



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 /Ares(2018)

Chair North Western Waters MS
 Group

Subject: Updated joint recommendations for a demersal discard plan for the Northwestern Waters

Dear Chair,

I would like to thank you and the members of your regional group for replying to my letter from the 16 August 2018. We appreciate the constructive cooperation and the great efforts made by all relevant national administrations under your coordination to try to speed up the finalisation of the discard plans.

Whilst we appreciate the work done so far by the regional groups, we remain convinced that some of the new exemptions that have now been proposed in response to our previous communication deserve being subject to STEFC's scrutiny. We refer in particular to the "single stock *de minimis*" exemptions that have been proposed in place of the "combined *de minimis*" exemptions. Whilst several of these new exemptions requests have been accompanied by additional information, there will not be sufficient time for them to be analysed by the STECF ahead of the Expert Working Group in September. We understand that this situation and in particular the risk of not finalising this work before 1 January 2019 might create serious difficulties in the final efforts to implement the landing obligation.

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 table¹, with a view to accept a **provisional application of a 1-year exemption** for these stocks (previously combined *de minimis* requests). However, the Member States are invited to submit to the Commission by 30 May 2019 all additional relevant data and information to justify these exemptions under art.15 paragraph 5(c) of the CFP Regulation – e.g. to prove that improvements in selectivity are difficult to achieve or disproportionate costs of handling unwanted catches for specific fishing gears. This information should also cover concrete steps taken and progress achieved in terms of improving selectivity. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by 1 September 2019. In the event that such an evaluation concludes that the additional information does not provide

¹ Changes as compared to previous version are in grey highlighting.

sufficient justification then this de minimis exemption will cease to apply as of January 1 2020.

With regard to your additional point on plaice, considering the scientific information we currently have at our disposal regarding the high variability in survival rates, we maintain our position that the Joint Recommendation needs to define the end of the exemption as 31 December 2019. An extension will be subject to receiving further information from the Group to be reviewed by STECF. In the meantime, we strongly encourage further efforts to improve selectivity and survivability and address the high variability in survival rates.

As time is now of the essence, please could you confirm in writing no later than **30 August** that you accept the proposed changes from the attached table. This will then allow the Commission to finalise the first wave of delegated acts, ensuring drafts are sent on time for scrutiny by the Expert Group in September.

Our common goal remains to have discard plans in place for 1 January 2019, once the inter-institutional process is finalised. Should you have any further questions, please could you kindly contact my colleagues [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], [REDACTED], and [REDACTED].

Yours sincerely,

Hélène CLARK

Enclosure: Annex: Annex Responses and COM position to JRs 27 August 2018

CC:

Government	Percentage
Current government	75%
Previous government	25%

RESPONSES AND COM POSITION TO JRs 27 AUGUST 2018

ASSESSMENT OF 2018 JOINT RECOMMENDATION BY THE NWW GROUP

HIGH SURVIVABILITY REQUESTS

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
Common sole (undersized only) caught with trawl gears in area VIId	<p>EWG 18-06 notes that new information in relation to nursery areas (as requested in the 2018 discard plan COM 2018/46) was not provided in the JR. Suggested additional data to be requested:</p> <p>Location of sole nursery grounds.</p> <p>PLEN: No new information was supplied to the STECF Plenary on the location of nursery grounds in VIId. Additional comments were, however, provided by the UK outlining the difficulties of identifying nursery ground areas.</p> <p>STECF notes, however, that a late submission was made by France after the Plenary. This consisted of the coordinates of 5 small areas located along the French coast in VIId (no</p>	<p>EXISTING EXEMPTION</p> <p>Survival rate 80-89%</p> <p>(STECF 17-08)</p>	The Commission can accept this exemption on a temporary basis (for 3 years) on conditions and under the understanding that the exemption continues to apply to the same fleet segment as identified in the current delegated act. MS need to demonstrate relevance of nursery grounds in 2019. The UK still needs to provide information on English coastal areas.	Remains unchanged as compared to the original submission	Ok

² This column reflects DG MARE's position at this stage, without prejudice to the final position of the Commission following internal consultations.

