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Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-23-04 & 23-06)

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Abstract

Commission Decision of 25 February 2016 setting up a Scientific, Technical and Economic Committee for Fisheries, C(2016) 1084, OJ C 74, 26.2.2016, p. 4–10. The Commission may consult the group on any matter relating to marine and fisheries biology, fishing gear technology, fisheries economics, fisheries governance, ecosystem effects of fisheries, aquaculture or similar disciplines. This report contains a review of Joint Recommendations submitted by Member States Regional Groups for the implementation of the Landing Obligation in 2024 and beyond.

SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (STECF) - Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-23-04 & 23-06)

The STECF Expert Workings Groups EWG-23-04 and EWG-23-06 tokk place in parallel as virtual meetings 8-12 May 2023. The STECF reviewd the results of the EWGs in a one day virtual plenary meeting on 15 June 2023. 23 members of the STECF pariticpated to the plenary and are marked with an asterix in the contact list below.

Request to the STECF

STECF is requested to review the report of the STECF Expert Working Group meeting, evaluate the findings and make any appropriate comments and recommendations.

STECF response

Introduction

Under the CFP, after consulting the relevant Advisory Councils, Member States cooperating at sea-basin level may provide the Commission with joint recommendations requesting exemptions from the landing obligation. In this context, as communicated in the recent Annual Communication[1] - "Towards more sustainable fishing in the EU: state of play and orientations for 2023" - the Scientific, Technical and Economic Committee for Fisheries (STECF) highlighted that, "*the impacts of such exemptions on fishing mortality are poorly understood given the level of reporting of catches discarded under exemptions*".

In the same Communication, the Commission stated their intention, working with Member States regional groups, to review all of the requested exemptions to the landing obligation in 2023. This is to ensure all requested exemptions would have an updated assessment. While some of these exemptions are time-limited or have specific annual reporting requirements, there are others which have been in place for a considerable amount of time without recent assessment. Therefore, STECF was requested through expert working groups established for 2023 (EWG s 23-04 & 23-06) to review and evaluate the Member States' joint recommendations that would continue the implementation of the landing obligation beyond 2024.

The report of Expert Working Groups 23-04 and 23-06 represents the findings of the meetings convened to review and address the implications associated with the implementation of the Member States' joint recommendations (JRs).

Summary of the Joint Recommendations submitted

JRs were submitted by the North Sea, North-western Waters and South-Western waters Member States Groups. Additionally, JRs were received from the different regional groups in the Mediterranean - SUDESTMED, PESCAMED and ADRIATICA. These JRs contained requests to renew existing exemptions beyond the end of 2023, when the current Delegated Regulations implementing the landing obligation will expire. EWG 23-04 & 23-06 met virtually from 8-12 May to review the JRs submitted. EWG 23-04 reviewed the JRs for the North Sea, North-western waters and South-western waters, whilst EWG 23-06 reviewed the three Mediterranean JRs. The North Sea and North-western waters also requested two new exemptions, while there were also requests from several of the regional groups to modify other exemptions. In total, the EWGs 23-04 and 23-06 reviewed 103 exemptions. The breakdown by region is shown in table 1.

[1] COM/2022/253 final

Table 1. Number of recommendations by type and region evaluated by EWGs 23-04 & 23-06

Region	*De minimis* exemptions	High Survivability exemptions
NWW	14	7 (including 1 new exemption)
North Sea	19 (including 1 new exemption)	8
SWW	21	4
PESCAMED	7	3
SUDESTMED	9	
ADRIATIC	11	
Total	**81**	**22**

Evaluation of Regional Joint Recommendations

To assist the Member State groups, STECF PLEN 22-03 updated and refined the templates for the provision of fisheries information and the associated data to support *de minimis* and high survivability exemptions to the landing obligation. These templates were adapted from previous templates developed by STECF EWG 16-05 (See Annex I, II and III of the EWGs report).

