

Joint Recommendation of the North Western Waters High-Level Group

Discard Plan for demersal fisheries in the North Western Waters for 2019

1. Implementing authority

- a. Acting in accordance with Article 43(3) of the Treaty on the Functioning of the European Union and taking into account the authority granted by Articles 15.6 and 18.1 of Regulation (EU) No 1380/2013 to the European Commission to adopt discard plans by means of delegated acts, the Member States of the North Western Waters submit a joint recommendation, as per Article 18.3 of Regulation (EU) No 1380/2013, to the European Commission for a specific discard plan for demersal fisheries in the North Western Waters.

2. Objectives of the discard plan

- a. As a result of the reform of the Common Fisheries Policy (Regulation (EU) No 1380/2013), adopted in 2013 and entered into force from 1st January 2014 on, there is now a provision under Article 18 that allows Member States to elaborate joint recommendations for regional management measures specific to their fisheries, applying to a relevant geographical area and submit these to the European Commission for adoption via delegated acts.
- b. The scope of these recommendations is laid down in Article 18(1) of Regulation (EU) No 1380/2013 by way of reference i.a. to Article 15(6) thereof. Article 15(6) outlines the process for adoption of a specific discard plan by the European Commission for a period of no more than three years.
- c. Under Article 15(6) of Regulation (EU) No 1380/2013, Member States may cooperate, in accordance with Article 18 thereof, in the drawing up of a specific discard plan with a view to the Commission adopting such a plan by means of a delegated act or via the ordinary legislative procedure.
- d. The adoption of such specific discard plans is considered to be important to achieve a successful implementation of the landing obligation as specified in the reformed Common Fisheries Policy.

- e. As such, this discard plan will establish provisions to implement the provisions laid down in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013, including specific descriptions of any exemptions obtained.
- f. It is intended that the Commission delegated act giving effect to this discard plan shall remain open to revision and adaptation at any time during its duration of up to three years in order to retain flexibility in addressing the challenges that will be posed by the introduction of the landing obligation for demersal fisheries. In particular, this discard plan shall remain open to the later inclusion of further exemptions under high survival and de minimis, changes in technical measures in order to increase selectivity and reduce as far as possible unwanted catches, and to the inclusion of specific provisions for Minimum Conservation Reference Size (MCRS) to be specified at any time.
- g. In accordance with Article 18.2 of Regulation (EU) No 1380/2013, the North Western Waters Group has undertaken regular and detailed engagement with the North Western Waters Advisory Council and the Pelagic Advisory Council in the preparation of this plan. The recommendations of the Advisory Councils have been fully examined and taken on board, where possible.
- h. It is considered the joint responsibility of the Commission and the Member States concerned to maintain oversight of the implementation of the provisions of this discard plan and to review and amend any element that evidence and/or improved data show is not fit for purpose.

3. Duration

- a. As per Article 15.6 of Regulation (EU) No 1380/2013, this specific discard plan shall have a duration of three years.

4. Scope

- a. In accordance with Article 15(1) (c) of Regulation (EU) No 1380/2013, the Member States of the North Western Waters Group are committed to the full introduction of the landing obligation for demersal fisheries in the North Western Waters from 1st January 2019.
- b. In developing this Joint Recommendation, the North Western Waters Group has taken full account of the agreed recommendations, suggestions and information furnished by the North Western Waters Advisory Council.

- c. The Group is committed to continue working with the Advisory Councils and the European Commission to examine and apply solutions to 'choke' issues prior to the 1st of January 2019.

5. Exemptions

- a. Fish which has been damaged by predators like fish-eating marine mammals, predatory fish or birds can constitute a risk to humans, pets and other fish by virtue of pathogens and bacteria which might be transmitted by such animals. Consequently, as set out in Article 15(4) (d), the landing obligation should not apply to such catches and the fish should be immediately disposed of at sea.
- b. Having regard to food safety provisions as set out in Regulation (EC) NO 853/2004 of the European Parliament and of the Council as well as in Commission Regulation (EC) No 1881/2006, catches of fish for which flesh contaminants would exceed the maximum limits set by EU rules for human or animal consumption shall not be kept on board of a vessel. Consequently, the landing obligation should not apply to such catches and the fish should be immediately disposed of at sea.
- c. Cases where the landing obligation shall not apply are specified in Article 15(4) of the Regulation (EU) No 1380/2013. This refers to species in respect of which fishing is prohibited, as defined by a Council Regulation, species to which scientific evidence demonstrates high survival rates, and catches falling under the de minimis exemption, as outlined in Article 15.5(c) of Regulation (EU) No 1380/2013.
- d. The North Western Waters Group recommends the continuation of the following high survivability exemptions as set down in Commission Delegated Regulation (EU) 2018/46 of 20th October 2017:
 - Norway lobster (*Nephrops*) caught by pots, traps or creels (gear codes FPO and FIX) in ICES subareas VI and VII
 - Common sole (*Solea solea*) caught by otter trawl gears (OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) meeting the following conditions:
 - i. of length less than the MCRS of 24cm;
 - ii. caught by vessels using 80-99mm otter trawl gears;
 - iii. within 6 nautical miles of coast in ICES area VIId and outside identified nursery areas;
 - iv. caught by vessels with a maximum length of 10m;
 - v. caught by vessel fishing in waters with a depth of 30m or less; and
 - vi. caught by vessels with limited tow durations of no more than 1:30 hours