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	charts were provided). There was no accompanying text to explain whether the positions represent updates of existing information, or to indicate the source of the material, or the significance of those areas to the sole population in VIId. No information was available for the English coastal areas and therefore STECF was unable to further evaluate the relevance of the nursery grounds in the context of this existing exemption				
<i>Nephrops</i> in the TRI fisheries in Area VII and in the TR2 fisheries in Area VII in combination with highly selective gears	<p>EWG 18-06 considers that the supporting scientific work involving a 300 mm square mesh panel (SELTRA) trawl is robust and the results (64%) are in line with previous discard survival estimates for highly selective <i>Nephrops</i> trawls from North Sea and Skagerrak.</p> <p>EWG 18-06 notes that the scope of the proposed exemption in terms of areas, seasons and variability of fisheries and gears is broader than in other existing exemptions based on <i>Nephrops</i> survival. Furthermore, the other gear options proposed as eligible for the exemption (TR1 and a variety of TR2 trawls) have different selection properties compared with the SELTRA trawl. Since catch volume, catch composition and fleet characteristics are important in</p>	<p>NEW EXEMPTION</p> <p>Survival rate 64 %</p>	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p><i>Nephrops</i> discard survivability, EWG 18-06 suggests that the estimate in the current study (64%) may not be representative of all the proposed gear options in area VII. EWG 18-06 also notes that the proposed derogation is linked to suggested changes in technical measures.</p> <p>EWG 18-06 further notes that the supporting fisheries documentation for countries other than Ireland is insufficient to assess the overall magnitude and effect of this exemption. Suggested additional data to be requested:</p> <p>a) Data on the fishery (from countries other than Ireland), including catch and discard quantities.</p> <p>Plenary: Additional quantitative fishery information was received by PLEN 18-02 from France and the UK providing a good indication of the scale of the fishery affected by this exemption.</p> <p>STECF agrees with EWG18-06 that the SELTRA trawl estimate of 64% survival is supported by a robust study. STECF notes, however, that the uncertainty surrounding survival rates in the various other gears and fisheries potentially covered by this exemption makes it difficult to assess</p>				

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>the overall effect on the extensive Nephrops fisheries in VII.</p> <p>STECF notes that assuming the 64% survival rate applies to all gears, then at a discard rate of around 15% (provided in the JR documentation), this implies that only about 5% of the overall catch of the gears affected by this exemption is discarded <u>and</u> dies (Fig 4.3.1).</p>				
<p><i>Nephrops</i> caught by 80-110mm otter trawl gears in ICES subarea VIa, within 12 miles of coasts</p>	<p>EWG 18-06 notes that the supporting scientific report presents new estimates of <i>Nephrops</i> discard survival rate and also discusses the wider application of this new survival estimate in Northwest waters and North Sea waters more generally. The reported annual mean survival rate for <i>Nephrops</i> in TR1 and TR2 based on the new summer and winter trials on one vessel was 53% (46% in summer and 56% in winter).</p> <p>EWG 18-06 judges that the supporting scientific information is based on a robust approach and that the validation technique used in the context of the wider fleets is commendable. Owing to skewed sampling of individuals in the summer experiment, EWG 18-06 considers that the reported survival rate (53%) may be an overestimate.</p> <p>EWG 18-06 notes that, similar to the</p>	<p>NEW EXEMPTION</p> <p>Survival rate 53 %</p>	<p>The Commission can accept this exemption</p>	<p>Ok</p>	<p>Ok</p>

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>area VII proposal, the scope of the proposed exemption is broader than other existing <i>Nephrops</i> exemptions based on survival. Furthermore, the proposal is also very similar to, and based on much the same supporting information, as the proposal for exemption of <i>Nephrops</i> in North Sea trawls.</p> <p>Given that almost all the catches are made by Scotland, the available fishery data (for Scotland only) is adequate to assess the scale of any potential impact. EWG 18-06 also notes that the discard rate is relatively low (7%) in the area meaning that the risk of unaccounted mortality due to a survival exemption is probably limited.</p> <p>Plenary STECF agrees with the EWG 18-06 observations and concludes that the survivability study is robust and indicates a survival rate of 53%. Combined with the discard rate of 7% (indicated in the accompanying fishery data), this implies that about 2% of the overall catch of the gears affected by this exemption is discarded <u>and</u> dies (Fig 4.3.1).</p>				
Skates and ray species caught by any gear in the North Western	EWG 18-06 This request is identical to one submitted by the Scheveningen group for the North Sea. A comprehensive	NEW EXEMPTION Survival rate 34-95%	The Commission can partially accept this exemption on a temporary (3 year) basis on	Ok, but 1 year for cuckoo ray	The Commission can accept the revision For cuckoo ray in order to collect

