

Annex X

De minimis request for pelagic species under landing obligation for vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subarea 8 and 9.

In the framework of the landing obligation in accordance with article 15 of regulation (EU) N° 1380/2013, a de minimis exemption obligation is requested for pelagic species caught with vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subarea 8 and 9, up to 3% in 2019 after of the total annual catches of pelagic species caught with those gears.

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

Summary

Motive	1
Definition of the species	2
Definition of the management unit	3
Specifying de minimis volume	5
Reference	7
Annexes.....	8

Motive

Gillnet operating in ICES 8 and 9 catch simultaneously a diversity of species during the same fishing operation. Some pelagic species can be spatially and temporally related to those catches. The selectivity in those fisheries is already high; therefore, it is very difficult to improve selectivity without causing significant commercial losses.

This difficulty is even truer regarding the differences of those species morphology. Moreover, even with all scientists’ efforts on developing mixed species models, it is for now unreal to find the appropriate balance between fishing opportunity taking into account technical and biological interactions. That is why, besides the description of choke species issues linked to this activity (mixed fisheries), it is highly necessary to establish suitable solutions.

This specificity of mixed fisheries justifies this exemption request due to this difficulty to improve the selectivity.

Therefore, there are situations where TAC cannot be entirely consumed without overconsuming the TAC of another stock exploited simultaneously.

In addition to those situations of choke species, landing application enforcement may generate disproportionate cost due to hold overloading and increase the sorting time by the crew.

This specificity of mixed fisheries justifies this exemption request due to this difficulty to improve the selectivity. This de minimis request aims at giving some flexibility needed for fishermen, exercising gillnet metier, to implement the landing obligation.

Definition of the species

All pelagic fish under landing obligation are concerned by this exemption. Pelagic fish inhabit the water column (not near the bottom) of coasts, open oceans, and lake (*National Ocean Service*).

Below, the states of the stocks affected by this exemption, according to ICES:

- Mackerel (subareas 1–8 and 14, and in Division 9.a): ICES advises that when the MSY approach is applied, catches in 2018 should be no more than 550 948 tonnes. The spawning-stock biomass (SSB) is estimated to have increased in the late 2000s and has remained above $MSY B_{trigger}$ since 2008. The fishing mortality (F) has declined from high levels in the mid-2000s, but remains above F_{MSY} . Discarding is known to take place, but is only quantified for part of the fisheries; the proportion of the landings covered cannot be calculated. Partial discard estimates are included in the assessment and overall discarding is assumed negligible.

- Horse-mackerel (Subarea 8 and divisions 2.a, 4.a, 5.b, 6.a, 7.a–c, and 7.e–k): ICES advises that when the MSY approach is applied, catches in 2018 should be no more than 117 070 tonnes. The stock and the fishery are very dependent on occasional high recruitments. Recruitment from 2002 onwards has been low; however, recruitment in the last three years is above the geometric mean (1983–2016). In recent years, SSB has been declining and is currently the lowest observed in the time-series, below $MSY B_{trigger}$. Fishing mortality increased from 2007, but dropped in 2015–2016 and is currently below F_{MSY} .

- Horse-mackerel (Division 9.a (Atlantic Iberian waters)): ICES advises that when the MSY approach is applied, catches in 2018 should be no more than 55 555 tonnes. Fishing mortality has been below F_{MSY} over the whole time-series. The spawning-stock biomass (SSB) has been above $MSY B_{trigger}$ over the whole time-series and has slightly increased in recent years. Recruitment (R) in 2011–2015 has been above the time-series average.

- Anchovy (Subarea 8 (Bay of Biscay)): ICES advises that when the management strategy is applied, catches in 2018 should be no more than 33 000 tonnes. The spawning-stock biomass (SSB) has been above B_{lim} since 2010. Recruitment and SSB have been well above the historical average in recent years. The incoming recruitment (age 1) in 2018 is the third

highest in the historical series. Harvest rates since the reopening of the fishery in 2010 have been below average.

- Boarfish (subareas 6–8 (Celtic Seas, English Channel, and Bay of Biscay)): ICES advises that when the precautionary approach is applied, catches should be no more than 21 830 tonnes in each of the years 2018 and 2019. The relative stock biomass was stable until 2009, and then increased in 2010–2012 before declining rapidly in 2013 and 2014. Since 2014, relative biomasses have been stable but lower than previously.

