



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 of the South Western Waters
 Member States Group

Subject: Updated joint recommendations for a demersal discard plan for the South Western 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

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

that such an evaluation concludes that the additional information does not provide sufficient justification then this de minimis exemption will cease to apply as of January 1 2020.

With regard to your additional request on hake, we would be ready to accept a transitional arrangement, with a final general exemption ending on 31 December 2019. In return, Member States are invited to submit by 30 May 2019 information to justify continuing applying the exemption to vessels using mesh size above 80 mm with a view to have it reviewed by STECF. If this evaluation is positive, the Group may then submit a new Joint Recommendation. As stated above, the information submitted to STECF should also cover further progress in terms of improving selectivity.

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]

Yours sincerely,

Hélène CLARK

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

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[redacted]
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RESPONSES AND COM POSITION TO JRs 27 AUGUST 2018

ASSESSMENT OF 2018 JOINT RECOMMENDATION BY THE SWW GROUPS

HIGH SURVIVABILITY REQUESTS

Exemption requested by the SWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation ²
<p>Skates and Rays caught with all gears in area 8 and 9</p>	<p>EWG 18-06 Extrapolating the outcomes of the DESCAREL study to <i>all</i> skates and rays caught with <i>all</i> gears in subareas <i>VIII and IX</i> (as requested in the JR) is difficult to justify without additional information. A time limited survival exemption from 1 January 2019 until 31 December 2021 is proposed. If the recommendation is awarded, a shorter period may allow the suitability of the exemption to be reviewed more quickly in the light of the latest evidence. Suggested additional data to be requested:</p> <p>a) A detailed description of the fleets and fisheries covered by 'all gears'.</p>	<p>NEW EXEMPTION survival rate (58 – 95.5%) (from limited MS data)</p>	<p>The Commission accepts the exemption partially on a temporary 3 year basis on 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 e.g. gears and fleets not covered by DESCAREL project.</p>	<p>Ok but cuckoo ray for 1 year to provide more data</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 assessed by STECF based on the annual report of 1May which should specifically address cuckoo ray survivability</p>

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 SWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation ²
	<p>b) Numerical table of fishery information.</p> <p>c) Power point presentation (with main points from the DESCARSEL project and next work planned) is used as supporting evidence to justify the exemption but the presentation is not in English.</p> <p>Plenary Additional information was provided to the PLEN 18-02 by France and Spain. <i>Additional information from France:</i> All French trawlers, netters and longliners are relevant to this exemption (over 1000 vessels). The ENSURE project has preliminary results showing a high potential of survivability for skates and rays, sole, plaice and seabass.</p> <p>The following discard data (which does include <i>Raja undulata</i>) was supplied from the based on OBSMER observer program:</p> <ul style="list-style-type: none"> • Trawls: skates and rays represent 13.4% of catches. Discards represents 37.4% of 		<p>d) Exclude cuckoo ray due to no data from 8 and 9. In other basins lowest survivability (34%)</p>		

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	<p>skates and rays catches.</p> <ul style="list-style-type: none"> • Nets: skates and rays represent 1.4% of catches. Discards represent 28% of skates and rays catches. • Hooks and lines: skates and rays represent 0.2% of catches. Discards represent 100% of skates and rays catches. These data are only for <i>Raja microocellata</i>. <p>A table of fishery information including catch weights by species and gear was not supplied.</p> <p><i>Additional information from Spain:</i> fishery information was provided giving 4455 vessels, an overall discard rate of 29% and an estimated discard survival rate of 58% and 95.5%.</p> <p>STECF note that no further details are provided on the discard survival evidence to justify the exemption. STECF observe that the scope of this exemption is wide, covering many species and fisheries, and as such, not consistent</p>				

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	with existing survivability exemptions. STECF recognizes that the effects of different variables on discard survival are not well understood and this introduces risks in extrapolating discard survival evidence between species fisheries and seasons. No further justification for the duration of the exemption is provided,				
Red sea bream caught with "voracera" gear in area 9a ("South of Spain")	Sound exemption. High survival rate (91%)	NEW EXEMPTION Survival rate (91%)	The Commission can accept this request.	Ok	Ok
Red sea bream caught with hooks and lines in area 10	Sound exemption. High survival rate (67-76%). Fisheries data more a less provided (not using STECF template)	NEW EXEMPTION Survival rate: 67-76%	The Commission can accept this request.	Ok	Ok

DE MINIMIS REQUESTS

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
<p>Hake caught with trawls in directed fisheries in 8 and 9</p>	<p>EWG: "Information to support the justification is weak and priority should be given to improving selectivity.</p> <p>Trials seem to confirm that selectivity feasible (DESCARSEL trials). (increase mesh in the codend (T90))</p>	<p>EXISTING TEMPORARY EXEMPTION</p>	<p>The Commission can only partially accept this exemption: It shall only apply to vessels using T90.</p>	<p>Group counter proposal:</p> <p>Exemption for Vessels with mesh size over 80 mm as of 2019</p> <p>For Vessels 70-79mm one year of exemption (2019), then choice of range of selectivity measures (of which T90 is one option) as of 2020</p> <p><i>de minimis</i>: 6% in 2019, 5% 2020 & 2021</p>	<p>The Commission could accept a transitional arrangement, with a final general exemption ending on 31 December 2019.</p> <p>In return, Member States are invited to submit by 30 May 2019 information to justify continuing applying the exemption to vessels using mesh size above 80 mm.</p> <p>If this evaluation is positive, the Group may then submit a new Joint Recommendation.</p>
<p>horse mackerel, mackerel, anchovy and boarfish caught by bottom trawlers</p>	<p>EWG: "STECF consider that while some evidence is presented on difficulties in improving selectivity and difficulties in handling, there is only partial justification for the recommendation and priority should be given to improving selectivity".</p> <p>Regarding the fact that this</p>	<p>NEW EXEMPTION</p> <p>Combined de minimis</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis exemption, which is only partially backed by scientific arguments.</p>	<p>Some evidence was provided, so requesting single stock de minimis for each species. additional annex supplied</p> <p><i>de minimis</i>: 7% in 2019 & 2020, 6% 2021</p>	<p>The Commission accepts a 1 year provisional exemption for these single stocks. 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.</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
	<p>exemption is a combined de minimis exemption STECF write that this is more or less similar to the North Sea combined de minimis, probably because of the limited amount of discards, compared to overall catches of these pelagic stocks.</p> <p>Study shows limitations to increase selectivity for some of the species and detailed costs and challenges associated with handling and landing unwanted catches are provided.</p>			<p>Exemptions vi and viii are the same for anchovy.</p>	<p>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.</p>

