



EUROPEAN COMMISSION
 DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES
 Fisheries Policy Atlantic, North Sea, Baltic and Outermost Regions
Structural Support Atlantic, North Sea, Baltic and Outermost Regions

Director

Brussels,
 MARE.C1/[redacted]/Ares(2018)
 [redacted]
 Chair of the Scheveningen MS
 Group
 [redacted]

Subject: Updated joint recommendations for a demersal discard plan

Dear Chair,

I would like to thank you and the members of your regional group for replying to my letter from the 24 July 2018. We appreciate that August can be a difficult month to contact your Member States and we are grateful for the efforts made by national administrations. However, I am sure you will agree that with the implementation of the landing obligation ahead of us, this is an exceptional year for drafting the discard plans and delegated acts.

Whilst we appreciate the work done so far by the regional groups, we consider that some of the new exemptions that have now been proposed in response to our previous communication deserve being subject to STEFC's scrutiny. In particular we note several new "single stock *de minimis*" exemptions that have been proposed in place of "combined *de minimis*" exemptions. Whilst several of these new exemptions have been provided with additional information, there will not be sufficient time for them to be analysed by the STECF ahead of the Expert Working Group in September.

Therefore we would propose, without prejudice to the final position of the Commission, that your joint recommendations be modified according to the comments in the attached table. In the interests of expediency, please could you confirm in writing no later than **22 August**, that you accept the proposed changes from the attached table, which will then allow the Commission to continue with drafting the first wave of delegated acts, minus these still open elements, ensuring drafts are sent on time for scrutiny by the Expert Group in September.

We would like to reiterate that it is the Commission's goal to ensure that the co-legislation process passes smoothly. Our approach would allow for discard plans that clearly align with the existing scientific advice from STECF and help avoid the proposal for a discard plan to be rejected entirely. We would thus hope to have discard plans in place for 1 January 2019. The Commission will send separate joint recommendations containing the new elements, such as the "single stock *de minimis*" to the STECF for review as soon as they are ready. If the STECF provide a positive assessment for these

new exemptions, we would envisage updated delegated acts entering into force at a later date in 2019.

Should you have any further questions, please could you kindly contact my colleague Ms. [REDACTED]

Yours sincerely,

Hélène CLARK

Enclosure: Annex

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RESPONSES AND COM POSITION TO JRs 15 AUGUST 2018

ASSESSMENT OF 2018 JOINT RECOMMENDATION BY THE SCHEVENINGEN GROUPS

HIGH SURIVIVABILITY REQUESTS

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
<p>Plaice (caught as bycatch) by passive gear (nets) in area 3a Kattegat/Skagerrak, 4 North Sea.</p>	<p>EWG: Based on studies in Danish fisheries in the Baltic Sea, and on the assumption that the principles and evidence are also applicable to the North Sea. The studies provide initial evidence of the survivability caught with trammel nets. Results from the study showed 100% survivability.</p> <p>Studies should be repeated in the North Sea with a more complete analysis (more samples; considering the environmental conditions and the fishing handling practices, long term mortality, air exposure, etc.) in representative fisheries. In addition, no data is provided for other types of static nets.</p> <p>The handling procedures related to the discarding of plaice particularly those to minimize air exposure, are a key factor affecting the survivability of this species. These should be well specified in the discard plan if the exemption is granted. Suggested additional data to be requested:</p>	<p>NEW EXEMPTION</p> <p>Survival rate 100 %</p>	<p>The Commission can accept this exemption</p>	<p>Ok</p>	<p>Ok</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>Fishery data for the static 'net' categories.</p> <p>STECF plenary: notes additional catch and fleet information has been provided to the PLEN 18-02.</p> <p>STECF has no additional comments on the supporting information which seems reasonable.</p> <p>STECF notes that the survival estimate is 100%, if confirmed over a range of conditions this implies that none of the overall catch of the gears affected by this exemption is discarded and dies</p>				
<p>Plaice (caught as bycatch) by Danish seine in area 3a Kattegat/Skagerrak , 4 North Sea</p>	<p>EWG:</p> <p>Fleet information is supplied only for the Denmark, but it is assumed no other Member States has vessels using this gear. No detailed catch information is presented. Data only shows percentages of unwanted catch of plaice, which is on average 8% by volume in the Skagerrak, and 1% in the North Sea.</p> <p>The supporting study provides evidence on the survivability of discarded plaice in Danish Seine fisheries. The sample size is high enough to obtain reliable estimates of overall survival rates and the survival rates are likely to</p>	<p>NEW EXEMPTION</p> <p>Survival rate 78 %</p>	<p>The Commission can accept this exemption</p>	<p>Ok</p>	<p>Ok</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>represent the lowest survival rates expected during the year given the study was carried out during the summer months.</p> <p>The study only covers the Skagerrak, but it seems reasonable to assume that the results are broadly representative given the proximity of the areas, similar catch compositions and the gears are identical.</p> <p>The large differences in survival rates with increasing air exposure (before and after 30 minutes) shows this is an important factor that should be incorporated in the discard plan if the exemption is granted. Suggested additional data to be requested:</p> <p>Information on the air exposure times during the catch sorting process in the commercial fleet.</p> <p>STECF plenary: notes that additional information has been provided to the PLEN 18-02 regarding sorting times at the fleet level. This shows that based on the average catch rates, the estimated sorting time would be 45 minutes. However, the survival studies show that survival rates decrease significantly after sorting times of 30 minutes. STECF highlights that if sorting times are on average longer than 30 minutes then the survival rates observed are not applicable for this fishery. The actual survival rates will be significantly lower.</p>				