(From 2018 discard plan)

The North Western Waters Group recommends the introduction of the following high survivability exemptions (full details at Annexes I – IX)

- ***Nephrops* in the TRI fisheries in Area VII and in the TR2 fisheries in Area VII in combination with highly selective gears**

On the basis of scientific evidence and rationale provided in Annex I the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to *Nephrops* caught in ICES subarea VII with;

- I. Bottom trawls with a mesh size equal or greater than 100mm (gear code TR1);
- II. Bottom trawls with a mesh size of 70-99 mm (gear code TR2) in combination with one of the selective gear options listed in Section 6 applying to *Nephrops* fisheries - Further details at Annex I

- ***Nephrops* caught by 80-110mm otter trawl gears in ICES subarea VIa, within 12 miles of coasts**

On the basis of scientific evidence and rationale provided in Annex II the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation EU No 1380/2013, the landing obligation shall not apply to *Nephrops* caught by 80-110mm otter trawl gears in ICES subarea VIa, within 12 miles of the coast in combination with one of the selective gear options listed in Section 6 applying to *Nephrops* fisheries.

Further details at Annex II

- **Skates and ray species caught by any gear in the North Western Waters (areas VI and VII)**

On the basis of scientific evidence and rationale provided in Annex III the North Western Waters group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to skate and ray species subject to catch limits caught by any fishing gear in the North Western Waters.

Further details at Annex III

- **Plaice caught by trammel nets in ICES divisions VIId and VIle**

On the basis of scientific evidence and rationale provided in Annex IV the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to Plaice caught by trammel nets in ICES areas VIId and VIle.

Further details at Annex IV

- **Plaice caught by trammel nets in ICES divisions VIIf and VIIg**

On the basis of scientific evidence and rationale provided in Annex V the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation EU No 1380/2013, the landing obligation shall not apply to Plaice caught by trammel nets in ICES areas VIIf and VIIg.

Further details at Annex V

- **Plaice caught by Otter Trawls in ICES divisions VIId and VIIE**

On the basis of scientific evidence and rationale provided in Annex VI the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to Plaice caught by otter trawls in ICES areas VIId and VIIE.

Further details at Annex VI

- **Plaice caught by otter trawl gears in ICES subarea VIIf and VIIg**

On the basis of scientific evidence and rationale provided in Annex VII the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation EU No 1380/2013, the landing obligation shall not apply to Plaice caught with otter trawl gears in ICES subarea VIIf and VIIg.

Further details at Annex VII

- **Plaice caught with beam trawls in ICES subareas VIIa to VIIk**

On the basis of scientific evidence and rationale provided in Annex VIII the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation EU No 1380/2013, the landing obligation shall not apply to Plaice caught with beam trawls (BT2 Gear) as follows:

- A three year temporary exemption for high survivability of plaice in Western Waters (7a-k) caught with BT2 gear for vessels of the >221kw segment fleet which use the flip-up rope or benthic release panel
- For smaller BT2 vessels, with an engine power of not more than 221kw or less than 24m in length overall, which are constructed to fish in the twelve mile zone, a three year temporary exemption for high survivability for plaice if the average trawl duration is less than ninety minutes

Further details at Annex VIII

- **Fish caught in pots, traps and creels in North Western Waters**

On the basis of scientific evidence and rationale provided in Annex IX the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, the landing obligation shall not apply to fish caught in pots, traps and creels in North Western Waters.