Definition of the management unit

Characteristics of the gillnets, trammel nets and entangling nets fishery and its activity

Portuguese fisheries

Spanish fisheries

Set gillnet targeting demersal species using a mesh size of 60mm (GNS_DEF_60-79)) in north Spanish Iberian waters ('Beta')

Set gillnet targeting hake using a mesh size of 90mm (GNS_DEF_80-99)) in north Spanish Iberian waters ('Volanta')

Belgium fisheries

French fisheries

The SWW Discard Atlas reports that two French fisheries of gillnetters exist in ICES subarea 8:

- Gillnetters smaller than 15 m in the Bay of Biscay. This metier uses gillnets and trammel nets to target a wide diversity of fish, cephalopods and crustaceans in coastal areas in the Bay of Biscay (8a,b). This metier is operated by a large number of small vessels, which deploy a diversity of gears with a wide range of mesh sizes throughout the year. Trip duration is 1 day. The most targeted species is sole (30 to 40% of observed fishing operations).

- Gillnetters larger than 15 m in the Bay of Biscay. This metier uses gillnets and trammel nets to target either sole in coastal areas, or hake farther offshore, in the Bay of Biscay (8a,b). The two most important fleets operating this metier are based in the Loire area (Yeu, Noirmoutier), or in the Southern Basque area (Bayonne). Trips last 1 to 9 days with a 4 days average.

Composition of catches, landings and discards

When they are targeting demersal species, especially hake and sole, gillnetters are catching a group of varied species, which several are under TAC management including pelagic species, such as horse-mackerel, mackerel, boarfish and anchovy. Therefore, those species are potential choke species for those vessels. Based on STECF database (2013-2016) we tried to establish a catch and discard profile.

It is important to notice that data used are not always representative, thus an extreme care on the interpretation and use of the estimates presented below is needed. The nonrepresentativeness of discard data in general and the mixed character of those fisheries makes hard to establish a profile discard and to estimates which quantity of every species could be discarded under the use of a de minimis as presented here. Nevertheless, it gives us a general idea based on the best data available for now (STECF data). It is also important to notice that discards and catches may highly vary from a year to another.

Based on the estimates, catches of mackerel, horse mackerel, boarfish and anchovy represent approximately 11% of overall TAC catches. (Fig 1.).

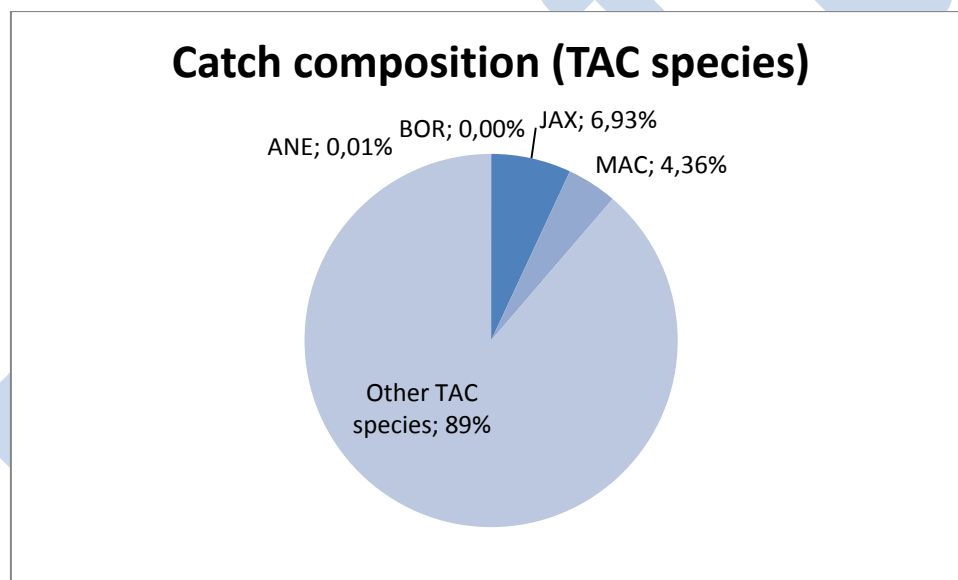


Figure 1: catch composition of TAC species in weight for gillnet in ICES subarea 8 and 9 (STECF data base - average 2013-2016)

Discards represent approximately 12% of the total TAC catches (average 2013-2016) of gillnetters.

The main TAC specie discarded is hake (Fig 2). Discards of mackerel, horse mackerel, boarfish and anchovy represent approximately 40% of overall discards of TAC species.

It has to be said that a part of the species discarded by gillnetters in ICES 8 and 9 are not under catch limit. It is the main reason why pelagic species represent almost 40% of the discard whereas the same species does not represent a heavy weight.

