

## ANNEX I: COMMISSION POSITION: SCHEVENINGEN GROUP JOINT RECOMMENDATION

### ASSESSMENT OF 2019 JOINT RECOMMENDATION BY THE SCHEVENINGEN GROUP

#### *HIGH SURVIVABILITY REQUESTS*

Exemption requested by the Scheveningen group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen Group response to COM position	Commission response to revised Joint Recommendation <sup>1</sup>
Art. 3 Survivability exemptions for <b>Norway lobster</b> , pots and bottom trawls (OTB, TBN) fitted with selectivity improvements, 2, 3a and 4	There was no new evidence provided on discard survival. The JR argues that no additional data was necessary as STECF found that the supporting scientific information was based on a robust approach and the validation technique used in the context of the wider fleet is reasonable. However, this is not considered the case for the East coast <i>Nephrops</i> fishery or the <i>Pandalus</i> fishery, where the	<b>EXPANSION OF EXISTING EXEMPTION</b>  The MS Group includes of OTT gear code  Changes to JR on reporting / STECF review	The Commission <u>cannot accept in current form</u> :  New additional gear and geography added to existing exemption. Whilst part of this exemption is already justified, on East coast <i>Nephrops</i> fishery and <i>Pandalus</i> fisheries, STECF raises concerns so JR to be amended to 1 year (31 December 2020) to allow MS to submit necessary data on East Coast and <i>Pandalus</i>	"As regards the <b>fishery targeting <i>Nephrops</i> in ICES area 4 and the fishery targeting Northern Prawn in ICES area 3a and 4</b> , the Scheveningen Group <b>can accept limiting the exemption to 2020</b> allowing time to submit additional scientific information supporting the exemption."	Ok to grant exemption <b>for 2020</b> . MS to submit additional scientific information by 1 May 2020.

<sup>1</sup> This column reflects DG MARE's position at this stage, without prejudice to the final position of the Commission following internal consultations.

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	fisheries and prevailing environmental conditions are quite different.		fisheries.		
Art. 6 Plaice 3a, 4, a) Gill / Trammel nets, b) Danish Seines and c) bottom trawls d) trawls using SELTRA 3a e) 80-99mm trawls division 4 f) Scottish Seines in 3a and 4	<p><b>On additional gears:</b> The JR indicates that the most influential factor on survival (air exposure through catch processing) is almost similar for Scottish seine and Danish seine.</p> <p>However, the data provided demonstrate substantial differences in the characteristics of these fisheries. These differences are sufficient to indicate the survival from the Danish seine fishery is not representative of the Scottish seine fishery. <u>Directly observed survival rates from the Scottish seine would enable a more robust evaluation of exemption. More details on fishery, including vessel numbers, specific fishing operating methods</u></p>	<p><b>EXPANSION OF EXISTING EXEMPTION</b></p> <p><b>The MS Group removes winter only in C)</b></p> <p><b>Addition of new gears in d), e) and f)</b></p>	<p><b>On additional gears:</b></p> <p>The Commission <u>cannot accept the additional new gears</u>: Scottish Seines (f) on the basis of STECF's assessment that Danish Seines are not representative</p> <p>d) e) are acceptable</p> <p>add summer months, but with condition to submit STECF data by 1 May 2020.</p> <p>The JR to go for 1 year (31 December 2020) pending further data as requested by STECF</p> <p>Condition to be inserted that Plaice must be discard as soon as practically possible (&lt;60 mins to improve survival</p>	<p>MS <b>do not add specific time limit</b> (e.g. &lt;60min), but specify that "<i>similar to the release of unwanted bycatch of prohibited species in the Council Regulation for fishing opportunities, article 14.2, plaice must be released promptly in order to minimize air exposure, which is necessary in order to maintain the survival rates.</i>"</p> <p><b>For summer months: MS ask for exemption for 2020 and 2021</b>, and agree to submit additional STECF data by 1 May 2020</p> <p><b>For SELTRA d): MS ask for exemption for 2020 and 2021</b>, and agree to submit additional STECF data by 1 May 2020, as</p>	<p>The Commission can only accept the exemption to go for 1 year (31 December 2020). MS to submit additional STECF data by 1 May 2020.</p> <p>The Commission can accept wording on time limit</p>