Structure of Advice – *de minimis* exemptions

In assessing each of the *de minimis* exemptions requested, EWG 23-04 and 23-06 has used the templates as the basis for their conclusions including, for example, the following elements:

- Description of the problem.
- Detailed catch and fleet data for the stock and the fishery the exemption applies.
- Evaluation of what this data shows in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches).
- Indication of usage of the exemption by Member States.

Additionally, the EWGs conducted a review of existing supporting studies/literature reviews provided for the exemption in the past, as well as specific information on selectivity and disproportionate costs. The EWGs also considered the likely impact/risk of the exemption in the context of the fishery. New information or studies that may be available and planned research to support the exemption were also considered.

Structure of Advice – high survivability

In assessing each of the high survivability exemptions requested, EWGs 23-04 and 23-06 has used the following elements for each exemption based on the information contained in the JRs:

- Description of the problem.
- Survival estimates provided and quality of these estimates.
- Assessment of the survivability estimates in the context of the discard rate in the fishery.
- Information on improvements in selectivity and operational practices on board fishing vessels to increase survivability.
- Projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used.
- New information, research or studies planned.

Categorisation of Exemptions

In reviewing the exemptions, the EWGs developed a categorisation to help to differentiate them as follows:

1. Exemptions supported by catch data from all Member States, are well justified and shown to likely have a low impact on the relevant stock(s).
2. Exemptions where the justification is not based on dedicated studies (intuitive rather than scientifically proven) or on generic studies not specific to the exemption but likely to have a low impact on the stock(s).
3. Exemptions linked to the use of selective gears.
4. Exemptions where the *de minimis* volume of unwanted catches that could potentially be discarded under the exemption are below the level of unwanted catch as reported by ICES/FDI but there is no indication of additional measures to reduce such catches.
5. Exemption covers a broad range of species and/or gears/areas, making providing a justification covering the scope of the exemption challenging.
6. Exemptions that relate to stocks that are depleted and ICES has provided zero catch advice, or the stocks covered by the exemption are caught together with such depleted stocks.
7. Exemptions based on further studies planned and the exemption is justified as a stop gap.
8. Exemptions where the catch data shows the unwanted catches are negligible or zero, but the exemption is needed "just in case" there are unwanted catches.

The EWGs used this approach as a way of summarising the exemptions for DG MARE. However, the EWGs recognised that it would require further refinement to make it useful for future assessments.

STECF Observations

STECF reviewed the EWGs reports at a mini plenary held on the 15 June. This mini plenary was to facilitate the provision of timely advice to DG MARE and allow the preparation of the Delegated Regulations based on the JRs submitted by the Member State groups.

STECF did not review the conclusions of the EWGs for the individual exemptions, given the number of exemptions involved. STECF focused on some key issues regarding the process and methodology used to carry out the assessment as well as commenting on how to undertake future reviews if requested to do so by DG MARE.

General Observations

STECF notes and agrees with the general observations of the EWGs 23-04 and 23-06 as detailed in section 3.1 of the EWG report, the most important of which can be summarised as follows:

- Despite the landing obligation being in force for nearly ten years, there is little evidence of a change in behaviour or major improvements in selectivity in EU fisheries. Most of the time the approach taken by Member States is to request exemptions to maintain the status quo.
- The JRs received in 2023 were quite poorly structured and were hard to navigate. There were inconsistencies in the way data was presented and for more than 50% of exemptions there were no absolute estimates of unwanted catches provided.
- A combination of the structure of the JRs and the inconsistencies in the data provided meant the EWGs were unable to carry out a meaningful assessment of the likely impact of the exemptions in more than 50% of the exemptions requested.
- More than 60% of the exemptions were based on generic arguments and studies with no

dedicated studies relating to the specific exemption. Many of the generic studies presented report on the potential costs of the full implementation the landing obligation rather than on the exemptions.

- For several species (e.g., horse mackerel, mackerel, whiting) multiple exemptions requesting the same species/stock/fishery are included in the JRs. However, without consistent information and data, it was not possible for the EWGs to carry out an assessment of the combined impact of these exemptions.