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	Therefore, STECF re-iterates the observations of EWG 18-06 that exposure time should be factored into the discard plan if the exemption is to be granted.				
Plaice below MCRS caught by 80-119 mm beam trawl (BT2) in area 2a and 4 (North Sea)	<p>EWG: No data on the fleets or fisheries is provided and it is unclear as to whether the exemption is to apply to all beam trawl fisheries or just to vessels using pulse trawls.</p> <p>There is no justification for the three-year duration other than to allow further studies to be carried out and additional control measures to be introduced. There is no indication the exemption would be removed if follow-up studies did not show reasonable survival rates for discarded plaice.</p> <p>The JR states that “plaice has a proven potential for high survival, given already existing high survival exemptions in place in the North Sea and other regions”. However, the results of all the studies provided do not corroborate this statement as the mean survival rates presented are in all cases lower than 20%.</p> <p>The survival studies presented were all carried out with pulse trawls and EWG 18-06 cannot assess whether the results presented are representative of standard beam trawl gears used. If the intention is for this exemption to</p>	<p>NEW EXEMPTION</p> <p>Survival rate 15-20 %</p>	<p>The Commission can accept this exemption on a 1-year temporary basis; extension beyond one year will be conditional on:</p> <p>a) the roadmap developed by MS to be scientifically assessed by STECF</p> <p>b) Annual reporting on the progress and modifications/adjustments made to the programme, in order to increase survivability</p>	<p>The exemption is requested once again for three years in light of the roadmap and the considerable commitments that go with it and needs for a certain predictability. The progress made on the roadmap should be evaluated annually by the Commission based on the annual report by MS. Based on this evaluation the exemption can be continued or adjusted for the following year. Fallback: should the Commission</p>	<p>The Commission can accept the revision's fall-back position:. COM maintains a one year exemption with the possibility to extend with reference to a) and b). Therefore an end date of 31 December 2019 needs to be written into the Joint recommendation</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>cover standard beam trawl gear as well as pulse trawls then it would be appropriate to repeat these studies with standard beam trawl gear.</p> <p>The request includes a description of the fisheries concerned and indicates that the exemption is conditional on a package of measures and incentives which affect two different components of the fleet in various ways. However, the reasoning for considering these two fleet segments (< 221kw and > 221kw) is not justified.</p> <p>For the small vessel fleet (<221 kw) the exemption applies if the average trawl duration is <90 min. However, the threshold of 90 min is not well supported because the results presented in the show that no effect of short (90 instead of 120 min) hauls on discards survival probability could be detected. For the large vessels (>221kw) a package of measures and incentives towards more selective fishing will be developed over a three-year period. However, little detail is provided on how these measures will be introduced.</p> <p>The total sample sizes used in the survival studies are adequate to obtain an overall survival rate. However, although the sea trips were spread out over the year (January, May, June, July, September, October, December) to</p>			<p>judge that an exemption can be granted for one year only, the Scheveningen group reserves the right to resubmit a request at a later stage stressing that the roadmap envisages a 3 year period. Furthermore, in case the exemption is granted for only one year, the Scheveningen group reserves the right to cancel or adjust the pilot project on Fully Documented Fisheries to a form that is in line with the duration of the exemption.</p> <p>The roadmap should be</p>	

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>account for the potential effect of variable environmental and fishing conditions on discards survival, the low number of individuals in each trip prevents using these as reliable monthly survival estimates.</p> <p>The studies show survival was strongly affected by fish condition. Therefore, the recommendation that measures aimed at increasing the survival of discards should focus on improving the condition of discarded fish during the capture process rather than the catch processing seems appropriate. Suggested additional data to be requested:</p> <p>Reasoning for why a three-year period is requested for the exemption.</p> <p>STECF plenary: acknowledges that the supporting scientific study is of good quality. STECF notes that survivability in this case is affected by many factors and that survivability is highly variable.</p> <p>STECF re-iterates the concerns raised by EWG 18-06 regarding the estimated survival rates which are less than 20%. STECF also highlights that given the indicative high discard rates and relatively the low survival rates it is likely that significant quantities of plaice discarded will not</p>			<p>assessed by STECF and for that purpose will be transmitted to the Commission in due course ahead of 2019. An annual report on the progress and modifications and adjustments made to the programme in order to increase selectivity will be sent to the Commission by 1 May 2019.</p>	