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
<p>Waters (areas VI and VII)</p>	<p>analysis/synthesis of the existing estimates of discard and survival rates of skate and rays, based on existing literature and studies has been provided.</p> <p>EWG 18-06 notes that discard rates and survivability estimates depend greatly on the species, area and métier considered. Although an average value (45%) of discard rate over 2014-2016 for skates and ray species combined is presented, estimates can vary greatly between species and within species. Similar to this, the survival rates can greatly vary between species and fisheries.</p> <p>Health vitality data on discarded skates and rays show less variability, with most (>95%) rays in longline, otter trawl and netting fisheries being alive and in good or moderate condition at the point of release</p> <p>EWG 18-06 notes that the current data outlined in support of the requested exemption is very limited because the high variability in survivability estimates and the existent data gaps. EWG 18-06 acknowledges that 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>(from MS data)</p>	<p>the conditions that:</p> <p>a) a roadmap be developed by MS concerned, following the example of the Scheveningen group, and 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>c) MS improve survivability studies to fill in data gaps as identified by EWG 18-06</p> <p>d) Exclude Cuckoo ray due to low survivability (34%)</p>		<p>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 assessed by STECF based on the annual report of 1May which should specifically address Cuckoo ray survivability</p>

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>EWG 18-06 notes there is a necessity to have catch and discard data by species. Given the patchy nature of the data, EWG 18-06 is concerned about the current wide scope of the request.</p> <p>EWG 18-06 notes that in the case of the North Sea request, the North Sea Member States aim to promote good practice as well as implement avoidance and selectivity measures to minimise the chance of skate and ray species being caught. EWG 18-06 however cannot evaluate which of these measures will be implemented by each fishery. EWG-06 also suggest a cautious approach in relation to the duration of any exemption, if the recommendation is awarded, a shorter period would allow for the exemption to be revisited quickly in the light of emerging new data.</p> <p>Suggested additional data to be requested:</p> <p>Any additional data on landings and discards</p> <p>Plenary: STECF acknowledges that a significant amount of information has been presented to support this proposed exemption. However, given</p>				

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	the acknowledged data gaps, STECF re-iterates the concerns raised by EWG 18-06 regarding the scope of the proposed exemption. STECF notes that the raw data underpinning the information already provided in the JR was received by PLEN 18-02 has been supplied to STECF, although this is of limited additional value other than confirming the basis for the proposed exemption.				
Plaice caught by trammel nets in ICES divisions VIIId and VIIe	<p>EWG 18-06 The supplementary material to the JR provided as scientific evidence of the high survivability of plaice is too limited to be reviewed. Experimental details about a large extent of the study are missing (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>Fleet and fishery descriptions are only provided for the United Kingdom, EWG 18-06 notes that without provision of more complete information it is not possible to assess the merits of this proposed high survivability exemption.</p>	<p>NEW EXEMPTION</p> <p>Survival rate 73%</p>	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>Suggested additional data to be requested:</p> <p>a) Fleet and fishery descriptions for countries other than UK.</p> <p>b) Scientific evidence of the survivability of discarded plaice, including experimental details (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>Plenary Additional material was supplied to PLEN 18-02. A comprehensive and detailed paper provides scientific information indicating a plaice survival rate of 73% in the trammel net fishery in VIIId and VIIe. Fishery information was provided by UK and France.</p> <p>STECF concludes that the survivability study is robust and indicates a survival rate of 73%. Combined with the discard rate of 32% indicated in the accompanying document, this implies that about 9% of the overall catch of the gears affected by this exemption is discarded and dies (Fig 4.3.1).</p>				
Plaice caught by trammel nets in ICES divisions	EWG 18-06: The supplementary material to the JR provided as scientific evidence of the high survivability of plaice is too limited to	NEW EXEMPTION Survival rate 49%	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
VIIIf and VIIIg	<p>be reviewed. Experimental details about a large extent of the study are missing (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>EWG 18-06 notes that without provision of more complete information it is not possible to assess the merits of this proposed high survivability exemption. Suggested additional data to be requested:</p> <p>a) Fleet and fishery descriptions for countries other than UK.</p> <p>b) Scientific evidence of the survivability of discarded plaice, including experimental details (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>Plenary Additional material was supplied to PLEN 18-02. A comprehensive and detailed paper provides scientific information indicating a plaice survival rate of 49% in the trammel net fishery in VIIIf and VIIIg. Fishery information was provided by UK and France supplied a fishery description.</p> <p>STECF concludes that the survivability study is robust and</p>				

