 2015 and 2016 are not representative and were due to a low TAC, not matching with the high abundance of turbot on the fishing grounds. As the TAC has been increased significantly for 2017, 2018 and 2019, the level of discarding is expected to be less as assumed in assessments based on data for 2015 and 2016.

As a condition of the exemption the turbot should be returned whole/undamaged to the sea as swiftly as possible and over the grounds where they were caught. Furthermore, trials to improve selectivity and survivability, should be carried out.

The background to this request is contained in Annex H.

In line with the exemption granted for high survivability of plaice in the BT2 fishery and given that the project with the commercial vessels started for the high survivability of plaice in the BT2 fishery also covers research for turbot and noting the further planned studies in 2020, the Scheveningen Group requests the exemption to be granted on a temporary basis for 2020.

4.2.6. High survival exemption for Cuckoo Ray in ICES area 4

The Scheveningen Group recommends an extension of the current one-year high survivability exemption from the landing obligation of cuckoo ray in ICES area 4. The request is based on Article 15.4(b) of the Basic Regulation and the North Sea MAP.

On the basis of scientific evidence and rationale provided in the Joint Recommendation from the Scheveningen Group a high survivability exemption for Cuckoo Ray was granted for 2019 as set out in Article 8 of the North Sea discard plan.

At a workshop held 14 February 2019 Member States in the Scheveningen Group and the North Western Waters Group developed a table outlining the potential

evidence gaps for exploring the survivability rates of skates and rays species and how they can be increased.

An extract of this work as regards the North Sea (4 and 3a) is enclosed in annex B. The table captures information on the scientific research that each member state is doing, including key information such as the species and gear type in focus and the type of study that is being carried out or is being planned. The data generated by this research will make a significant contribution to the evidence required to support the continuation of the exemption. Due to limited resources and time, Member States may have to prioritise some of these gaps.

Recognising that cuckoo rays are the highest priority at the current time due to the May 2019 deadline, at the workshop Member States also collated information on the scientific studies that are underway or planned by each Member State. France and Spain anticipate having outputs by May. Ireland, Belgium and UK have also initiated or are planning cuckoo ray projects.

See annex B for projects on cuckoo ray, including 2 appendixes on results from an Irish survivability study and results from a French survivability study respectively.

4.3. De minimis exemptions

The Scheveningen Group recommends the following exemptions for reason of *de minimis*.

These exemptions will be reviewed where appropriate with the objective of reducing and, over time, phasing out these provisions where possible. In reviewing, the Scheveningen Group will take into account experience in the fisheries and the results from scientific and technical trials.

When taking into account the potential *de minimis* volumes in the process of establishing fishing possibilities, the potential quantities need to be rightly reflected. In this exercise, it should be possible to distinguish the part of the fleet/fishery that is covered by the exemption, as well as the catch that the gear in question accounts for. That could for instance be done through the use of separate gear codes (at national or EU-level). Furthermore, for combined *de minimis* exemptions the quantity representing the total *de minimis* percentage need to be divided among the exempted species on the basis of the discard composition in the fishery concerned.

[4.3.1 De *minimis* exemption request for whiting and cod for the vessels using bottom trawls (OTB, OTT, SDN, SSC) of mesh size 70-99mm (TR2) in Central and Northern North Sea (ICES subareas 4a and 4b)

The Scheveningen Group recommends a continued exemption for whiting (*Merlangius merlangus*) and cod (*Gadus morhua*) below MCRS, up to a combined maximum of 6% in 2020 and beyond (of which a maximum of 2% can be used for cod discards) of the total annual catches of whiting and cod, for the mixed fishery not targeting Nephrops using trawler and seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm in ICES areas 4a and 4b.

The request for an exemption for de minimis is based on 15(5)(c)(.i) and ii) of the Basic regulation due to difficulties to improve selectivity in a short term period. Also, vessels are operating long fishing trips (~3 days on average) at considerable distance from home harbours (more than 1000 km return). This would imply to come back often to home harbours, generating high costs for the vessel.

This exemption is already included Article 9(f) of the delegated act (EU) 2035/19 for 2019. A translation of the summary of the evidence underpinning the recommendation as regards whiting can be found in Annex C.

Based on provided data by France, Germany and the Netherlands a de minimis exemption of 6% of whiting and cod (of which maximal 2% is cod) would correspond to total quantities of 253t of discarded whiting and 72t of discarded cod for the entire North Sea.

