



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
MARE-D3/MB

Mr Olivier Le Nézet  
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**Subject: Addressing Choke Risks in NWW after de minimis and high survivability exemptions**

Dear Mr Le Nézet,

Thank you very much for your recommendation dated 6 November 2018 concerning choke risks in the North-Western Waters.

As mentioned in our correspondence on West of Scotland Cod (your recommendation from 10 December 2018), the Commission has considered your recommendations in the context of the setting of Fishing Opportunities for 2019. Again, we acknowledge that the full implementation of the Landing Obligation is challenging, but we believe that the agreement reached by the Council on 18 December 2018 addresses many of your concerns while it contributes to making progress in sustainable fisheries in the EU.

As you pointed out, ICES issued zero catch advice for Cod in the Celtic Sea and West of Scotland, Whiting in the West of Scotland and Irish Sea and Plaice in ICES division 7hjk. These are currently unavoidable by-catches in other economically important target fisheries. At Council, Member States therefore agreed with the Commission proposal to establish bycatch TACs for these five cases, in order to allow economically important target fisheries to continue. These by-catch TACs have been set a level, which took into account the technical service advice from ICES of 5 November 2018<sup>1</sup> as well as the fact that we need to continue our efforts to decrease these by-catches to lower levels. Council also established an enhanced system of quota exchange between Member States and Member States committed to implement a multi-annual bycatch reduction program, in line with suggestions from the NGOs in your recommendation of 6 November 2018.

For Celtic Sea Haddock the TAC was set at +20% (8329 t), which should help to land catches previously discarded. We agree that this is only part of the solution and that further selectivity work is required.

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<sup>1</sup>ICES technical Service on likely catches in 2019 for bycatch stocks, 5 November 2018.  
[http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2018/Special\\_requests/eu.2018.23.pdf](http://www.ices.dk/sites/pub/Publication%20Reports/Advice/2018/Special_requests/eu.2018.23.pdf)

On the question of discard plans, you correctly identify that several exemptions are only for one year and that for pelagic species, there is no "combined *de minimis*".

On the issue of combined *de minimis*, I would like to recall that STECF had concerns on the quality of supporting data and the argument that selectivity is very difficult to achieve and that costs would be disproportionate. A particular difficulty is the ability to account for discards under such as system; both for stock assessment and accounting for *de minimis* discard deductions in annual TAC setting, where discards of one species are counted against a different stock or species. The Member States therefore agreed to reformulate these exemptions as "single stock" exemptions. However, several of these single stock exemptions were requested for fisheries, where STECF (EWG 18-06, PLEN 18-02) explicitly stated that selectivity could be improved or where STECF found that there was insufficient supporting documentation that costs would be disproportionate. Given this STECF assessment, it was not possible to grant the exemptions fully. We have hence given the exemption for one year and agreed that Member States would provide further information to STECF in the first half of 2019.

Similarly for survivability exemptions, further data and a roadmap to address gaps in our understanding of selectivity and survival rates is required. Given the sensitivities around particular stocks such as cuckoo ray and plaice, the exemptions could not be supported for longer periods and Member States must provide further information to STECF in the first half of 2019 if they wish these exemptions to continue in 2020.

A clear message from the exercise of setting Fishing Opportunities for 2019 is there has been a decrease in quantity and quality of catch and discards data. There is a need for continued industry support in collecting accurate catch data and supporting observer participation. Several experts have raised concerns that a decline in observers and quality of data will result in catch advice becoming more precautionary. This could result in TACs decreasing in future years. We would appreciate if you could communicate this risk to your members as we have a shared interest to avoid such a development. It is vital to count on the continued support of the stakeholders in collecting good quality catch and discards data. Such support is essential if we are to continue to set TACs accurately and ensure continued sustainable management of fisheries as a whole.

The Commission welcomes the support of the North Western Waters Advisory Council on these important matters and we would like to take this opportunity to thank you and your members for your considerable efforts throughout 2018, which have resulted in detailed and constructive recommendations. My services look forward to continuing to work in close cooperation with you in 2019. Should you have any further questions on this reply, then please kindly contact my colleague Ms Pascale Colson, coordinator of the ACs (pascale.colson@ec.europa.eu; +32 2 29 56273).

Yours Sincerely,



João AGUIAR MACHADO