ANNEX VII Report to support the request for by-catches of the species megrim (Lepidorhombus spp.), anglerfish (Lophiidae), plaice (Pleuronectes platessa), whiting (Merlangius merlangus) and pollack (Pollachius pollachius), a combined de minimis up to a maximum of 4% of the total annual catches of these species made by gillnetters (gear codes: GNS, GND, GNC, GTR, GTN) in divisions VIII and IX.

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 anglerfish, megrim, plaice, whiting and pollack caught with demersal vessels using gillnets (GNS, GND, GNC, GTR, GTN) in ICES subarea 8 and 9, up to 4% in 2019 and after of the total annual catches of those species caught with demersal vessels using 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 this mixed fishery, 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

Gillnet operating in ICES 8 and 9 catch simultaneously a diversity of species during the same fishing operation. They are depending financially on several species (hake, sole, etc.) which can be spatially and temporally related. Thus, 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

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

- White-Anglerfish (in divisions 7.b–k, 8.a–b, and 8.d): ICES advises that when the precautionary approach is applied, landings should be no more than 26 691 tonnes in each of the years 2017 and 2018. ICES cannot quantify the corresponding total catches.
The EVHOE-WIBTS-Q4 biomass index shows high interannual variability with no strong trends, and a decrease in the last two years. The other indices, IGFS-WIBTS-Q4 and the SPPGFS-WIBTS-Q4, show an overall increasing trend during the last five years. The recruitment index varies without clear trends over time.

-Black-bellied anglerfish (in divisions 7.b–k, 8.a–b, and 8.d): ICES advises that when the precautionary approach is applied, landings should be no more than 10 757 tonnes in each of the years 2017 and 2018. ICES cannot quantify the corresponding total catches. The biomass index has been fluctuating without trend over the time-series and with high interannual variability. The recruitment shows an increasing trend over time, although the last year is around the average of the time-series.

- Megrim (in divisions 7.b–k, 8.a–b, and 8.d): ICES advises that when the MSY approach is applied, catches in 2018 should be no more than 15 720 tonnes. If discard rates do not change from the average of the last three years (2014–2016), this implies landings of no more than 12 884 tonnes. The spawning-stock biomass (SSB) has been above MSY $B_{trigger}$ since 2008. The fishing mortality (F) has decreased since 2004, although it is still above FMSY. Recruitment (R) has been relatively stable throughout the time-series.

- Whiting (in subarea 8 and Division 9.a (Bay of Biscay and Atlantic Iberian waters)): ICES advises that when the precautionary approach is applied, wanted catches in each of the years 2018 and 2019 should be no more than 1613 tonnes. ICES cannot quantify the corresponding total catches. Landings have been reasonably stable over the time period. The available information is insufficient to evaluate stock trends and exploitation status.

- Plaice (in Subarea 8 and Division 9.a): ICES advises that when the precautionary approach is applied, wanted catches1 in each of the years 2018 and 2019 should be no more than 194 tonnes. ICES cannot quantify the corresponding total catches. Landings have been relatively stable over the time period. The available information is insufficient to evaluate stock trends and exploitation status.

- Pollack (in Subarea 8 and Division 9.a): ICES advises that when the precautionary approach is applied, commercial catches in each of the years 2018 and 2019 should be no more than 1131 tonnes. All commercial catches are assumed to be landed. ICES cannot quantify the corresponding total catches because the recreational catches cannot be quantified. The commercial landings have been stable for the last 17 years. The information available is insufficient to evaluate stock trends and exploitation status.

Definition of the management unit

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

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.

For the rest of the member states

Table 1.1. Métiers included in the SWW discard atlas and their target stocks.

Métier	Métier code	Target species		
		Hake	*Nephrops*	Sole
Portuguese métiers				
Polyvalent Portuguese fleet	LLS, GNS_>80mm, GTR_>100mm	S	IXa	
Spanish métiers				
Set gillnet targeting demersal species using a mesh size of 60mm in north Spanish Iberian waters ('Beta')	GNS_DEF_60-79_VIIIc_IXa	S		
Set gillnet targeting hake using a mesh size of 90mm in north Spanish Iberian waters ('Volanta')	GNS_DEF_80-99_VIIIc_IXa	S		
French métiers				
Set gillnetters smaller than 15 meters targeting demersal fish and crustaceans in the northern Bay of Biscay	GTR_GNS_DEF_CRU_Inf15m_ VIIIab	N		VIIIab
Set gillnetters larger than 15 meters targeting demersal fish and crustaceans in the northern Bay of Biscay	GTR_GNS_DEF_CRU_Sup15m_ VIIIab	N		VIIIab

Composition of catches, landings and discards

When they are targeting demersal species, especially hake and pollack, gillnetters are catching a group of varied species, which several are under TAC management. 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 for those vessels.