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	<p><u>and catch composition are needed for a full evaluation.</u></p> <p><b>On summer months:</b></p> <p>survival estimate of 44% (summer) and 75% (winter). ...The most important factor influencing plaice survival was air exposure time with a reported drop in survival to 8% after 60 min.</p> <p>...a modelled survival probability was reported of 19-20%. It was not possible to assess the quality of the underpinning studies without the full reports.</p> <p><b>The JR references existing the survival exemptions granted for plaice caught with otter trawl in ICES area 7d, e, f, g, which have been supported with studies positively assessed by STECF...</b></p> <p><i>Provision of the full survival reports would enable an assessment of</i></p>		chances)	<p>requested by the Commission.</p> <p><b>For Scottish seine: MS accept to postpone the request to a future JR</b></p>	

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	<p><i>the quality of the reported estimates. Further information on similarities between the fleets covered by the proposal would inform on the representativeness of the underpinning studies, particularly on sorting time, haul duration, catch composition and targeted species. Also, fishery data are needed for UK in area 4 and DK in 3a.</i></p> <p>STECF agrees with the EWG 19-08 assessment and observe that robust estimates of survival are variable between studies (fisheries) (18-75%), and note that smaller plaice, caught more frequently with smaller codend meshes (e.g. TR2), are indicated to have lower survival levels</p>				
Art. 7 < MCRS Plaice 2a and 4 in BT 2 on the basis of additional technical criteria 7.2.(a)-(c)	The roadmap was evaluated by STECF PLEN 18-03. The annual progress report on the survivability programme was provided. <u>Research</u>	<p><b>EXPANSION OF EXISTING EXEMPTION</b></p> <p><b>The MS Group adds in criteria for exemption</b></p>	The Commission can accept for 2 years, pending further information on beam trawls and annual updates on research progress-	MS want to delete the reference to release "below the sea surface".  "The Member States	The Commission can agree to remove the reference to "below the sea surface", given that this would limit the air exposure in the way the

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	<p><u>committed to observe survival of discarded plaice caught by beam trawlers in a new project in 2019-2021.</u></p> <p>From the information provided no new survival estimates are provided. However, certain initiatives linked to the roadmap have been completed or have been commenced in Belgium and the Netherlands.</p> <p>Since January 1st, 2019, Belgian beam trawlers must use either a flip-up rope or a benthos release panel. These measures are aimed at reducing excessive catches of stones and debris that may contribute to an improved survival of discards. <u>EWG 19-08 notes that new research is planned on the influence on plaice survival of stone and sand intermixture in catches. New analyses of the relationship between immediate plaice mortality and haul duration are being undertaken. Initial</u></p>	from NWW	annual reporting to be assessed by STECF by 01 May 2020.	<p><i>having a direct management interest will report on the progress and results of the use of flip-up rope or Benthos release panel, the implementation of the roadmap for Fully Documented Fisheries and research and studies to improve selectivity and survivability, <b>by 31 May</b> of each calendar year. This will be open to assessment by STECF."</i></p>	<p>species are handled.</p> <p>MS shall report by 01 May of each calendar year.</p>

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	<p><u>indications show that haul duration is a factor that merits further research to enhance survival... the introduction of gear modifications such as flip-up rope or benthos release panels may contribute to improved survival, but the scientific basis currently is hypothetical.</u></p> <p><u>Future research plans within the roadmap presented are detailed and ambitious and address the central uncertainties regarding factors affecting discard survival for plaice. More knowledge of factors that can explain the observed variability in previous survival estimates is necessary.</u></p>				

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<p>Art. 8 <b>Turbot</b> bottom trawls (OTB PTB) and beams trawls (BT 2) in subarea 4</p>	<p>No new survival evidence was presented; previously submitted studies indicated a survival estimate of 30% but only for pulse trawls. New catch, landings and discards data are provided, but only vessel numbers for Belgium. A discard rate of 10% was reported.</p> <p>It is <u>questionable whether previous survival estimates generated from pulse trawling are representative of the exempted fishery, given that numbers of pulse trawlers are set to reduce.</u> They may be replaced by beam trawlers over the next few years. <u>More research is committed by Belgium to directly observe the survival of discarded turbot caught by beam trawlers in the North Sea in a new project in 2019-2021. Outputs from this work are expected to provide more detailed information</u></p>	<p><b>NEW EXEMPTION</b></p>	<p>The Commission <b>cannot accept</b> this request as the survival estimate remains low and it is based on pulse data.</p>	<p>MS requests <b>1 year exemption for 2020</b> on a temporary basis, <i>"in line with the exemption granted for high survivability of plaice in the BT2 fishery and given that the project with the commercial vessels started for the high survivability of plaice in the BT2 fishery also covers research for turbot and noting the further planned studies in 2020"</i></p>	<p>The Commission can <b>accept this exemption for 1 year only</b>– with a reporting obligation on the progress of the ongoing scientific research.</p>