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<p>Catches of anglerfish, sole, turbot, red seabream, great forkbeard caught by trawlers in the gulf of cadiz (part of area 9a)</p>	<p>EWG: STECF consider that while some evidence is presented on difficulties in improving selectivity and difficulties in handling, there is only partial justification for the recommendation and priority should be given to improving selectivity.</p> <p>STECF observe that anglerfish is proposed for de minimis exemption for all trawlers in two different requests for the same area (IX, IXa).</p>	<p>NEW EXEMPTION COMBINED DE MINIMIS</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis exemption involving high volumes of fish and that it is only partially backed by scientific arguments.</p>	<p>Removed (Anglerfish covered by area 8 and 9 single stock de minimis for trawlers exemption below)</p>	<p>The Commission accepts a 1 year provisional exemption for these single stocks. 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. The Scientific, Technical and Economic Committee for Fisheries (STECF) shall assess those data and that information by 1 September 2019. In the</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
					<p>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.</p>
<p>Catches of megrim, anglerfish, plaice, whiting and Pollack trawlers in divisions 8 and 9</p>	<p>EWG: STECF consider that while some evidence is presented on difficulties in improving selectivity and difficulties in handling, there is only partial justification for the recommendation and priority should be given to improving selectivity. STECF observe that anglerfish is proposed for de minimis exemption for all trawlers in two different requests for the same area (IX, IXa).</p>	<p>NEW EXEMPTION COMBINED DE MINIMIS</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis exemption involving high volumes of fish and that it is only partially backed by scientific arguments.</p>	<p>Some evidence was provided, so requesting single stock de minimis for each species. additional annex supplied</p> <p>Also newly proposed Hake technical measures would apply</p>	<p>The Commission accepts a 1 year provisional exemption for these single stocks. 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</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
					<p>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.</p>
<p>Catches of megrim, plaice anglerfish, whiting and Pollack caught by gillnetters in divisions 8 and 9</p>	<p>EWG: "STECF ... emphasize that the information to support the justification is weak".</p>	<p>NEW EXEMPTION COMBINED DE MINIMIS</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis exemption involving high volumes of fish and that it is not backed by scientific arguments.</p>	<p>Some evidence was provided, so requesting single stock de minimis for each species. Additional annex supplied</p>	<p>The Commission accepts a 1 year provisional exemption for these single stocks. 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</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
					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.
Catches of horse mackerel, mackerel, anchovy and boarfish , caught by gillnetters in 8,9, 10 and CECAF 34	EWG: STECF ... emphasize that the information to support the justification is weak".	NEW EXEMPTION COMBINED DE MINIMIS	The Commission rejects this exemption, given that it is a combined de minimis exemption involving high volumes of fish and that it is not backed by scientific arguments.	Some evidence was provided, so want single stock de minimis for just 2 species individually: <i>horse mackerel</i> and <i>mackerel</i>. Additional annex supplied	The Commission accepts a 1 year provisional exemption for these single stocks. 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

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
					<p>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.</p>
<p>Catches of horse mackerel, mackerel, anchovy and boarfish, caught by long-liners in 8,9, 10 and CECAF 34</p>	<p>EWG: STECF ... emphasize that the information to support the justification is weak".</p>	<p>NEW EXEMPTION COMBINED DE MINIMIS</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis exemption involving high volumes of fish and that it is not backed by scientific arguments.</p>	<p>Group accepts rejection</p>	<p>The Commission accepts the revision</p>
<p>Catches of all species</p>	<p>EWG: STECF ... emphasize that the information to support</p>	<p>NEW EXEMPTION</p>	<p>The Commission rejects this exemption, given that</p>	<p>Group accepts</p>	<p>The Commission accepts</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	SWW response to Commission position	Commission response to revised Joint Recommendation
regulated with TAC and quota caught by the artisanal fleet, in 8,9, 10 and CECAF 34	the justification has not been provided. STECF observe that this de minimis proposal overlaps with all others presented, and infers that the same species should receive multiple de minimis exemptions based on the same reasoning.	COMBINED DE MINIMIS	it is a combined de minimis exemption involving high volumes of fish and that it is not backed by scientific arguments.	rejection, but: "...nevertheless, the group will continue working to collect information and data on the impact and difficulties to improve selectivity, in order to propose an alternative solution."	the revision
Catches of Alfonsinos , caught with bottom hook and line in area 10	EWG: The evidence presented supports the justification based on difficulties in improving selectivity and of disproportionate costs	NEW EXEMPTION	The Commission can accept this request.	Ok	Ok
Catches of Greater forkbeard , caught with bottom hook and line in area 10	EWG The evidence presented supports the justification based on difficulties in improving selectivity and of disproportionate costs	NEW EXEMPTION	The Commission can accept this request.	Ok	Ok