



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] vr/Ares(2018)

Ms [redacted]
Chair of the South Western Waters
Member States Group
[redacted]

**Subject: Updating the South Western Waters group's joint recommendation
for a demersal discard plan in the light of STECF's advice**

Dear Chair,

I would like to thank you for the joint recommendation submitted by your Member States Group with respect to the adoption of a discard plan for demersal stocks in the South Western Waters. The discard plans will help ensure a proper implementation of the landing obligation and contribute significantly to the overarching goal of the CFP, namely the sustainable exploitation of fish stocks.

In accordance with the rules in force, the Commission asked the STECF to examine the joint recommendations submitted by the Member States. Their report is available on their website <https://stecf.jrc.ec.europa.eu/reports/plenary>¹.

My services have analysed the report and it appears that, while certain requests for exemptions were adequately supported by scientific evidence, certain others were poorly so or not at all. Where STECF considers that appropriate evidence was provided, we can accept to grant the exemption. Where STECF indicates that additional data should be submitted to fully justify the request, we could accept to grant temporary exemptions for three years. In all cases where we grant an exemption we invite the Chair of the Member States group to send an annual report to the Commission on the progress achieved by 1 May of the year thereafter, starting with 1 May 2019. For all cases where we grant an exemption without mentioning a date in the annexed table the exemption is granted for a 3 year period.

However, where STECF reports that the request was not sustained by adequate evidence, we consider the exemption may not be granted. You will find in the annex to this letter our analysis of STECF's advice and our positions as regards the respective requests for exemption.

¹ Reference STECF PLEN 18-02

As a consequence, I would like to ask the South Western Waters Group to reconsider their position and accept removing some of the requested exemptions as indicated in the enclosed table. Should you accept these changes via email by 5 August, we will reflect such changes directly in the Delegated Act under preparation and proceed swiftly with the adoption process. For the sake of completeness, we would also ask you to send us a revised Joint Recommendation by 15 August, which reflects the changes accepted by e-mail.

This will ensure the necessary procedures are completed in time and the discard plan for demersal stocks in the South Western Waters enters into force on 1 January 2019.

I would appreciate very much your cooperation in addressing our comments on your r joint recommendation. Aligning your Member States Group's position with the scientific advice would help avoid the proposal for a discard plan be rejected entirely, because of certain problematic elements. It is in our common interest to ensure that the Delegated Acts approving the discards plans are sufficiently underpinned by scientific advice to guarantee their support by the co-legislators.

Yours sincerely,

Hélène CLARK

Enclosure: Annex

Cc

[Redacted recipient list]

ASSESSMENT OF HIGH SURVIVABILITY REQUESTS

Exemption requested by the SWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION
Skates and Rays caught with all gears in area 8 and 9	<p>EWG 18-06 Extrapolating the outcomes of the DESCARSEL study to <i>all</i> skates and rays caught with <i>all</i> gears in subareas VIII and IX (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>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>	<p>NEW EXEMPTION</p> <p>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.</p>

Exemption requested by the SWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION
	<ul style="list-style-type: none"> • Trawls: skates and rays represent 13.4% of catches. Discards represents 37.4% of skates and rays catches. • 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 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,</p>		<p>gears and fleets not covered by DESCAREL project.</p> <p>d) Exclude Cuckoo ray due to no data from 8 and 9. In other basins lowest survivability (34%)</p>
Red sea bream caught with "voracera" gear in area 9a ("South of	Sound exemption. High survival rate (91%)	NEW EXEMPTION Survival rate (91%)	The Commission can accept this request.

Exemption requested by the SWW group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION
Spain")			
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.

ASSESSMENT OF DE MINIMIS REQUESTS 23 July 2018

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	PROPOSED LTT
<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>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 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>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>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	PROPOSED LTT
Catches of anglerfish, sole, turbot, red seabream, great forkbeard caught by trawlers in the gulf of cadiz (part of area 9a)	<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</p> <p>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>
Catches of megrim, anglerfish, whiting and Pollack caught by trawlers in divisions 8 and 9	<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</p> <p>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>
Catches of megrim, anglerfish, whiting and Pollack caught	<p>EWG: "STECF ... emphasize that the information to support the justification is weak".</p>	<p>NEW EXEMPTION</p>	<p>The Commission rejects this exemption, given that it is a combined de minimis</p>

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	PROPOSED LTT
by gillnetters in divisions 8 and 9		COMBINED DE MINIMIS	exemption involving high volumes of fish and that it is not backed by scientific arguments.
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.
Catches of horse mackerel, mackerel, anchovy and boarfish , caught by long-liners 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.

Exemption requested by the SWW groups	STECF assessment	COMMENT – ADDITIONAL INFORMATION	PROPOSED LTT
Catches of all species regulated with TAC and quota caught by the artisanal fleet, in 8,9, 10 and CECAF 34	EWG: STECF ... emphasize that the information to support 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.	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.
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.
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.