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	<p>survive.</p> <p>STECF also re-iterates the concerns raised by EWG 18-06 regarding the representativeness of the survival estimates from the pulse trawl fishery to standard beam trawls. If the intention is for this exemption to include standard beam trawls or other towed gears then additional survival studies should be carried out.</p> <p>STECF re-iterates the concerns of the EWG 18-06 regarding the duration of the exemption and notes that no further justification for the length of the exemption (3 years) has been provided.</p> <p>STECF notes that the available survival estimate is relatively low at 20%, while plaice discard rate in the North Sea is quite high at 34% (ICES 2018). Assuming the discard rate of <mcrs plaice is at least 34%, this implies that at least 27% of the undersized catch affected by this exemption is discarded and dies</p>				
<p>Plaice (caught as bycatch) by ≥ 120 mm trawl (OTB, PTB) in area 3a Kattegat/Skagerrak , 4 North Sea</p>	<p>EWG: Based on a scientific study on discard survival of plaice caught in the demersal trawl mixed fishery in the Skagerrak during summer 2017 and winter 2018. The study followed the ICES WKMEDS guidelines with large sample sizes.</p> <p>The mean survival rate for undersized plaice</p>	<p>NEW EXEMPTION</p> <p>Only applicable in winter (1 November-30 April)</p> <p>Survival rate 75 %</p>	<p>The Commission can accept this exemption</p>	<p>ok</p>	<p>NA</p>

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	<p>was higher in winter (75%) than in summer (44%). The mean rate for undersized plaice caught when targeting <i>Nephrops</i> during winter was lower (41%) than when targeting plaice in the same season. The larger amount of <i>Nephrops</i> in the catch caused more physical damage to the fish, reducing survival rates.</p> <p>In the summer when targeting plaice, discard survival rates were affected by air exposure duration. After 60 minutes exposure, the survival rates dropped to 8%. The air exposure times used in the experiment were within commercial practice, but it is not known if air exposure time is higher at the fleet level. The low survival values in summer justifies the exemption being restricted to winter months as indicated in the JR. Suggested additional data to be requested:</p> <p>a) Data on catch and discard quantities.</p> <p>b) Information on the air exposure times during the catch sorting process in the commercial fleet.</p> <p>STECF plenary: notes that additional information has been provided to the PLEN 18-02 on the typical sorting times by catch size. Information on average catch weights in the relevant fisheries is also provided. This information shows that average sorting times are in the region of 40-60 minutes. STECF</p>				

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	<p>highlights that survival rates dropped to < 10% with sorting times greater than 60 minutes in the summer months. The actual survival rates in the fishery are likely to be much lower than those observed and this re-enforces the recommendation to restrict this exemption to the winter months.</p> <p>STECF notes that the winter survival estimate is 75%. The prevailing discard rates provided in the JR supporting material indicate values of 60% in III and 6.4% in IV. These discard values imply that between 2 and 15% of the overall catch of the gears affected by this exemption is discarded and dies</p> <p>STECF notes that additional catch and fleet information has been provided by Sweden.</p>				
<p>Skates and rays for all fishing gears in all areas of NS</p>	<p>EWG: New exemption. Scope is very wide covering all species of skates and rays and also all fishing gears, which is a major concern.</p> <p>The JR also recommends that discard rates need to be included in the annual ICES assessment and a methodology devised to calculate quota uplifts for skate and ray species to take account of discards.</p> <p>The JR contains a comprehensive review of the existing estimates of discard and survival rates</p>	<p>NEW EXEMPTION</p> <p>Temporary and conditional</p> <p>Survival rate 45 %</p> <p>These species are choke risks for the demersal fisheries</p>	<p>The Commission can accept this exemption partially on a 3-year temporary basis, conditional on:</p> <p>a) the roadmap which has been submitted by Member States to be scientifically assessed by STECF</p>	<p>Accept 3-year limitation, until 31 December 2021. For cuckoo ray a 1-year exemption is proposed. A roadmap will be transmitted by MS involved to the regional group by 31 October 2018 to</p>	<p>The Commission can accept the revision For cuckoo ray in order to collect further data a 1-year exemption until 31 December 2019 will need to be written into the Joint Recommendation Extension beyond one year will be</p>