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	<p><u>on the survival rates.</u></p> <p>STECF agrees with the EWG 19-08 and PLEN 18-02. There remain concerns regarding the estimated survival rates due to the considerable variability and how representative they are of the fishery. New estimates from beam trawlers are anticipated, which will provide a better assessment of survival levels.</p>				
<p>Art. 9 <b>Skates and rays</b> for all fishing gears in all areas of NS</p>	<p>No new evidence ON discard survival (except for cuckoo ray, see below) was provided. A comprehensive review of the existing survival rates of skate and rays, based on existing information and survival studies was completed. An average survival estimates of 45% was given.</p> <p><u>Two new studies were</u></p>	<p><b>EXPANSION OF EXISTING EXEMPTION</b></p> <p><b>The MS Group deletes mention of cuckoo ray, thereby including under all skates and rays.</b></p> <p><b>The MS Group removes annual reporting requirement to STECF.</b></p>	<p>The Commission <b>accepts until 2021 (2 years)</b>, with condition on annual reporting to STECF by 01 May each year. MS commence survival studies (not just vitality) on Cuckoo Ray to address STECF concerns on using NWW data for North Sea. Survival studies need until 2021 to produce data.</p>	<p>MS want to delete the reference to release "below the sea surface".</p>	<p>The Commission can agree to remove the reference to "below the sea surface", given that this would limit the air exposure in the way the species are handled.</p>

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	<p><u>provided for cuckoo ray conducted for the NWW, which indicate survival potential but additional information on how they conditions compare between the NS and the NWW would enable the relevance of the new vitality data to be determined. New and ongoing studies completed in the next 1-2 years across relevant fisheries and following ICES guidance will generate necessary evidence on discard survival levels.</u></p> <p>A comprehensive review was completed of the existing estimates of discard rates of skate and rays, showing that discard rates depend greatly on the species, area and métier considered. New information was provided by Sweden for ICES division 3a and the eastern part of area 4 (total annual landings and catch per unit of effort as well as discard rate is</p>				

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	<p>given by fishery for starry ray, sailray, thornback ray, common skate, long-nosed skate, shagreen ray and cuckoo ray).</p> <p>Vitality data provided by the JR from two studies conducted in the NWW are likely to be relevant to otter trawl fisheries in the NS, but no information is provided to support this assumption in terms of their representativeness.</p> <p>5. Additional evidence</p> <p><u>Additional information on the fisheries operational and environmental conditions in the NS, with special focus on how they compare to those in NWW, would improve confidence determining the relevance of the new cuckoo ray vitality data.</u></p> <p>The vitality data provided illustrate the potential for survival but cannot be considered to provide a discard survival estimate.</p>				

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	<p>Tagging and captive observation methods should be applied to generate new discard survival estimates for cuckoo ray in different fisheries.</p> <p><u>Evidence provided for the NWW is also relevant to NS but was not included in the JR, specifically reports from the UK fisheries in ICES area 4.</u></p>				