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	indicates a survival rate of 49%. STECF notes that the additional information indicated a discard rate in the UK fishery of 73%, with a survival rate of 49% this implies that 37% of the overall catch of the gears affected by this exemption is discarded <u>and</u> dies (Fig 4.3.1).				
Plaice caught by Otter Trawls in ICES divisions VIIId and VIIe	<p>EWG 18-06 The supplementary material to the JR provided as scientific evidence of the high survivability of plaice is too limited to be reviewed. Experimental details about a large extent of the study are missing (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>EWG 18-06 notes that without provision of more complete information it is not possible to assess the merits of this proposed high survivability exemption. Suggested additional data to be requested:</p> <p>a) Fleet and fishery descriptions for countries other than UK.</p> <p>b) Scientific evidence of the survivability of discarded plaice, including experimental details (e.g. analysis, control group, vitality assessment and animal</p>	<p>NEW EXEMPTION</p> <p>Survival rate 64%</p>	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>observations).</p> <p>Plenary Additional material was supplied to PLEN 18-02. A comprehensive and detailed paper provides scientific information from the western channel (VIIe) indicating a plaice survival rate of 64% in the otter trawl fishery. It is assumed this also applies in VIId. Fishery information was provided by UK and France supplied a fishery description.</p> <p>STECF concludes that the survivability study is robust and indicates a survival rate of 64%. STECF notes that the additional information indicated a discard rate in the UK fishery of 32%, with a survival rate of 64% this implies that around 11% of the overall catch of the gears affected by this exemption is discarded <u>and</u> dies (Fig 4.3.1).</p>				
Plaice caught by otter trawl gears in ICES subarea VIIIf and VIIg	<p>EWG 18-06 The supplementary material to the JR provided as scientific evidence of the high survivability of plaice is too limited to be reviewed. Experimental details about a large extent of the study are missing (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>EWG 18-06 notes that without provision of more complete information it is not possible to</p>	<p>NEW EXEMPTION</p> <p>Survival rate 78%</p>	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>assess the merits of this proposed high survivability exemption. Suggested additional data to be requested:</p> <p>a) Fleet and fishery descriptions for countries other than UK.</p> <p>b) Scientific evidence of the survivability of discarded plaice, including experimental details (e.g. analysis, control group, vitality assessment and animal observations).</p> <p>Plenary Additional material was supplied to PLEN 18-02. A comprehensive and detailed paper provides scientific information from the Bristol channel (VIIf and VIIg) indicating a plaice survival rate of 78% in the otter net fishery. Fishery information was provided by UK and France supplied a very brief fishery description.</p> <p>STECF concludes that the survivability study is robust and indicates a survival rate of 78%. STECF notes that the additional information indicated a discard rate in the UK fishery of 73%, with a survival rate of 78% this implies that around 16% of the overall catch of the gears affected by this exemption</p>				

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	is discarded <u>and</u> dies (Fig 4.3.1).				
Plaice caught with beam trawls in ICES subareas VIIa to VIIf	<p>EWG 18-06 The documentation provided shows that survivability is highly variable (4-93%) and significantly related to trawl duration, sorting duration, wave height, sea temperature, sediment catch and total catch. The scientific underpinning of these conclusions is considered to be robust and gives an indication on which factors could potentially improve survivability for plaice in this fishery. Proposed gear modifications will likely increase plaice survivability but the extent of these improvements is unknown and should be studied.</p> <p>Fleet and fishery descriptions are provided for Ireland, but the source related to numbers supplied is unknown. There are other countries associated with the proposed exemption that have not been described. EWG 18-06 notes that without provision of more complete information it is not possible to assess the merits of this proposed high survivability exemption. Suggested additional data to be requested:</p> <p>a) Missing fleet and fishery</p>	<p>NEW EXEMPTION</p> <p>Survival rate 4-93%</p> <p>Exemption covers several different stocks of plaice, ranging from MSY +20% in 7fg to zero TAC in 7hjk</p>	The Commission can partially accept this exemption on a temporary (1 year) basis	Unchanged, kept the word temporary without mentioning an end date.	<p>The Commission maintains its position</p> <p>The Joint Recommendation needs to define the end of the exemption as 31 December 2019</p> <p>An extension will be subject to receiving further information from the Group to be reviewed by STECF:</p> <p>Further efforts to improve selectivity and survivability and address the high variability in survival rates.</p>