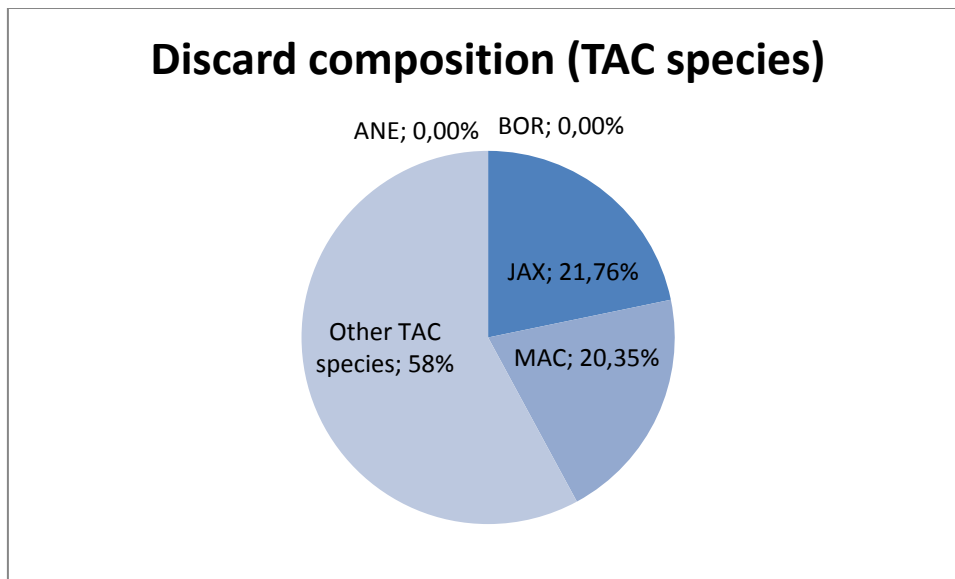


Figure 2: Discard composition of TAC species for gillnetters in ICES 8 and 9 (*STECF data base - average 2013-2016*)

Specifying de minimis volume

Discard volume

Based on STECF data (average 2013-2016, see annexe I), we established a discard profile in order to estimate maximum volumes of species that would be theoretically discarded under a de minimis as presented in this case. All precautions shall be taken in interpreting and using those estimates as discards can vary significantly from a year to another due to the aleatory specificity of fishery activity. Moreover, data used are not always representative. Nevertheless, estimates present hereafter can give a general idea of maximum volume discard estimates.

Those data present an average of catch and discard data for 2013, 2014, 2015 and 2016 (STECF data base).

Based on annex II (*STECF data*), gillnetters in ICES subarea 8 and 9 caught 24 634 tonnes of TAC species (average 2013-2016) of which 2 783 tonnes were mackerel, horse mackerel, boarfish and anchovy catches. Thus, a de minimis of 3% would represent theoretically a maximum volume of discards of 83 tonnes (for all gillnetters in ICES 8 and 9).

- Mackerel: 20% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Horse mackerel: 79% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Boarfish: 0.01% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Anchovy: 0.01% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume

Safeguards

This de minimis would respond partly in how to implement landing obligation in specific fisheries where it is difficult in a 2019 scenario to implement it. Also this de minimis has its limits and its risks. It is true that the combination of several species can represent a high volume of possible discards. Nevertheless, it will never be more than 3% of the catches concerned.

As said before, volume and composition of catches can be unpredictable and vary from a year to another. It is also important to emphasize that, because of the mixed character of the fisheries it is highly unlikely that only one species would be discarded. This is all the point of a combined de minimis: giving some flexibility needed for fisherman to face the variability of by-catch stocks abundance.

Nevertheless, in order to limit the risk of discarding only one species and because discard rate can be significantly different from a species to another it is propose to put in place safeguard.

Here after is a proposition of safeguards that need to be evaluated and discussed:

According to the discard profile of the fishery (see annexe I), a margin on 25% shall apply. This margin would allow the flexibility needed to face the variability of catches and discards. On the overall discard volume permitted by this exemption, only the proportion calculated (+25%) could be discarded on the overall discard. In this case, and taking all precaution in using those data, this would allow fishermen to discard (see annexe II):

- Mackerel: a maximum of 25% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Horse mackerel: a maximum of 99.7% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Boarfish: a maximum of 0.03% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume
- Anchovy: a maximum of 0.03% of the total of mackerel, horse mackerel, boarfish and anchovy discards volume

Those safeguards should be revised if necessary and according to discard profile that can evolve over the years.

Only for informative purpose, theoretical volumes of discards are presented in Annex II.

Reference

Cornou Anne-Sophie, Quinio-Scavinner Marion, Delaunay Damien, Dimeet Joel, Goascoz Nicolas, Dube Benoit, Fauconnet Laurence Rochet Marie-Joelle (2015). Observations à bord des navires de pêche professionnelle. Bilan de l'échantillonnage 2014.

<http://archimer.ifremer.fr/doc/00286/39722/38188.pdf>

Cornou Anne-Sophie, Quinio-Scavinner Marion, Delaunay Damien, Dimeet Joel, Goascoz Nicolas, Dube Benoit, Fauconnet Laurence Rochet Marie-Joelle (2016). Observations à bord des navires de pêche professionnelle. Bilan de l'échantillonnage 2015.