Further details at Annex IX

Further research or evidence provided by Member States may allow these exemptions to be applied more widely in future years.

e. The North Western Waters Group recommends for the continuation of the following de minimis exemptions as set down in Commission Delegated Regulation (EU) 2018/46 of 20th October 2017:

- For whiting up to a maximum of - 6% for 2019; 5% for 2020 and 2021 - of the total catches of whiting by vessels using bottom trawls and seines with mesh size equal or greater than 80mm (OTB, SSC, OTT, PTB, SDN, SPR, TBN, TBS, TB, SX, SV, OT, PT, TX), pelagic trawls (OTM, PTM) and beam trawls (BT2) with mesh size of 80-119mm in the Eastern Channel (ICES division VIId).
- For common sole up to a maximum of 3% of the total annual catches of that species by vessels using trammel and gill nets to catch common sole in the Channel and the Celtic Sea (ICES divisions VIId, VIIf and VIIg)
- For common sole up to a maximum of 3% of the total annual catches of this species by vessels obliged to land common sole using TBB gear with mesh size of 80-119mm with increased selectivity, such as a large mesh extension, in the Channel (ICES division VIId and VIIe) and the Celtic Sea (divisions VIIf, VIIg and VIIh).

Full details for each of the above cases have been submitted with previous years' joint recommendations and have been positively assessed by STECF.

The North Western Waters Group recommends the introduction of the following de minimis exemptions (full details at Annexes X-XIV):

- **Gadoids (cod, haddock, whiting) caught using bottom trawls, seines and beam trawls of greater than or equal to 80mm mesh size in the Celtic Sea and the Channel (ICES VIIb-c, e-k)**

On the basis of scientific background and rationale provided in Annex X the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013, up to a maximum of 7% of the total annual catches for years one (2019) and two (2019), and 6% for year three (2021) of gadoids (cod, haddock, whiting) for vessels using bottom trawls, seines and beam trawls of mesh size greater than or equal to 80mm in ICES divisions VIIb-c and VIIe-k.

Further details at Annex X

- **Undersized whiting in the TR2 Nephrops trawl fishery in ICES division VIIa**

On the basis of scientific background and rationale provided in Annex XI the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 up to a maximum of 7% of the total annual catches of whiting for years one (2019) and two (2020) and 6% for year three (2021) to cover bycatch of undersized whiting by vessels using highly selective TR2 gears in the ICES division VIIa.

Further details at Annex XI

- **Undersized by-catches of haddock in the TR1 demersal trawl fisheries in ICES area VIIa**

On the basis of scientific background and rationale provided in Annex XII the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 up to a maximum of 2% of the total annual catches for years one (2019), two (2020) and three (2021) of bycatch of undersized haddock by vessels using large mesh eliminator trawls with 120mm codends and other bottom trawls fishing with 120mm codends in ICES division VIIa.

Further details at Annex XII

- **Bycatch of pelagic species (mackerel, horse mackerel, herring, boarfish, greater silver smelt) caught by vessels using bottom trawls and seines, and beam trawls in ICES subarea VI and VIIb-k**

On the basis of scientific background and rationale provided in Annex XIII the North Western Waters Group recommends that by way of derogation from Article 15(1) of Regulation (EU) No 1380/2013 up to a maximum of 7% of the combined total annual catches of mackerel, horse mackerel, herring, boarfish and greater silver smelt for years one (2019) and two (2020) and 6% of the

combined total annual catches of these species for year three (2021) caught by vessels using bottom trawls and seines, and beam trawls in ICES subarea VI and VIIb-k.

Further details at Annex XIII

6. Technical measures – Improvements in selectivity

Celtic Sea Protection Zone

From 1st July 2019, unless otherwise stated, the following will apply to all fishing vessels operating with bottom trawls or seines in the Celtic Sea Protection Zone¹:

- 110mm codend +120mm smp; or
- 100mm T90 codend (with the possibility of increasing mesh size to 110mm from 1st January 2020, depending on the results of further trials); or
- 100mm+160mm smp.

By derogation:

- For vessels with catches of more than [5%] of *Nephrops*, one of the following gear options should be used:
 - 300mm SMP (vessels under 12m may use a 200mm smp);
 - SELTRA box trawl with 270mm diamond mesh 300mm smp; or
 - Sorting Grid with 35mm bar spacing or similar net grid; or
 - 100mm+100mm smp
- For vessels with catches of more than 55% of whiting or 55% of anglerfish, hake or megrim combined, one of the following gear options should be used:
 - 100mm codend +100mm smp;
 - 90mm T90 codend and extension;
 - 80mm codend + 160mm smp; or
 - 80mm codend + 2m x 100mm square mesh cylinder
- For vessels with catches below 10% of gadoids in 7f east of 5 degrees west the following should be used:
 - 80mm cod end + 100mm SMP

¹ Celtic Sea Protection Zone – waters inside ICES divisions VIIIf, VIIg and the part of VIIj that lies north of latitude 50°N and east of 11°W

A selective gear or device assessed by the STECF as having the same or higher selectivity characteristics for cod, haddock and whiting may be added as an alternative gear to the above.

Irish Sea VIIa

The following will apply to fishing vessels operating with bottom trawls or seines in the Irish Sea, from 1st January 2019.