Observations on *de minimis* exemptions

STECF notes and agrees with the observations of the EWGs 23-04 and 23-06 on *de minimis* exemptions as detailed in section 3.2 of the EWG report, the most important of which can be summarised as follows:

- The data provided to support *de minimis* exemptions was inconsistent. For more than 50% of *de minimis* exemptions, the data provided did not allow for a meaningful assessment of the relationship between the volume of unwanted catches discarded under a *de minimis* exemptions and the total amount of unwanted catches. This is critical in assessing the impact of such exemptions.
- For many exemptions, it is apparent that the *de minimis* volumes are probably small in term of volume, but this cannot be verified based on the supporting information provided. Additionally, even though the volume is likely to be small but the number of vessels that potentially could avail of the exemptions is very high, could make monitoring very difficult.
- *De minimis* exemptions seem to provide an incentive for vessel operators to continue discarding unwanted catches at sea and only retain unwanted catches on board if they are inspected on hauling, or to bring only permitted *de minimis* quantities ashore on landing. This suggests that *de minimis* exemptions built into the landing obligation are not achieving the objective of reducing unwanted catches.
- As previously observed by STECF, there are different ways of calculating *de minimis* exemptions. Many are quite simple single species, while others are more complex involving multi-species and gears (e.g., exemptions in the Mediterranean). Several exemptions are defined on associated species rather than the species relevant to the exemption (e.g., whiting in the beam trawl fishery in the North Sea, where catches of plaice and sole are used to calculate the *de minimis* volume). This seems to allow for a bigger *de minimis* volume to be available to cover unwanted catches associated with the exemption.
- Based on the JRs submitted in 2023, there is a noticeable reduction in selectivity research being undertaken by Member States. It is not clear why this is the case, given that levels of unwanted catch in some fisheries remain significant.

Observations on high survivability exemptions

STECF notes and agrees with the observations of the EWGs 23-04 and 23-06 on high survivability exemptions as detailed in section 3.2 of the EWG report, the most important of which can be summarised as follows:

- There has been significant research completed for several species including sole, plaice, *Nephrops* spiny lobster and skates and rays, which has increased the knowledge on the survivability of discards under the landing obligation. The level of cooperation between Member States on developing evidence for these exemptions is noteworthy.
- Assessing what constitutes high survivability remains problematic, which is made more complex by the limited information available and the variability in the available survival estimates.
- Several of the high survivability exemptions are complex with a wide scope covering multiple species, areas and gears (e.g., plaice, *Nephrops* and skates and rays). Such

exemptions are difficult to assess. Meta-analyses of all the factors affecting survival would be useful in assessing the overall effect of such exemptions.

- Several existing exemptions for plaice and sole continue to be linked to conditions such as restricting the exemption to fishing to certain depths, tow durations and to specific groups of vessels or specified selective gears. While these factors may influence survival, there is no evidence of these conditionalities being applied by Member States.
- Survivability needs to be considered in the context of the discard rate for the fishery seeking an exemption. Medium survival rates in high discarding fisheries still lead to high discard mortality rates. Unless surviving and dead discards are accounted for in stock assessments where survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. This is particularly the case for plaice.
- There are several exemptions (e.g., plaice, skates and rays, red sea bream) where the justification for the exemption is based on claims of future studies rather than actual research, and usually without giving a timeline for completion of this work.
- In a few cases, STECF observes that some published regional fleet-based studies related to survivability exemptions were not supplied by Member States and hence were not considered in the assessment produced by the EWG. These studies, relating to pelagic species would have been useful for the review.

Observations on Issues raised by EWG 23-4 & 23-06

STECF notes in reviewing the EWGs report, EWG 23-04 and 23-06 identified several key issues for STECF to focus on related to the process and methodology used to carry out the assessment and for future reviews. In addition to the observations made above, STECF observes the following relating to the issues raised by the EWGs:

1. *Information in respect of the JR for the South-western waters was received after the EWGs had finished. Therefore, this information was not considered. STECF is requested to review this data and where relevant update the relevant exemption tables.*

STECF reviewed the information submitted by Spain relating to the JR for the SWW after the EWG meetings. STECF considers that while the information provided is useful and relevant it does not materially change the conclusions of the EWGs. STECF would request in future evaluations that supporting information is submitted according to the deadlines set by DG MARE.

