



17 April 2020

NSAC Letter to Scheveningen Group Ref. 10-1920

NSAC Response to the Scheveningen Group Joint Recommendation on the 2021 Discard Plan

We welcome the opportunity to provide input on the Scheveningen Group's joint recommendation (JR) for next year's North Sea demersal discard plan. The draft JR was discussed at the NSAC Landing Obligation Focus Group meeting on the 25th of February 2020 in London, and it was agreed to respond in a letter outlining the initial NSAC views and priorities rather than presenting detailed comments on specific elements of the draft JR.

Recognising the ongoing COVID-19 crisis, we have some concerns about the impact this will have on the calendar for the development of the JR and its evaluation through STECF, especially considering that some scientific trials, which were supposed to provide supporting information, have to be cancelled. Recognising the impact the COVID-19 crisis is likely to have on the fishing industry, we seek clarification from the Scheveningen Group about any changes to the timeline regarding the discard plan development process. With regard to the current JR draft, the NSAC presents the following comments:

- We support the Scheveningen Group's approach of focusing on a consolidation and continuation of existing exemptions by providing additional supporting information as requested last year by the STECF for a number of exemptions.
- We note that, while there is an exemption for plaice caught in trawls with mesh sizes below 100 mm or above 120 mm,¹ there is no exemption for plaice caught in trawls with mesh sizes between 100 and 120 mm. It seems counterproductive that the benefit in selectivity that would come from increasing the mesh size in the trawl from 95 to 105 mm would be negated by an obligation to land all catch. We therefore encourage the Scheveningen Group to consider including a request to extend this exemption to these mesh sizes, as well as relevant supporting information (including estimates of dead discards), in the JR.
- The NSAC would like Members States to consider the inclusion of one more exemption in the draft JR: a *de minimis* exemption for herring caught with TR2 trawlers and that could be written as: a *de minimis* exemption for herring caught with demersal vessels using bottom trawls and seine with a mesh size of 80-99 mm in ICES subarea 4, up to x% in 2021, of the total annual catches of herring caught in these fisheries. The NSAC

¹ Art. 6(2)(b) and 6(1)(c) of Commission Delegated Regulation 2019/2238, respectively.

encourages Member States to include this request and all relevant supporting information in the JR in order to allow the STECF to evaluate it.

- We recognise the challenges posed by the requirement to provide additional supporting information to continue or expand certain exemptions. However, we strongly encourage the Scheveningen Group to provide all relevant information needed to enable the STECF to fully evaluate the exemptions in question in a timely manner. This is important to increase the likelihood of requests being successful, by avoiding delays in the process between the STECF evaluation of the JR and the adoption of the final discard plan. In this context, the NSAC encourages the Scheveningen Group to follow the recommendations provided in the past by the STECF regarding the type and level of detail of information needed for a robust evaluation, as well as the suggested format for providing this information.
- In general, the NSAC highlights the importance of an ongoing robust documentation of the need for and use of specific exemptions, both in order to support their continuation, and to ensure that exemption discards can be adequately accounted for in TAC-setting. This is crucial to make sure they do not lead to unsustainable exploitation or an inadequate decrease of the relevant TACs, since the discards allowed under exemptions will be deducted when setting the TACs.² We therefore urge the Scheveningen Group only to request the *de minimis* quantities actually needed to cover the anticipated discard amounts, in order to avoid generating or exacerbating quota limitation issues. Robust estimates of dead discards under high survival exemptions are also crucial since these are also deducted when setting the TACs.³
- The STECF has pointed out, for example in its latest report on fisheries-dependent information,⁴ that the data used to estimate exemption discards (so that the Commission can factor them into its TAC proposal) are incomplete and not necessarily reliable, making the resulting discard estimates '*rather uncertain*' (see p. 78). In the same report, the STECF noted that '*for most MS and fisheries, the records of unwanted catch fractions (discards + BMS landings) in logbooks are believed to be an unreliable source of information*'. It also highlighted that '*a specific data call asking Member States to provide data for each exemption may be a better option than to use data from the FDI-EWG that has been implemented to monitor the developments of EU fisheries in general*' (p. 78). The NSAC therefore encourages the Scheveningen Group to discuss this issue and possible solutions in the context of the discard plan, to ensure comprehensive and reliable documentation of discards under the requested exemptions.

As in previous years, the NSAC will undertake to update the choke identification tool for the North Sea once the ICES advice is published in June (or later, depending on potential changes to the timeline due to the COVID-19 crisis). We remain committed to continuing a close engagement with the Scheveningen Group regarding any potential changes to the JR as well as further steps following its submission and evaluation by the STECF.

² For example, a presentation about the quota deductions calculated by the Commission to account for discarding under exemptions, stated that '*if exemption will result in significant amount of dead discards - TAC setting will have to reflect this so as not to allow fishing mortality to be above ICES advice*', https://www.asktheeu.org/en/request/6376/response/21327/attach/36/FO%202019%20and%20Top%20downs%20Presentation%20to%20AT%20Pres%20and%20MS%20Redacted.pdf.pdf?cookie_passthrough=1.

³ *Ibid.*

⁴ Scientific, Technical and Economic Committee for Fisheries (STECF) – Fisheries Dependent -Information – FDI (STECF-19-11). Publications Office of the European Union, Luxembourg, 2019, ISBN XXXXXX, doi:XXXXXXXX, PUBSY No. <https://stecf.jrc.ec.europa.eu/documents/43805/2574024/STECF+19-11+-+FDI.pdf/456fc3cb-c000-4197-b255-25b58e896bd4>