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>descriptions.</p> <p>Plenary Additional fishery information was provided to PLEN 18-02 by France and UK but not from Belgium, a key participant in this fishery.</p> <p>STECF agrees with the EWG 18-06 that the scientific study of survivability in a traditional beam trawl is of good quality. STECF notes that survivability in this case is affected by many factors and that survivability is highly variable (4-93%). STECF further notes that as a consequence of this variability it is not possible to reliably assess what the impact of this exemption is likely to be.</p> <p>STECF notes that discard rates provided by the Regional Group are at least 40%. Based on the range of estimates for survivability a 40% discard rate would imply that anywhere between 3% and 38% of the overall plaice catch of the gears affected by this exemption would be discarded <u>and</u> die (Fig 4.3.1). STECF suggests that gear modifications to improve survivability or, better still, selectivity should be further developed and adopted.</p>				

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
Fish caught in pots, traps and creels in North Western Waters	<p>EWG 18-06 The supporting information provided is essentially identical to the information behind an existing exemption in the North Sea that was evaluated by EWG 17-03.</p> <p>The exemption assumes that all fish released from pots and creels have the same survival chances as cod released from pots used to target fish. There is no direct evidence to support this, but it is reasonable to infer that, at the point of release, and assuming environmental and technical operations are comparable, the likelihood of survival is high. The risk of substantial predation by seabirds of discarded fish needs to be considered in such an exemption (as in the North Sea discard plan).</p> <p>Fleet and fishery descriptions are detailed for Scotland, but there are other countries associated with the proposed exemption that was not submitted. Suggested additional data to be requested:</p> <p>a) Missing fleet and fishery descriptions.</p> <p>Plenary Additional fishery information was provided to PLEN 18-02 for UK and Ireland. STECF notes that some of the figures provided are difficult to interpret and, depending on MS, relate to different</p>	NEW EXEMPTION	The Commission can accept this exemption	Ok	Ok

Exemption requested by the NWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>things.</p> <p>STECF agrees with the EWG that survival of fish discarded from trap and pot fishing is likely to be substantial. STECF notes that since there is a risk of avian predation, mitigation measures (such as sub-surface release) could reduce the impact on survivability.</p>				

DE MINIMIS REQUESTS

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
Whiting caught with bottom trawls and seines >80mm and pelagic trawls and beam trawls (80-119mm) to catch whiting in the Eastern Channel (VIId)	<p>EWG Existing provision but with a request to also include beam trawls (BT2).</p> <p>No supporting information has been provided to substantiate this extended request. Suggested additional data to be requested:</p> <p>a) Data on the fishery, including catch and discard quantities.</p> <p>Plenary Additional fishery information provided to PLEN 18-02 by France, Netherlands and UK. Data for UK is not clearly explained but the quantities appear to be small. Information indicates that most catches are made by French trawlers and that the BT2 gear does not appear to add significant quantities. STECF concludes that the addition of BT2 does not materially alter the original justification and evidence for this exemption.</p>	EXISTING EXEMPTION, MODIFIED TO INCLUDE BT2	The Commission can accept this exemption.	Ok	Ok
Combined <i>de minimis</i> for Gadoids (cod, haddock, whiting) caught using bottom trawls,	EWG This request involves the use of 'safeguards' and the approach was evaluated by STECF Plenary 2018-01. EWG 18-06 note that studies on selectivity have been provided only for the Irish fleets	NEW EXEMPTION Combined <i>de minimis</i>	The Commission rejects this exemption given the lack of scientific justification for the exemption and the risks associated with this high	Single stock <i>de minimis</i> for Cod 80mm+ 7b-c 7e-k 7% 2019 2020 then 6% in 2021	The Commission accepts a 1 year provisional exemption for these singles stocks. The Member States are invited to submit to the