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Cornou Anne-Sophie, Quinio-Scavinner Marion, Delaunay Damien, Dimeet Joel, Goascoz Nicolas, Dube Benoit, Fauconnet Laurence Rochet Marie-Joelle (2017). Observations à bord des navires de pêche professionnelle. Bilan de l'échantillonnage 2016.

<http://archimer.ifremer.fr/doc/00353/46441/46185.pdf>

ICES 2017a. Horse mackerel (*Trachurus trachurus*) in Subarea 8 and divisions 2.a, 4.a, 5.b, 6.a, 7.a–c, and 7.e–k (the Northeast Atlantic)

<http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/hom.27.2a4a5b6a7a-ce-k8.pdf>

ICES 2017b. Mackerel (*Scomber scombrus*) in subareas 1–8 and 14, and in Division 9.a (the Northeast Atlantic and adjacent waters)

<http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/mac.27.nea.pdf>

ICES 2017c. Boarfish (*Capros aper*) in subareas 6–8 (Celtic Seas, English Channel, and Bay of Biscay)

<http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/boc.27.6-8.pdf>

ICES 2017e. Anchovy (*Engraulis encrasicolus*) in Subarea 8 (Bay of Biscay)

<http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/ane.27.8.pdf>

ICES 2017f. Anchovy (*Engraulis encrasicolus*) in Subarea 8 (Bay of Biscay)

<http://ices.dk/sites/pub/Publication%20Reports/Advice/2017/2017/ane.27.8.pdf>

NATIONAL OCEAN SERVICE

<https://oceanservice.noaa.gov/facts/pelagic.html>

Annexes

ANNEX I - Catch, landing and discard of TAC species of the gillnet fisheries in ICES 8 and 9

Source : STECF data

species	2014			2015			2016			Average (2013-2016)					
	landings	discards	catch	landings	discards	catch	landings	discards	catch	landings	discards	catch	discards	catch	
ALF	10		10	37		37	19	5	24	19	5	21	0%	0%	
ANE	0	0	0	0		0	0		0	2	0	2	0%	0%	
ANF	3163	181	3344	2843	133	2976	2766	256	3021	2825	245	3070	8%	12%	
BOR			0			0	0		0			0	0%	0%	
BSF	0	0	0	0		0	0		0	0	0	0	0%	0%	
COD	16	1	17	36	9	45	16	1	17	19	4	22	0%	0%	
DGS	2	0	2	1		1	1	0	1	1	0	1	0%	0%	
HAD	2	0	2	3		3	4	0	4	3	0	3	0%	0%	
HKE	12980	485	13465	13872	1598	15470	13314	419	13733	13197	925	14122	31%	57%	
JAX	896	728	1624	1049	343	1393	903	1233	2136	1058	650	1708	22%	7%	
LEZ	84		84	62	22	83	53	0	53	60	9	67	0%	0%	
LIN	81	17	98	87	346	433	58	8	66	66	95	160	3%	1%	
MAC	588	313	901	783	1217	2000	205	707	912	465	608	1073	20%	4%	
NEP	1		1	1		1	1		1	1		1	0%	0%	
PLE	50	7	56	54	4	57	53	3	56	49	4	53	0%	0%	
POK	3	0	3	3	0	3	5	0	5	3	0	4	0%	0%	
POL	1078	119	1196	919	36	955	822	96	918	871	64	935	2%	4%	
RNG	0		0			0			0	0		0	0%	0%	
SBR	28	25	54	18	0	18	13	0	13	19	6	26	0%	0%	
SOL	2838	47	2885	2792	79	2872	2444	36	2479	2676	49	2725	2%	11%	
SOO			0	1		1			0	1		0	0%	0%	
SRX	0		0			0			0	0		0	0%	0%	
WHB	29	13	42	17		17	42	1	43	28	5	32	0%	0%	
WHG	253	252	505	268	573	841	433	280	713	292	319	611	11%	2%	
TOTAL	22102	2188	24290	22845	4361	27205	21151	3045	24196	21655	2988	24634	100%	100%	

Annex II - Specifying de minimis for 2019 of the gillnet fleet in ICES subarea 8abde

Species subject to the DM	Total catch	Estimated discard share composition on overall catches	Estimated discard share composition (DS)	Maximum volume of discard with a 2% DM (in tonnes)	Maximum volume of discard with a 3% DM (in tonnes)	Applicable rules for DM use	Maximum discard share	Estimate of Maximum volume under a 3% de minimis
Horse mackerel	1707.7	32.0%	80%	44.4	66.6	25% of the estimated discard share	99.7%	83.3
Mackerel	1072.9	8.1%	20%	11.2	16.8		25.2%	21.0
Anchovy	1.9	0.0%	0%	0.0	0.0		0.03%	0.0
Boarfish	0.01	0.0%	0%	0.0	0.0		0.03%	0.0
Total	2782.6	40%	100%	55.7	83.5	compositio		