For vessels with a codend mesh size equal or larger than 70mm and less than 100mm (TR2) with catches of more than [5%] of *Nephrops*, one of the following gear options should be used:

- 300mm SMP (vessels under 12m may use a 200mm smp);
- SELTRA box trawl with 270mm diamond mesh or 300mm smp;
- Sorting Grid with 35mm bar spacing as defined in Annex XIVa to Regulation (EC) 850/98;
- CEFAS Net grid;
- Flip-flap trawl of specification defined

For vessels operating with bottom trawls and seines with catches of more than [10%] of haddock, cod and skates and rays combined, one of the following options should be used:

- 120mm codend; or
- An eliminator trawl with 600mm large mesh panels and 100mm codend.

For vessels with catches below 10% of haddock, cod and skates and rays combined, a codend mesh size of 100mm+100mm smp should be used. This is not applicable to vessels with more than 30% of *Nephrops*.

A selective gear or device assessed by the STECF as having the same or higher selectivity characteristics for cod, haddock and whiting may be added as an alternative gear to the above.

7. Documentation of catches

- a. In accordance with Article 15(5)(d), specific discard plans can make provisions on documentation of catches. Such provisions should be consistent with the rules outlined in Regulation (EU) no 1224/2009
- b. Catches of species subject to catch limits shall be recorded in the appropriate fishing logbook with the correct scientific species name and/or with the appropriate codes in order to quantify the exact catches, in accordance with the Control Regulation.

Documentation should be sufficiently rigorous to enable robust scientific assessments to be undertaken and the application of methods of control.

- c. Catches of species below a minimum conservation reference size should be recorded as a separate entry.
- d. For any species not subject to the landing obligation, all estimated volumes of discards above 50 kg live-weight equivalent in volume shall be recorded in the electronic/fishing logbook with appropriate codes denoting the species discarded.
- e. For any species not subject to the landing obligation pursuant to Articles 15(4) and 15(5) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council all estimated discards in volume shall be recorded in the electronic/fishing logbook. The utilisation of the de minimis exemption shall be monitored by the competent authority.

The North Western Waters Group may wish to take account of any advice issued by relevant experts groups relating to the documentation of catches in due course.

8. List of annexes:

- **Annex I:** Request for high survivability exemption for *Nephrops* in the TR2 fisheries in Area VII in combination with highly selective gears in Area VII
 - **Annex Ia:** *Nephrops* survivability report
- **Annex II:** Request for high survivability exemption for *Nephrops* caught by 80-110mm otter trawl gears in ICES subarea VII, within 12 miles of coasts
- **Annex III:** Request for high survivability exemption for skates and ray species caught by any gear in ICES areas VI and VII
 - **Annex IIIa:** Belgian vessels catching skates and rays
- **Annex IV:** Request for high survivability exemption for plaice caught by trammel nets in ICES divisions VIId and VIle
- **Annex V:** Request for high survivability exemption for plaice caught by trammel nets in ICES divisions VIIf and VIlg
- **Annex VI:** Request for high survivability exemption for plaice caught by otter trawls in ICES divisions VIId and VIle
 - **Annex VIa:** Survival of European plaice discarded from coastal otter trawl fisheries in the English Channel
- **Annex VII:** Request for high survivability exemption for Request for high survivability exemption for plaice caught by otter trawls in ICES divisions VIIf and VIlg
- **Annex VIII:** Request for high survivability exemption for plaice in ICES divisions VIIa-k caught using beam trawls
 - Annex VIIIa: Plaice Survival Report
 - Annex VIIIb: Stones debris and survival report

- Annex VIIc: Belgian landing, discard and catch data
- **Annex IX:** Request for high survivability exemption for fish caught in pots, traps and creels
- **Annex X:** Request for de minimis exemption for gadoids (cod, haddock, whiting) caught using bottom trawls, seines and beam trawls of greater than or equal to 80mm mesh size in the Celtic Sea and the Channel (ICES VIIb-c, e-k)
- **Annex XI:** Request for de minimis exemption for undersized whiting in the TR2 *Nephrops* trawl fishery in ICES division VIIa
 - **Annex XIa:** Whiting de minimis request Annex I
 - **Annex XIb:** Whiting de minimis request Annex II
 - **Annex XIc:** Whiting de minimis request Annex III
- **Annex XII:** Undersized by-catches of haddock in the TR1 demersal trawl fisheries in ICES area VIIa
 - **Annex XIIa:** Irish Sea haddock Annex II
- **Annex XIII:** Request for de minimis exemption for bycatch of pelagic species (mackerel, horse mackerel, herring, boarfish, greater silver smelt) caught by vessels using bottom trawls and seines, and beam trawls in ICES subarea VI and VIIb-k