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	<p>of skate and rays, based on existing information and survival studies. This review shows discard rates and survivability estimates depend greatly on the species, area and métier considered. An average survival estimate of 45% is put forward in the JR. Vitality data on discarded skates and rays show less variability, with most (>95%) rays in longline, otter trawl and static net fisheries being alive and in good or moderate condition at the point of release. However, the supporting information highlights there are significant data gaps that need to be addressed. More work is needed to fill the gaps and provide a more complete picture of survival across different skate and ray species in different fisheries/areas/métiers.</p> <p>During the period of the requested exemption (i.e. 3 years), the aim is to promote good practice by fishermen as well as implementing avoidance and selectivity measures to minimise the unwanted catches of skate and rays. However, it is not clear which of these measures will be implemented by each fishery or their likely effectiveness. The justification for the three-year period is limited, if the recommendation is awarded, a shorter period would allow for the exemption to be reviewed quickly in the light of emerging data.</p> <p>Very few landings and discards data provided. EWG18-06 recognises these data are sparse</p>		<p>b) Annual reporting on the progress and modifications/adjustments made to the programme, in order to increase survivability</p> <p>c) Excluding Cuckoo ray due to a lower survivability (34%)</p>	<p>illustrate the further work envisaged. The roadmap should be assessed by STECF and for that purpose will be transmitted to the Commission in due course ahead of 2019. Scheveningen will report annually by 1 May to the Commission on the progress and modifications and adjustments made to increase survivability, especially for Cuckoo ray.</p>	<p>assessed by STECF based on the annual report of 1 May which should specifically address Cuckoo ray survivability</p>

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	<p>and that there are quite a lot of species, however, Regional Group should provide whatever they do have to assist inform the evaluations.</p> <p>STECF plenary: acknowledges that a significant amount of information has been presented to support this proposed exemption. However, STECF observe that the scope of this exemption is wide, covering many species and fisheries, and as such, not consistent with existing survivability exemptions. STECF recognizes that the effects of different variables on discard survival is not well understood and this introduces risks in extrapolating discard survival evidence between species fisheries and seasons.</p> <p>STECF notes that the raw data underpinning the information provided in the JR has been supplied, although this is of limited value other than confirming the basis for the proposed exemption.</p>				
<p>Turbot caught by Towed gears with a cod-end >80 mm (beam trawl and OTB, PTP) in area 3a Kattegat/Skagerrak</p>	<p>EWG: No data on the fleets or fisheries (e.g. fleet, landings and discard rates) involved is provided. It is also unclear as to whether the exemption is to apply to all trawl fisheries or just to vessels using pulse trawls.</p>	<p>NEW EXEMPTION</p> <p>Temporary and conditional</p> <p>Survival rate 20-43</p>	<p>The Commission rejects this exemption, on the basis of not sufficient data being provided, while survivability rates are low, and discard</p>	<p>Scheveningen will request once again the exemption, emphasizing that the discard levels of 2015 and 2016</p>	<p>The Commission maintains initial position</p>

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, 4 North Sea	<p>The exemption is proposed on a temporary basis for three years. However, there is no justification provided.</p> <p>Based on survival studies which provide a preliminary survival rate estimate of 30% with provision for further studies The survival rates in summer were higher than in winter which is unusual based on results of previous survival studies with different species. Given this unexpected outcome, it would seem appropriate to repeat the survival studies to confirm this is the case.</p> <p>The survival studies presented were all carried out with pulse trawls. EWG 18-06 cannot assess whether the results presented are representative of standard beam trawl gears or other trawl gears. If the intention is for this exemption to cover demersal trawls and standard beam trawl gear as well as pulse trawls then it would seem appropriate to repeat these studies with these gears.</p> <p>The total sample sizes used in the survival studies are adequate to obtain an overall survival rate. However, although the sea trips were spread out over the year (January, May, June, July, September, October, December) to account for the potential effect of variable environmental and fishing conditions on discards survival, the low number of individuals</p>	%	rates high	<p>are not representative and were low due to a low TAC. As the TAC has been increased significantly for 2017 and 2018, the level of discarding is expected to be less as assumed in assessments based on data for 2015 and 2016.</p> <p>Fallback: should the Commission find this request still unacceptable, the request for such an exemption is withdrawn for the time being. In such a case Scheveningen reserves the right to resubmit this request in a future joint recommendation,</p>	

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	<p>in each trip prevents using these as reliable monthly survival estimates.</p> <p>The studies show survival was strongly affected by fish condition backing up the recommendation made in the JR that measures aimed at increasing the survival of discards should focus on improving the condition of discarded fish during the capture process rather than the catch processing. Suggested additional data to be requested:</p> <p>a) Data on catch and discard quantities.</p> <p>STECF plenary: re-iterates the concerns raised by EWG 18-06 regarding the survival rates estimated which are typically 30% with considerable variability.</p> <p>STECF also highlights that given the indicative discard rates which for some fleets are high and survival rates are relatively low in the BT2 fishery then it is likely that significant quantities of turbot discarded will not survive. Most catches of turbot are taken in the BT2 fishery.</p> <p>STECF notes that for the towed areas combined (beam trawl and otter trawl) the available combined discard rate was 22% and the survival estimate is relatively low at 30%. This implies that at least 15% of the undersized</p>			<p>in particular in the light of information gained with the roadmap on the plaice fishery.</p>	