## DE MINIMIS REQUESTS

Exemption requested by the Scheveningen Group	STECF assessment	COMMENT – ADDITIONAL INFORMATION	COMMISSION POSITION	Scheveningen Group response to COM position	Commission response to revised Joint Recommendation <sup>2</sup>
Art. 10 (f) <MCRS cod and whiting as combined deminimis of 6% of cod and whiting catches, but cod capped at 2% in bottom trawls and seines in 4a and 4 b	<p>New information on the fisheries provided for the FR, NL and DE fleets was provided.</p> <p>While estimates of the potential increase in workload are provided in terms of time and operational costs are given, there is no way to objectively judge whether such estimates amount to disproportionate costs. Similarly, the justification based on selectivity is rather generic and not specific to these fisheries.</p>	<p><b>EXPANSION OF EXISTING EXEMPTION to cover the whole area 4</b></p> <p><b>Expansion from one year (2019 only) to one additional year (2020)</b></p> <p><b>The MS Group removes annual reporting requirement to STECF.</b></p>	The Commission cannot accept as insufficient justification provided to STECF. STECF Plenary highlight selectivity should be improved.	<i>"The Scheveningen Group notes that the request by the Commission for information was not previously asked for in 2018. The Scheveningen Group is of the opinion that due regard should be made to the fact that it would be disproportionate to request separate scientific studies for every species, gear and area as regards disproportionate costs. Similar fisheries should be evaluated similarly as to disproportionate costs."</i>	The Commission maintains its initial position
Art. 10 (k) <MCRS Whiting as 2% of plaice and sole annual catches combined in beam trawl	Existing exemption for 3 years with a condition that Member States should provide additional	<p><b>MODIFICATION OF EXISTING EXEMPTION</b></p> <p><b>The MS Group removes</b></p>	The Commission cannot accept as insufficient justification provided to STECF. STECF Plenary highlight selectivity should	MS request a continuation of the existing exemption	The Commission maintains its initial position

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BT2 fishery area 4	<p>information.</p> <p>A summary of an additional study to support the exemption based on disproportionate costs for the Dutch demersal fisheries has been supplied. This study includes an economic analysis of handling unwanted catches in the Dutch beam trawl fishery.</p> <p>The information provided shows the cost of landing unwanted catches to be significant but not specific to unwanted catches of whiting. The study only covers the Dutch fleet and it is not clear whether it is representative of other fleets availing of this exemption.</p> <p>There is evidence of increased costs associated with handling and storing unwanted catches in the relevant fisheries, but this is not specific to whiting. Evidence that landing unwanted catches has an associated cost, is not sufficient in itself to</p>	annual reporting requirement to STECF.	be improved. Maintain yearly reporting requirement, which should include additional evidence on selectivity improvements.	<p>until 2021 included.</p> <p>Evidence further supporting the exemption could be provided by May 2020.</p> <p>MS point out that <i>"this exemption request is in line with the existing exemption for whiting that is applicable in areas 7b-7k in the North Western waters for a broad range of gears including BT2. This exemption and supporting evidence was accepted by STECF and previously granted by the Commission."</i></p>	

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	demonstrate those costs are disproportionate. Improving selectivity in the relevant fisheries should be the priority as this will reduce the costs for handling unwanted catches.				
Art. 10 (l) horse mackerel as 7% of horse mackerel total catches in bottom trawls (OTB,OTT PTB) and beam trawls (TBB) of 80-99mm in area 4	<p>The supporting document <u>provides reasonably detailed information on the fleets and fisheries of France but not for other Member States fishing in the area.</u></p> <p>The supporting information indicates the average discard rate below 3% in demersal fishery. It is unclear why 7% de minimis is requested.</p> <p>While estimates of the potential increase in workload are provided in terms of time and operational costs are given, there is no way to objectively judge whether such estimates amount to disproportionate costs.</p>	<p><b>EXPANSION OF EXISTING EXEMPTION</b></p> <p>Expansion from one year (2019 only) to two additional years (2020+2021)</p> <p><b>7% in 2020 and 6% for 2021</b></p> <p><b>The MS Group removes annual reporting requirement to STECF.</b></p>	<p>The Commission <b>accepts on a temporary basis for 3% for one year (2020 only)</b> to allow MS other than FR to submit further data.</p> <p>Maintain <b>annual reporting requirement</b> to cover for the need to have detailed info for the other MSs beyond FR (by 1 May 2020).</p>	<p>The SG revert to original suggestion: <b>7% in 2020 and 6% in 2021</b>, adding that "By 1 May 2020, the Scheveningen Group will submit additional STECF data about disproportionate costs and sanitary risks generated by keeping on board these species during a several-days-fishing trip, especially during summer months. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for 2020-21."</p>	<p>The Commission <b>accepts on a temporary basis for 7% for one year (2020 only)</b> to allow MS other than FR to submit further data. Commission accepts that the 3% figure was a STECF draft and Plenary removed this figure</p> <p>Maintain <b>annual reporting requirement</b> to cover for the need to have detailed info for the other MSs beyond FR (by 1 May 2020).</p>