The Scheveningen Group wants to draw attention to the fact that STECF concerns – and therefore Commission’s requirements to grant the exemption – are not the same in 2019 as they were in 2018. Indeed, in July 2018 STECF plenary concluded:

“STECF notes that evidence of fishing effort in IVb was provided for the French fleet to the PLEN 18-02. This is based on VMS tracks for three vessels covering a short period in June 2018. STECF concludes this information supports increasing the scope of this exemption for the French vessels.

STECF notes no fleet information has been provided for other Member States.”

Following the Commission’s requirement of article 9.f of regulation (EU) 2018/2033 and to answer STECF concerns, the Scheveningen group provided in May 2019 fleet information for other Member States interested in this exemption. As requested, the group provided an updated number of the total quantity of whiting and cod that could be discarded with this exemption, considering Dutch, French and German fleets. In 2019, STECF raised concerns regarding “increased costs [...] specific to cod and whiting”. Contrary to last year, the group has not had the opportunity nor the time to answer STECF findings and could not provide sufficient information in addition to what has been provided.

The Scheveningen group would like to highlight that any economic studies dedicated to a fishery or even a species regarding disproportionate costs need at least 18

months to obtain preliminary results. Consequently, submitting a new joint recommendation at a later stage is not the preferred route for member states as evidence from last year shows this to be a drawn out process.

The Scheveningen Group therefore proposes a one year exemption (2020) for this de minimis exemptions on the condition of providing additional evidence (on disproportional costs and availability and feasibility of selectivity measures) by 1 November 2019 for STECF assessment. In this way the intention of the joint recommendations of 2018 and 2019 are respected and the member states commit to provide further evidence in support.]

4.3.2. De minimis request for horse mackerel for demersal vessels using bottom trawls (OTB, OTT, PTB, TBB) of mesh size 80-99mm (TR2, BT 2) in the North Sea (ICES area 4).

The Scheveningen Group recommends a continued de minimis exemption for by-catches of horse mackerel, up to a maximum of 7% for 2020 and 6% for 2021 of the total annual catches of horse mackerel caught in demersal fisheries, for the trawler mixed fishery using bottom trawls (OTB, OTT, PTB, TBB) with a mesh size of 80-99 mm in ICES area 4.

The request for an exemption for de minimis is based on Article 15(5)(c)(i) and (ii), due to difficulties to improve selectivity in a short term period. Also, the landing application enforcement would increase the workable time on board and generate hold overloading issues. This would imply to come back often to home harbours, generating high costs for the vessel.

Based on STECF data for all European vessels a de minimis exemption of 7% of horse mackerel bycatches would correspond to total quantities of 189t of discarded horse mackerel for the entire North Sea on a 2013-2016 basis.

The scientific evidence underpinning the exemption can be found in Annex I..

By 1 May 2020, the Scheveningen Group will submit additional STECF data about disproportionate costs and sanitary risks generated by keeping on board these species during a several-days-fishing trip, especially during summer months. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

4.3.3. De minimis request for mackerel for demersal vessels using bottom trawls (OTB, OTT, PTB, TBB) of mesh size 80-99mm (TR2, BT 2) in the North Sea (ICES area 4).

The Scheveningen Group recommends a continued de minimis exemption for by-catches of mackerel, up to a maximum of 7% for 2020 and 6% for 2021 of the total annual catches of mackerel caught in demersal fisheries, for the trawler mixed fishery using bottom trawls (OTB, OTT, PTB, TBB) with a mesh size of 80-99 mm in ICES area 4.

The request for an exemption for de minimis is based on Article 15(5)(c)(i) and ii), due to difficulties to improve selectivity in a short term period. Also, the landing application enforcement would increase the workable time on board and generate hold overloading issues. This would imply to come back often to home harbours, generating high costs for the vessel.

Based on STECF data for all European vessels a de minimis exemption of 7% of mackerel bycatches would correspond to total quantities of 77t of discarded mackerel for the entire North Sea on a 2013-2016 basis.

The scientific evidence underpinning the exemption can be found in Annex J.

By 1 May 2020, the Scheveningen Group will submit additional STECF data about disproportionate costs and sanitary risks generated by keeping on board these species during a several-days-fishing trip, especially during summer months. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

4.3.4. De minimis request for ling (*Molva molva*) below MCRS caught by vessels using set longlines (LLS) in ICES area 4

The Scheveningen Group recommends a de minimis exemption for ling below MCRS caught by vessels using set longlines (LLS) in ICES subarea 4, up to 3% in 2020 and beyond of the total annual catches of ling caught with demersal vessels using set longlines.