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>catch made by the gears affected by this exemption is discarded and dies (Fig ***).</p> <p>STECF notes that the survival estimates are based on studies carried out in the pulse trawl fishery. STECF cannot assess the representativeness of these estimates compared to standard beam trawls or TR2 gears. Further studies to consider the effects of differing environmental conditions and fishing operations would seem appropriate.</p> <p>STECF notes that detailed catch and fleet information has been supplied to the PLEN 18-02 for both TR2 and BT2 fisheries.</p>				
<p>Norway lobster caught by demersal trawls with a cod end larger than 80mm in area 2a (Union waters), 3a Kattegat/Skagerrak , 4 North Sea</p>	<p>EWG: Consolidation of several previous exemptions. No information is provided on fleets and catch data is only provided for the UK. There is an inconsistency in the fishery data provided for UK.</p> <p>Based on a scientific study on post-catch survivability following the ICES WKMEDS recommendations. Survival rates were provided for two areas: i) west coast (Minches): overall rate 53%; 45.7% in summer; 56.3% in winter; ii) east coast (Firth of Forth): survival rate in summer was 74.5%.</p>	<p>EXISTING EXEMPTION, AREA COVERAGE EXTENDED</p> <p>Survival rate 38-75 %</p>	<p>The Commission can accept this exemption on a 2-year temporary basis conditional on:</p> <p>a) data being provided on the Scottish east coast fisheries in the North Sea and the fisheries in the Skagerrak</p> <p>b) detailed catch and discard figures for the</p>	<p>Recognising that further data should be provided on this fishery, in particular as concerns the Scottish east coast fisheries, in the west coast of the North Sea, this request is initially made for two years. These two years are to</p>	<p>The Commission takes note that the group agrees, an end date of 31 December 2021 needs to be written into the Joint Recommendation</p>

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	<p>Survival results for the Scottish west coast appear representative of the wider fleet operating on the west coast. However, for the east coast, substantial differences were observed, meaning to apply the discard survival estimates to the whole fleet in this fishery would require several assumptions to be made. There is limited information to assess whether these assumptions are justified and therefore whether the results from the studies are representative for the whole of the east coast.</p> <p>No assessment could be carried out of whether extending the survival rates to the <i>Pandalus</i> fishery is justified as no supporting information was provided. The gears and characteristics of the fishery are very different to the <i>Nephrops</i> fishery which means the survival estimates provided cannot be considered representative of the <i>Pandalus</i> fishery. Suggested additional data to be requested:</p> <p>Detailed catch and discard figures.</p> <p>STECF plenary: re-iterates the concerns raised by EWG 18-06 regarding the assumptions made on the survival estimates observed in the east coast fisheries and whether the estimates are representative for the whole area. Nonetheless the supporting scientific information is based on a robust approach and that the validation technique used in the context of the wider</p>		<i>pandalus</i> fishery	<p>be used to collect more data on the fishery in that part of the North Sea. The Scheveningen group reserves the right to resubmit any such request in the future. Any new data on nephrops generated in the meantime will be included in any further request.</p> <p>The Scheveningen group will clarify that no exemption is requested for the <i>pandalus</i> fishery (taking into account the STECF comments on <i>pandalus</i>)</p>	

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	<p>fleets is reasonable.</p> <p>STECF also re-iterates the concerns raised by EWG 18-06 on the lack of information to justify the inclusion of the <i>Pandalus</i> fishery in this exemption.</p> <p>STECF notes the additional catch data submitted by the UK to the PLEN 18-02 addresses the inconsistencies identified by EWG 18-06.</p> <p>STECF notes that depending on gear, survival estimates range between 38%(SELTRA) to 75%(Grid). At the prevailing discard rate (6%) indicated in the JR supporting material, the range of survivability values imply that between 2 and 4% of the overall catch of the gears affected by this exemption is discarded and dies</p>				
Norway lobster caught by pots in area 3a and 4	No new STECF assessment	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok
Whitefish caught as bycatch in pots (creels) and traps in area 3a and 4	No new STECF assessment	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
Sole caught by trammel nets and gillnets in area 2a, 3a and 4	No new STECF assessment	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok
Sole (below MCRS) caught with trawl gears in area IVc	STECF notes that no new information on nursery areas has been provided.	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok