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
seines and beam trawls of greater than or equal to 80mm mesh size in the Celtic Sea and the Channel (ICES VIIb-c, e-k)	<p>with general information from France. Fishery information on all fleets is required (not just French and Irish) and STECF further notes that there are some inconsistencies in the data provided. EWG 18-06 notes that since the requested 5% de minimis provides only a partial solution (discard rates are 27% for TR1 and 53% for TR2), improvements in selectivity are required.</p> <p>Due to several remaining questions, lack of key data, incomplete selectivity data and general shortage of material justifying disproportionate costs, EWG 18-06 is unable to fully assess the merits of this case. Suggested additional data to be requested:</p> <p>a) Data on the fishery, including catch and discard quantities (other than for France and Ireland).</p> <p>b) Clarification on landings and discard data provided. Estimated landings and the estimated discards for gadoids report the same value, and this is not consistent with the reported discard rate.</p>		volume combined de minimis request and because selectivity can be improved.	<p>and Single stock de minimis for Haddock 80mm+ 7b-c 7e-k 7% 2019 2020 then 6% in 2021</p> <p>re-instate existing Whiting 7b-c 7e-k de minimis</p>	<p>Commission by 30 May 2019 all additional relevant data and information to justify these exemptions under art. 15 paragraph 5(c) of the CFP Regulation – e.g. to prove that improvements in selectivity are difficult to achieve or disproportionate costs of handling unwanted catches for specific fishing gears. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by 1 September 2019. In the event that such an evaluation considers that the additional information does not provide sufficient justification then this de minimis exemption will cease to apply as of January 1 2020. The Commission accepts the revision for Whiting 7b-c 7e-k as it is an existing exemption.</p>

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
	<p>Plenary Additional fishery information provided to PLEN 18-02 by NL and UK. Inconsistencies were sorted out. Fishery data provided by Spain related to an exemption that was not requested in the JR. The combination of species were different to the original proposal contained in the JR.</p> <p>STECF notes that while there is partial information on selectivity this is limited to one fleet and there is little information to justify an argument on the basis of disproportionate cost. STECF concludes that in the absence of supporting information, 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.</p> <p>The basis of the safeguard component of this request was considered by STECF Plenary 2018-01. STECF reiterates its conclusion that to be in line with CFP objectives, the maximum possible amount of de minimis (i.e. the maximum amount including safeguard) for each species that could potentially be discarded,</p>				

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
	must be deducted from the respective TACs.				
Undersized whiting in the TR2 Nephrops trawl fishery in ICES division VIIa	<p>EWG EWG 18-06 notes that 99% of the whiting catch (558t UK and 535t IE) is discarded because it is below the MCRS, and that a <i>de minimis</i> of 5% would produce a volume of 28t UK and 27t IE. The <i>de minimis</i> level provides only a partial solution to reducing discards, indicating that significant selectivity improvements are still required.</p> <p>Plenary STECF agrees with the EWG comments. STECF notes that in order to reduce discards there will need to be a focus on improvements in selectivity and/or the development of other measures to avoid <MCRS fish.</p>	NEW EXEMPTION	The Commission rejects this exemption, on the basis of very large discard volumes. STECF assessment is that selectivity needs to be improved	Not in the revised Joint Recommendation (Group has deleted), but request further explanation from STECF / COM on selectivity	The Commission can accept the revision
Undersized by-catches of haddock in the TR1 demersal trawl fisheries in ICES area VIIa	<p>Conclusion:</p> <p>EWG The discards of haddock under MCRS amount to 3.3 tonnes in UK, and 34 tonnes in Ireland. The <i>de minimis</i> volume requested for Ireland is 3 tonnes, which is a small proportion of expected discarding. EWG 18-06 notes that there are several relevant</p>	NEW EXEMPTION	The Commission rejects this exemption, on the basis of STECF analysis that selectivity can be improved, that the justification for the exemption is weak and that selectivity needs to be improved.	Not in the revised Joint Recommendation (Group has deleted), but request further explanation from STECF / COM on selectivity	The Commission can accept the revision