The request for an exemption for de minimis is based on article 15.c.i), due to difficulties to further increase selectivity in this fishery, and on article 15.c.ii), due to disproportionate costs a total application of the landing obligation would cause in this fishery. The fleet is particularly vulnerable for the risk of commercial catch losses an improvement in selectivity would cause.

For ling in divisions 6–9, 12, and 14, 3.a and 4.a ICES advises that when the precautionary approach is applied, catches should be no more than 17 695 tonnes in each of the years 2018 and 2019. If discard rates do not change from the average of 2014–2016 this implies landings of no more than 16 793 tonnes. Landings have been stable in 2012-2016, with an increase in discards in 2014-2016.

French vessels in this fishery use set longlines to target hake in ICES subarea 4, 5b and 6. In 2017, 10 French vessels were conducting this activity (according to the 2017 ObsMer report; Cornou et al. 2018).

According to the STECF database, and only for illustrative and informative purposes, a de minimis of 3% would represent a maximum amount of allowed discard for ling of 5 tonnes, for all European vessels using longlines in ICES subarea 4. This amount is very limited when compared to the TAC for ling in ICES subarea 4 (3 738 t in 2019, which means that the TAC deduction would represent less than 0.15% of the 2019 TAC).

The scientific evidence underpinning the exemption can be found in Annex K.

The Scheveningen Group will submit additional information on potential losses by 1 May 2020. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

4.3.5 De minimis request for bycatch of industrial species for demersal vessels using TR 1, TR2 or BT 2 in the North Sea.

The Scheveningen Group recommends a de minimis exemption for bycatch of industrial species (sprat, sandeel, norway pout and blue whiting) in the demersal fishery using gears with mesh sizes above 80 mm and fishery for Northern Prawn using gears with mesh sizes above 35 mm in ICES area 3a and 32 mm in ICES area 4 and a fish retention device fitted with a sorting grid with a maximum bar spacing of 19mm or equivalent selectivity device (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN), up to a maximum of 1 % of total catches in this fishery. This would represent 448 tons for the Danish fishery.

Country	Exemption applied for (species, area, gear type)	Species as bycatch or target	Number of Vessels subject to LO	Landings (by LO subject Vessels)	Estimated Discards	Estimated Catch	Discard Rate	Estimated <i>de minimis</i> volumes
DK	Demersal fishery >80mm and Northern Prawn fishery* >35mm in ICES area 3a >32mm	Bycatch of SAN, SPR, WHB, NOP	249		303.7t	44,825 (all catch)	0,67%	448

	in ICES area 4							
SE (2016-2018)	Demersal trawls >80 mm mesh and Pandalus trawls (>35 mm) with grid and fish retention tunnel in 3a and 4	bycatch of SAN, SPR, WHB, NOP	94	4717.5	291**	6198***	4.7%	62.0

* fitted with a sorting grid with a maximum bar spacing of 19mm or equivalent selectivity device

** Estimated discards of SAN, SPR, WHB and NOP

*** Estimated catch of all quota species

Unwanted and discarded catches of sandeel, sprat, Norway pout and blue whiting in the demersal fishery using OTB and mesh sizes >80mm and Northern Prawn fishery fitted with a sorting grid and mesh sizes >35mm in ICES area 3a >32mm was in 2018 estimated to 303 tons. These species are abundant and occur in large schools. Thus, it is inevitable that they are sometimes caught even in gears with large meshes. This happens in particular if they are 'trapped' amongst the targeted species and never get in contact with the netting of the gear. Selectivity measures have been exhausted for this unwanted bycatch. The impracticalities and disproportionate manpower (costs) on board of handling unwanted catches of sandeel, sprat, Norway pout and blue whiting in a catch calls for a de minimis exemption as each individual fish have to be sorted from the catch and especially for species where the body size is small. Furthermore,, the separate stowage, additional economical costs and different procedures when landing, seen in the light of the almost insignificant impact on the stocks that catches of these species in the demersal fisheries for human consumption amount to, also calls for a de minimis exemption.

The scientific evidence underpinning the exemption can be found in Annex L.

The Scheveningen Group will submit additional STECF data by 1 May 2020. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for at least 2020.

5. Adaptation of the Joint Recommendation

Taking into account that the application of the landing obligation constitutes a new regime in the management of fisheries in Europe, and that joint recommendations for specific discard plans are a management tool to address challenges that this policy implies, in particular with respect to choke species situations in mixed fisheries, this JR shall remain open to revision and adaptation throughout its duration. It is considered to be the joint responsibility of the Commission and Member States to maintain oversight of the implementation of the provisions of the discard plan following this JR and to call into question any element which may be in need of revision and adaptation at any time.