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	Similarly, the justification based on selectivity is rather generic and not specific to these fisheries.				
Art. 10 (n) <b>mackerel</b> as 7% of mackerel total catches in bottom trawls (OTB,OTT,PTB) and beam trawls (TBB) of 80-99mm in area 4	As above	<p><b>EXPANSION OF EXISTING EXEMPTION</b></p> <p>Expansion from one year (2019 only) to two additional years (2020+2021)</p> <p>7% in 2020 and 6% for 2021</p> <p>The MS Group removes annual reporting requirement to STECF.</p>	<p>The Commission <b>accepts on a temporary basis for 3% for one year (2020 only)</b> to allow MS other than FR to submit further data (by 1 May 2020)</p> <p>Maintain <b>annual reporting requirement</b>-to cover for the need to have detailed info for the other MSs beyond FR.</p>	<p>The SG revert to original suggestion: <b>7% in 2020 and 6% in 2021</b>, adding that "By 1 May 2020, the Scheveningen Group will submit additional STECF data about disproportionate costs and sanitary risks generated by keeping on board these species during a several-days-fishing trip, especially during summer months. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for 2020-21."</p>	<p>The Commission <b>accepts on a temporary basis for 7% for one year (2020 only)</b> to allow MS other than FR to submit further data. Commission accepts that the 3% figure was a STECF draft and Plenary removed this figure</p> <p>Maintain <b>annual reporting requirement</b>-to cover for the need to have detailed info for the other MSs beyond FR (by 1 May 2020).</p>

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<p>Art. 10 (n) in <b>all demersal trawls</b> and <b><i>Pandalus</i></b> fishery using selectivity devices in 3a and 4 a <b>combined quantity of sprat, sandeel, Norway pout and blue whiting</b> as <b>1% of all total annual catches</b> (of all TAC species) in demersal fisheries.</p>	<p>The justification for this exemption is that the volumes of unwanted catches are small, and the handling of unwanted catches are regarded as uneconomically disproportionate given the difficulties in sorting these species from the target species. Additionally, the assertion is made that options to improve selectivity have been exhausted.</p> <p><u>There is no quantitative evidence to support these assertions. Intuitively, achieving additional selectivity improvements would be difficult to achieve in such fisheries and the costs for sorting would be high given the nature of the species involved. The supporting information provides indications of some of the steps that have been taken in these fisheries to improve selectivity, but a more detailed description of these steps would be beneficial to demonstrate</u></p>	<p><b>NEW EXEMPTION</b></p> <p>Combined de minimis</p>	<p>The Commission can accept for <b>one year on condition information is provided to STECF for 01 May 2020</b> to provide data that is "reflective of current state of fisheries", including updates on uptake of selective measures.</p> <p>STECF note that "intuitively, achieving additional selectivity improvements would be difficult to achieve in such fisheries" and "the de minimis is needed to cover the residual unwanted catches".</p>	<p><i>"The Scheveningen Group will submit additional STECF data by 1 May 2020. Given that the request by the Commission is to submit such data, the Scheveningen Group can accept conditioning the exemption on submitting data by 1 May 2020 while requesting the exemption for 2020-21."</i></p>	<p>The Commission can only accept for <b>one year pending submission of additional data</b> to STECF for 01 May 2020.</p>

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	<u>that selectivity cannot be improved further and the de minimis is needed to cover the residual unwanted catches.</u>				
Art. 10 (o) in Longlines area 4 <MCRS ling as 3% of total annual ling catches.	<p><u>A reasonably detailed description of the FR fleet is provided, no other MS is involved in the fishery, no specific studies provided. Arguments are credible given the nature of fisheries, need further info on the potential scale of losses if the de minimis exemption was not granted.</u></p> <p><u>Undoubtedly, achieving additional selectivity improvements would be difficult to achieve in such fisheries. Furthermore, given the de minimis volume is likely to be small, on balance the exemption would have no impact on overall fishing mortality, provided catches discarded are recorded.</u></p>	NEW EXEMPTION	<p>Commission accepts for 1 year pending submission of additional info on the potential losses if exemption not granted (to be provided by 1 May 2020).</p> <p>STECF note that selectivity is difficult.</p>	MS request for 2 years, and agree to submit additional information on potential losses by 1 May 2020.	The Commission maintains its initial position.