DE MINIMIS REQUESTS

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
<p>All TAC-regulated species for vessels targeting brown shrimps in area 4b and 4c North Sea</p>	<p>EWG: New exemption. Based on major increases in selectivity being difficult to achieve beyond existing measures. In addition, the handling of unwanted catches is regarded as having an economically disproportionate impact given the difficulties in sorting very small undersized individuals from the target species. No supporting documentation is provided to support either of these assertions even though it is likely that both are important for this fishery.</p> <p>A reasonably detailed description of the fishery and fleets is provided but there is no breakdown by Member State and the catch data is only provided as a percentage of the overall catches and not by volume. Suggested additional data to be requested:</p> <p>a) Supporting documentation on disproportionate costs of i) separating out small fish and ii) need for extra crew.</p> <p>b) Breakdown of the fleets by Member State and the catch data is only provided as a percentage of the</p>	<p>NEW EXEMPTION</p>	<p>The Commission can accept this exemption</p>	<p>Ok</p>	<p>Ok</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>overall catches and not by volume.</p> <p>STECF plenary notes that additional information on disproportionate costs has been provided to the PLEN 18-02. This information documents the increasing time for sorting small fish from the brown shrimp catch as well as providing economic data relating to the costs of employing extra crew to carry out this sorting on board.</p> <p>STECF notes that a breakdown of the fleets involved in the fishery has also been provided and a justification for not supplying catch data relating to bycatch volumes has also been supplied which seems reasonable.</p>				
<p>Pelagic species in demersal fisheries caught by bottom trawl, 70-99 mm in area 4 North Sea</p>	<p>EWG: New combined species de minimis. Based on improvements in selectivity being difficult to achieve and also on disproportionate costs of handling unwanted catches of pelagic species on board.</p> <p>Limited supporting information is provided regarding either of these conditionalities. Reference to some French selectivity studies although they do not relate directly to the</p>	<p>NEW EXEMPTION</p> <p>Combined de minimis</p>	<p>The Commission rejects this exemption, as STECF assessed that it is possible to render the fisheries to become more selective and that this is not difficult to attain</p>	<p>The Scheveningen Group requests 2 separate single stock de minimis (7% for horse mackerel and 7% for mackerel) for vessels using 80-99mm nets (originally 70-99mm)</p>	<p>The Group is asked to submit their request for single stock de minimis requests in a separate Joint Recommendation to allow STECF to look at their request and supporting information.</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>selectivity of pelagic species. Additionally, there is a reference to a French study (EODE study) which deals with disproportionate costs but not specifically with handling catches of pelagic species.</p> <p>A detailed description of the relevant French fisheries and fleets is provided. No information provided on other fleets who may wish to avail of this exemption.</p> <p>Indication that beam trawls are to be included but no catch or fleet information is provided. Suggested additional data to be requested:</p> <p>a) Supporting information regarding either i) improvements in selectivity being difficult to achieve or ii) on disproportionate costs of handling unwanted catches of pelagic species onboard.</p> <p>b) Catch or fleet information on i) other fisheries involving UK, NL, SE and DK vessels or on ii) beam trawls.</p> <p>STECF plenary notes that additional supporting information has been provided to PLEN 18-02 in</p>				<p>This would allow the undisputed parts of the Joint Recommendation to be accepted and help the delegated act to be in place by 1 January 2019</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>the form of two selectivity studies carried out in France in 2010 and 2014. These studies contain limited information for pelagic species but show that pelagic bycatch can be reduced in the TR2 fisheries using a range of selective gears. The reports also show the consequential reductions in marketable catches associated with the use of these selective gears.</p> <p>While these supporting studies are informative, STECF is unable to assess whether this demonstrates that improvements in selectivity to reduce pelagic bycatch are very difficult to achieve in these fisheries. STECF also cannot assess whether the losses associated with the use of the gears tested would render the fisheries uneconomic. Further, STECF notes that current levels of unwanted catches in the TR2 fisheries are amongst the highest in any demersal fisheries in the North east Atlantic but the legal gears used (80mm+80mm smp) are relatively unselective.</p> <p>STECF notes that no further information on disproportionate</p>				

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>costs has been provided.</p> <p>STECF notes that clarification regarding the catch data is provided, which indicates the original data supporting the exemption covers catches from all vessels fishing with TR2 and BT2 gears in the North Sea. This data has been extracted from the FDI database and is presented as aggregated data covering the fleets from all Member States and both gear types. No breakdown of catches by gear type and no breakdown of the fleets involved in the relevant fisheries have been provided. Therefore, STECF concludes that it is still difficult to assess the extent of this de minimis exemption.</p>				
Ling caught by bottom trawl >100m in area 4 North Sea	<p>EWG: New exemption. Based on improvements in selectivity being difficult to achieve given the relevant fisheries are already selective. No supporting information is provided other than referring to the morphology of ling, which makes reducing unwanted catches of ling difficult. Reference to several French studies although they do not relate directly to the selectivity of</p>	NEW EXEMPTION	<p>The Commission can accept the exemption on a 1-year temporary basis, conditional on data being delivered showing that:</p> <p>a) improvements in selectivity are very difficult to achieve in the relevant fisheries and</p>	<p>The request is split into two parts: 1) a 3-year exemption is requested for vessels with a mesh size greater than or equal to 120mm, 2) a 1-year exemption is requested for vessels with a mesh size between 100-119</p>	<p>The Commission can accept the revision to split, but 2) 100-199mm for 1 year so 31 December 2019 end date needs to be in JR and extension in future JRs will be conditional on a) and b)</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>ling. Suggested additional data to be requested:</p> <p>A detailed description of the relevant French fishery and fleet is provided. No information on other fleets which may wish to avail of this exemption. Suggested additional data to be requested:</p> <p>a) Supporting information on selectivity being difficult to achieve, other than referring to the morphology of ling.</p> <p>b) Clarification that this exemption would apply to similar fleets from other Member States. There is reference to DE vessels operating in the fishery, but no details are provided.</p> <p>STECF plenary: notes that no new supporting information has been provided to the PLEN 18-02 to support this exemption. The arguments put forward in the JR that the gear used in the fisheries are already selectivity in the relevant fisheries is re-iterated. Improving selectivity further will render the fisheries uneconomic. While it is reasonable to assume that</p>		<p>b) additional catch or fleet information for the fleets from other Member States who may also be active in the fisheries (i.e. DE and UK)</p>	mm	