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 nonrepresentativness 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 anglerfish, megrim, plaice, whiting and pollack represent approximately 19% of overall catches of TAC species. (Fig 1).

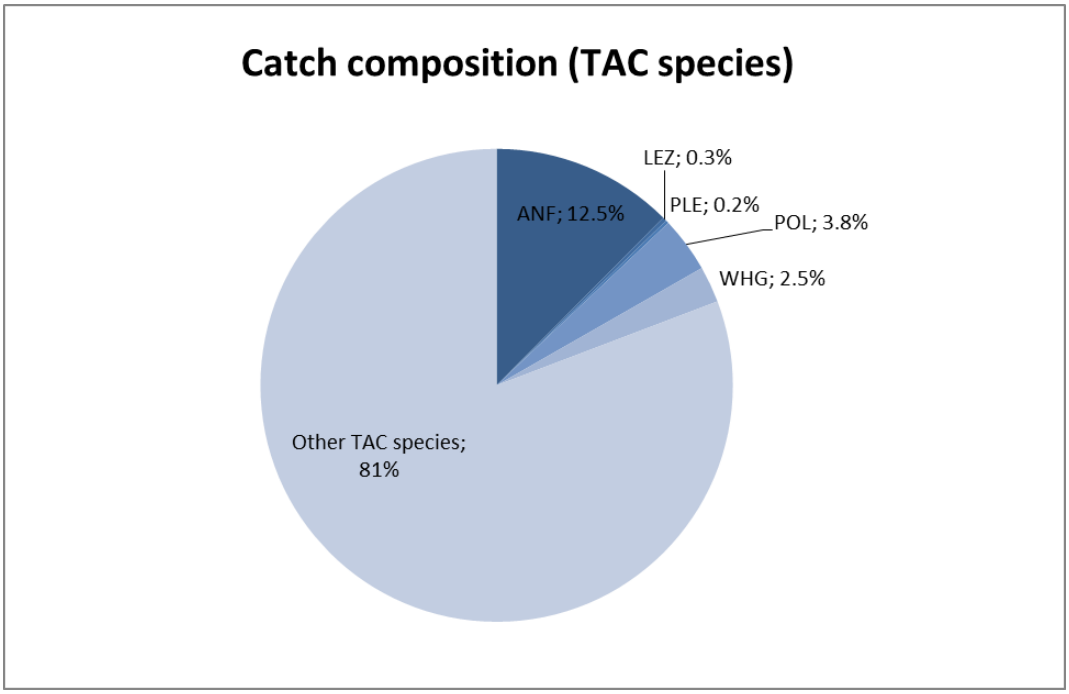

Figure 1: catch composition of TAC species in weight for gillnetters in ICES subarea 8 and 9 (*STECF data base - average 2013-2016*)

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 anglerfish, megrim, plaice, whiting and pollack represent approximately 21% of overall TAC discards.