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
	<p>selectivity studies providing increased selectivity which will remove most of the undersized catch.</p> <p>EWG 18-06 notes that the argument that handling costs have a disproportionate negative economic impact, is ambiguous for the UK fleet, since 70% of the small quantity of haddock discards are >MCRS and may be sold. Recent observer data suggest a discard rate of only 0.6% which would render the <i>de minimis</i> request excessive.</p> <p>EWG 18-06 concludes that there are selective gears which could reduce discards.</p> <p>Plenary STECF agrees with the EWG comments. STECF further concludes that the justification for this exemption is weak and that uptake of selective gears should be a matter of priority.</p>				
By-catches of pelagic species (mackerel, horse mackerel, herring, boarfish, greater silver	EWG Information (on selectivity and disproportionate costs) to support the justification for this combined <i>de minimis</i> was not provided.	NEW EXEMPTION Combined de minimis	The Commission rejects this exemption. as supporting data and justifications are absent as identified by STECF. Selectivity can be	Single stock de minimis, bottom trawls, seines beam trawls : Horse mackerel	The Commission accepts a 1 year provisional exemption for these single stocks. The Member States are invited to submit to the Commission

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
smelt) caught by vessels using bottom trawls and seines, and beam trawls in ICES subarea VI and VIIb-k	<p>TR2 pelagic discards (STECF data for all countries- 2016) amount to about 6% of discards but no comparable information was presented on beam trawl and seine fisheries included in this exemption.</p> <p>EWG 18-06 notes that the supporting information proposes a safeguards approach (25%) based on a French discard profile indicating that safeguards should be revised over time. Profiles are required for other countries. STECF (PLEN 18-01) provided advice on a similar combined <i>de minimis</i> request (see above) incorporating safeguards and raised several concerns.</p> <p>Due to lack of information, EWG 18-06 is unable to assess whether selectivity is difficult to improve in this fishery or whether costs of handling unwanted catches are disproportionate. Suggested additional data to be requested:</p> <p>a) Fishery information for beam trawl and seine net fisheries.</p> <p>b) Information related to safeguards countries other than</p>		improved.	<p>area 6 and 7b-k @ 7% 2019 and 2020 then 6% 2021</p> <p>mackerel area 6 and 7b-k @ 7% 2019 and 2020 then 6% 2021</p>	<p>by 30 May 2019 all additional relevant data and information to justify these exemptions under art. 15 paragraph 5(c) of the CFP Regulation – e.g. to prove that improvements in selectivity are difficult to achieve or disproportionate costs of handling unwanted catches for specific fishing gears. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by 1 September 2019. In the event that such an evaluation considers that the additional information does not provide sufficient justification then this <i>de minimis</i> exemption will cease to apply as of January 1 2020.</p>

Exemption requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
	<p>France, including discard profiles</p> <p><u>Plenary</u> Additional fishery information was provided to PLEN 18-02 for several countries.</p> <p>STECF notes that supporting studies were not provided and so STECF is unable to assess whether this indicates 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 some of the small mesh fisheries covered by this <i>de minimis</i> 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>				

TECHNICAL MEASURES

Technical Measures requested by the NWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	NWW response to Commission position	Commission response to revised Joint Recommendation
Range of selective measures for the demersal fisheries in the Celtic Sea and Irish Sea	<p>EWG: The NWW JR contains a series of proposals for the use of selective gears. While the majority of these represent improvements in selectivity, there is one case where the proposal is likely to reduce selectivity. This case is the proposed derogation for vessels with <10% gadoids to use and 80mm cod end + 100mm SMP in a part of area VIIIf, which represents a reduction in selectivity from the current Regulations in place. Other gear options for vessels with >55% whiting or anglerfish, hake and megrim combined are not likely to increase selectivity from the current minimum requirements. Notwithstanding this, the proposed changes to increase selectivity in North Western Waters is one of very few attempts from regional groups to mitigate issues with unwanted catches in relation to the phasing-in of the Landing Obligation.</p> <p>Plenary STECF agree with the conclusions of the EWG</p>	<p>NEW TECHNICAL MEASURES</p> <p>All improve on status quo selectivity, except for "derogation for vessels with <10% gadoids to use and 80mm cod end + 100mm SMP in a part of area VIIIf "</p>	<p>The Commission can accept this measure; except the following measure, which according to STECF will reduce selectivity: "derogation for vessels with <10% gadoids to use and 80mm cod end + 100mm SMP in a part of area VIIIf "</p>	<p><i><10% gadoids to use and 80mm cod end + 120mm SMP in a part of area VIIIf</i></p> <p><i>Not removed but increased SMP to 120mm</i></p>	<p>The Commission accepts on the basis that the change to 120mm SMP, reflects the current status quo of selectivity in this fishery, whereas 100mm SMP was identified to be a reduction in selectivity.</p>