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>improvements in selectivity to reduce unwanted catches of ling are technically challenging given their morphology, STECF cannot definitively assess the impact on the fisheries of improving selectivity and whether such improvements are very difficult to achieve in the relevant fisheries.</p> <p>STECF notes that no additional catch or fleet information has been provided for the fleets from other Member States who may participate in the fisheries (i.e. DE and UK).</p>				
<p>Species for industrial purposes caught in demersal fisheries caught by bottom and beam trawl TR1, TR2, BT2 in area 3a Kattegat/Skagerrak, 4 North Sea</p>	<p>EWG: New combined species exemption. Based on handling of unwanted catches are regarded as economically disproportionate given the difficulties in sorting very small undersized individuals from the target species.</p> <p>No supporting documentation is provided other than that the catches are insignificant in the demersal fisheries. Indications that there are no methods available to reduce bycatch of industrial species in these fisheries, but no supporting information is provided.</p>	<p>NEW EXEMPTION</p> <p>Combined de minimis</p>	<p>The Commission rejects the exemption on the basis of not sufficient data being provided.</p>	<p>Ok, however Scheveningen reserves the right to retable this proposal at a later date when further information has been collected.</p>	<p>Ok</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>Very limited information on the fleets and fisheries. Reference to beam trawl fisheries but no information is provided on the catches or fleets involved. Suggested additional data to be requested:</p> <p>a) Supporting detailed documentation on catches</p> <p>b) Clarification on the fleets and fisheries to which this exemption would be applied.</p> <p>STECF plenary: notes that no additional supporting information has been provided to the PLEN 18-02 so no assessment can be made as to whether improvements in selectivity are very difficult to achieve or whether the costs of handling unwanted catches are disproportionate. However, STECF acknowledges that the catch information provided show the level of bycatch in the relevant fisheries is minimal so the volume of <i>de minimis</i> will be small.</p> <p>STECF notes that additional catch information has been provided for the Swedish fleets using TR1 and TR2 gears in the North Sea and Skagerrak. No information has been</p>				

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	supplied for the beam trawl fisheries.				
Whiting caught by beam trawlers 80-119 mm in area 4 North Sea	<p>EWG: New exemption. Based on major increases in selectivity being difficult to achieve over and above measures already introduced into the fishery. In addition, the handling of unwanted catches is regarded as economically disproportionate given the difficulties in sorting very small undersized individuals being difficult to sort from the target species.</p> <p>Limited supporting evidence, other than reference to several selectivity studies being undertaken in NL and reference to several studies that have looked at the economic impacts of the landing obligation. These show, in a general sense, that additional handling on board of unwanted catches generates extra costs and sorting time for crews.</p> <p>Catch data provided for only the NL fleet. Not clear whether fleets from other Member States intend to avail of this exemption. Suggested additional data to be requested:</p> <p>a) Evidence to support the assertions that selectivity difficult to achieve and handling small</p>	NEW EXEMPTION	The Commission can accept the exemption on a 3-year temporary basis, and under the condition that it is only granted at a lower level, corresponding to the level of discards (2%)	Ok , the exemption is only requested at 2%	Ok

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
	<p>undersized fish involves disproportionate costs.</p> <p>b) Detailed information on the fleets and fisheries to which this exemption is to be applied.</p> <p>STECF plenary: notes that additional supporting information has been provided to the PLEN 18-02 in the form of an impact assessment study. However, this study is in Dutch and STECF is unable to assess whether it supports the proposed exemption.</p> <p>STECF notes detailed catch and fleet information has been provided for all BT2 fleets. The catch information shows that the volume of <i>de minimis</i> requested is greater than the observed discards in the fisheries. This is because the <i>de minimis</i> is calculated on the combined total catches of plaice and sole. STECF does not understand the logic behind this approach and notes that this may act as a dis-incentive to improve selectivity for whiting in the relevant fisheries as all unwanted catches of whiting could potentially be discarded</p>				