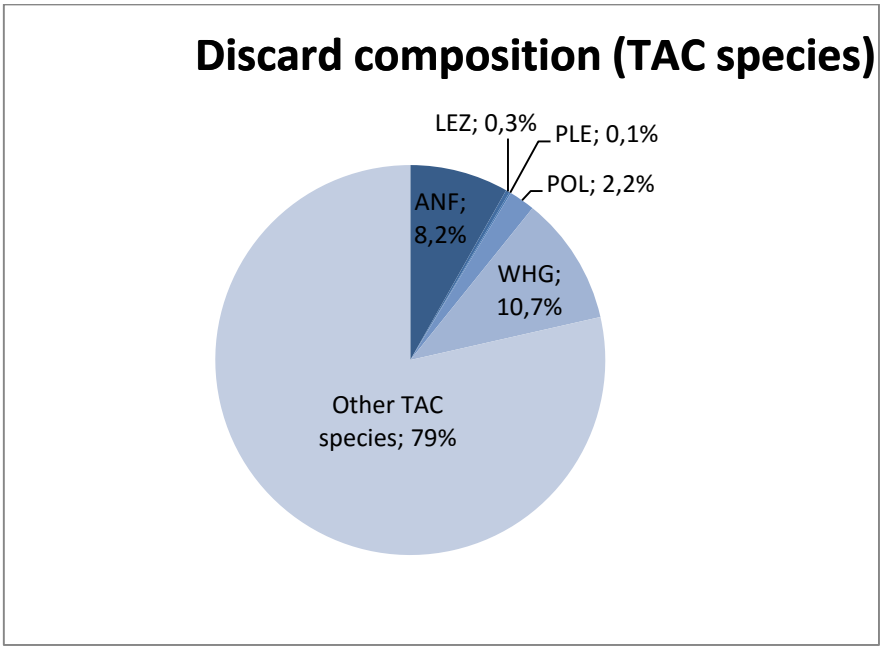

Figure 2 : Discard composition of TAC species for gillnetters in ICES 8 and 9 (*STECF data base - average 2013-2016*)

Specifying de minimis volume

Discard volume

Based on STECF data (average 2013-2016, see annexe II), 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 specify 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 I (*STECF* data) gillnetters in ICES subarea 8 and 9 caught 24 634 tonnes of TAC species (average 2013-2016) of which 4735 tonnes were anglerfish, megrim, plaice, whiting and pollack catches. Thus, a de minimis of 4% would represent theoretically a maximum volume of discards of 190 tonnes (for all european gillnetters in ICES 8 and 9).

- Anglerfish: a maximum of 38% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Megrim: a maximum of 1% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Plaice: a maximum of 1% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Whiting: a maximum of 50% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Pollack: a maximum of 10% of the total of anglerfish, megrim, plaice, whiting and pollack 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 4% 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 II), 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):

- Anglerfish: a maximum of 48% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Megrim: a maximum of 2% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Plaice: a maximum of 1% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Whiting: a maximum of 62% of the total of anglerfish, megrim, plaice, whiting and pollack discards volume

- Pollack: a maximum of 13% of the total of anglerfish, megrim, plaice, whiting and pollack 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.

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Annexes

ANNEX I - Catch, landing and discard of the gillnets fisheries in (ICES 8 and 9)

Source : STECF data

	2014			2015			2016			Average (2013-2016)				
species	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%	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 gillnets fleet in ICES subarea 8 and 9

Annex III - Landing and discard of the gillnets fisheries in (ICES 8 and 9) by country

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)	Maximum volume of discard with a 4% DM (in tonnes)	Applicable rules for DM use	Maximum discard share	Estimate of Maximum volume under a 4% de minimis
ANF	3069.7	8.2%	**38%**	36.1	54.2	72.2	25% of the estimated discard share composition	47.7%	90.3
LEZ	67.0	0.3%	**1%**	1.4	2.1	2.8		1.8%	3.5
PLE	53.1	0.1%	**1%**	0.6	0.9	1.1		0.8%	1.4
POL	935.1	2.2%	**10%**	9.5	14.3	19.0		12.6%	23.8
WHG	610.8	10.7%	**50%**	47.1	70.7	94.2		62.2%	117.8
Total	4735.7	21%	100%	94.7	142.1	189.4			

Data: STECF data base

COUNTRY	YEARS	2014						2015						2016					
		ANF	LEZ	PLE	POL	WHG	TOTAL	ANF	LEZ	PLE	POL	WHG	TOTAL	ANF	LEZ	PLE	POL	WHG	TOTAL
Belgium	Landings																		
	Discards																		
Spain	Landings	1023.42	68.58	1.76	119.28	0.01	1213	955.6	38.49	2.88	93.13	0	1090	980	26.54	2.13	52.1		1061.23
	Discards	16.66		0.09	2.77	0	19.52	32.79	19.34	0.09	1.13	0	53.35	71.9	0.17	0.11	12.59		84.74
Portugal	Landings	183				13	196	156			1	5	162	182			0.59	1.3	183.4
	Discards						0						0	81.6					81.56
France	Landings	1731.1	15.29	47.9	939.26	240.12	2974	1643	23.02	51	787.2	263	2766	1513	26.31	50.39	744.39	431.56	2765.28
	Discards	164.52		6.51	114.1	252.1	537.2	99.16	2.16	3.54	34.6	573	712.9	96.6	0.05	3.15	82.85	280.39	463.01