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
<p>Hake is added to an existing combined de minimis caught by trawl fisheries in area 3a Kattegat /Skagerrak</p>	<p>Existing combined species de minimis but revised through the inclusion of hake to the list of species covered by this exemption.</p> <p>The basis for the exemption is the same as in 2017. Additional catch data has been provided for hake.</p> <p>The volumes of de minimis are quite low reflecting the relatively low levels of unwanted catches in this fishery.</p>	<p>EXISTING EXEMPTION, SPECIES ADDED</p>	<p>The Commission can accept this exemption</p>	<p>Ok</p>	<p>Ok</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
<p>Cod and whiting caught by trawls of 70-99 mm in area 4 North Sea</p>	<p>EWG: Existing exemption but revised by increasing the scope of this exemption to the whole of area IV. The original exemption only applied in area IVc.</p> <p>The justification is largely the same as in 2017. No new information provided to support widening the scope of the exemption.</p> <p>Information is only supplied for the FR fleet although indications that NL vessels are involved. Suggested additional data to be requested: Information to support widening the scope of the exemption.</p> <p>STECF plenary: notes that evidence of fishing effort in IVb was provided for the French fleet in 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.</p> <p>STECF notes no fleet information has been provided for other Member States.</p>	<p>EXISTING EXEMPTION, AREA EXPANDED</p>	<p>The Commission can accept the exemption on a 1-year temporary basis, on condition of data being provided for other member states in the entirety of area 4.</p>	<p>This exemption is split into two parts. 1) The existing unlimited exemption for 4c is maintained as such (evaluated by STECF in 2017 for 2018 for area 4c only). 2) For the extension to areas 4a and 4b Scheveningen accepts that it is granted on a temporary basis.</p>	<p>The Commission can accept the revision as part 1 maintains an existing measure and part 2 contains the parts where more data is requested. An end date of 31 December 2019 needs to be written into the JR</p>

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
Fish bycaught in the Northern prawn fishery caught by bottom trawls (OTB) with mesh size of at least 35 mm equipped with a species selective grid with bar-spacing of max 19 mm in area 3a Kattegat/Skagerrak	<p>Existing combined species de minimis but revised by increasing the number of species included under the exemption reflecting species previously not under the landing obligation.</p> <p>The justification is the same as in 2017. Additional catch data has been provided for the species added.</p> <p>The volumes of de minimis are quite low reflecting the relatively low levels of unwanted catches in this fishery.</p>	EXISTING EXEMPTION, SPECIES ADDED	The Commission can accept this exemption	Ok	Ok
Sole (below MCRS) caught by beam trawl, TBB 80-119 mm in area 4 North Sea	No new STECF assessment	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok
Plaice bycatches in the Norway lobster fishery caught by bottom trawl, mesh size 80-99 mm using SepNep in area 4 North Sea	No new STECF assessment	EXISTING EXEMPTION	The Commission can accept this exemption	Ok	Ok

TECHNICAL MEASURES

Technical Measures requested by the MSs' groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen response to Commission position	Commission response to revised Joint Recommendation
<p>Reduction of MCRS for Norway lobster in 3a to</p> <p>(a) total length of 105 mm; (b) tail length of 59 mm;</p> <p>(c) carapace length of 32 mm.</p>	<p><u>No new STECF assessment</u></p>	<p>EXISTING TECHNICAL MEASURE</p>	<p>The Commission rejects this measure, as the delegated act implementing the JR needs to be based on the North Sea MAP. The North Sea MAP does not foresee derogations to existing MCRS. Such derogation will in the future be possible once the new technical measures regulation comes into force.</p>	<p>Scheveningen notes that the Delegated Act implementing this joint recommendation will be based on the North Sea multiannual plan and that this plan does not foresee derogations of existing MCRS. As such derogations will be in the future be possible once the new technical measures regulation comes into force, the Scheveningen group recommends that the Commission takes the necessary legal steps to allow a MCRS for Nephrops of 105mm as soon as the technical measures regulation enters into force.</p>	<p>The Commission will seek a legal solution, if the Technical Measures proposal is not adopted ahead of 2019.</p>
<p>Specific technical measures for Skagerrak</p>	<p><u>No new STECF assessment</u></p>	<p>EXISTING TECHNICAL MEASURE</p>	<p>The Commission accepts these measures</p>	<p>Ok</p>	<p>OK</p>
<p>Use of SepNep in fisheries for Norway lobster</p>	<p><u>No new STECF assessment</u></p>	<p>EXISTING TECHNICAL MEASURE</p>	<p>The Commission accepts this measure</p>	<p>Ok</p>	<p>OK</p>