2. *The biggest weakness in the JRs provided by Member States is the catch data provided. The lack of consistency and presentation of the data prevented the EWGs completing any meaningful assessment of the likely impact/risk of the exemption on the relevant or associated stocks. Therefore, the EWGs request STECF to consider the data issues; identify the most reliable sources of data that could be used in the future; and identify any likely gaps in data that will be difficult to fill.*

STECF observes that the provision of accurate and consistent data is critical to allow meaningful assessment of exemptions. However, the data issues identified by the EWGs need more detailed consideration. STECF suggest that if DG MARE consider this useful, then such discussions can be taken up by STECF in future plenaries or through a dedicated EWG.

STECF observes that EWG 23-04 & 23-06 for the first time used the FDI data extract produced annually by the FDI EWGs for the Commission to facilitate TAC deductions. This additional data source was useful in assessing and validating some of the exemptions.

STECF sees the potential in using the catch data available in Table A and the effort summary available in Table J of the FDI report as tools to provide context around the impact of the exemptions and impacts of the fisheries. This could be used in addition to the information provided by Member States, noting the FDI data is still limited and not specifically collected for the purpose of evaluating exemptions to the landing obligation.

STECF notes that the FDI data call requests Members States to provide scientific discard estimates, limiting the data reported to scientifical sampling that is targeted at main quota/commercial

species. Discards collected as part of logbooks are not usually requested by STECF or other organisations. ICES also requests Below Minimum Sizes (BMS) fractions and logbook registered discards but in practise those data are often an underestimation of the actual level of discards. Therefore, currently it is unlikely that the available data is sufficient to allow a full assessment of exemptions to the landing obligation. Additional data sources will be needed in the future.

STECF also notes that Member State groups continue to provide only limited information on the level of unwanted catches discarded against exemptions. STECF suggest that the lack of the data provided suggests it is not being reported and monitored.

3. *The EWGs have developed a "rough" categorisation of the exemptions based on the review carried out. STECF is requested to consider this categorisation; consider its utility; and comment on how it could be improved. The development of a "traffic light" system for assessing exemptions is one option that could be considered by STECF.*

STECF observes that the categorisation provided by the EWGs in section 2.3 of the EWGs report is useful. However, currently the difference in risk to overexploitation of the relevant stocks associated with the exemptions is not clear in terms of implementation.

STECF considers that the categorisation could be used to distinguish "low risk" exemptions from "higher risk to overexploitation of the relevant stock" exemptions with a greater potential to negatively impact the species/stocks covered by the exemptions. These "riskier" exemptions could be subject to a higher level of scrutiny (e.g., in cases where the evident course of action is increasing selectivity instead of a *de minimis* exemption).

STECF considers that with further development, the categorisation could potentially be used to sort/prioritise exemptions for future assessments. This could be considered at future STECF plenary meetings.

4. *The EWGs developed templates for provision of catch data and also for assessing the exemptions. While useful in assisting Member States formulate their JRs and for the EWGs in structuring the responses, these could be further refined. STECF is requested to consider these templates and suggest improvements where relevant.*

STECF did not have time to consider these templates during the mini plenary held to review the EWGs report. Therefore, STECF observes that these templates should be considered in the context of future discussions by STECF on the evaluation of the landing obligation.

5. *The information provided to support de minimis exemptions based on disproportionate costs remains difficult to assess. Multiple exemptions are based on the same generic studies which indicate the costs for implementing the landing obligation. However, it is not possible for STECF to evaluate such studies and whether they justify an exemption being granted. STECF is requested to review previous advice and update their advice regarding disproportionate costs.*

STECF did not have time to review and update their advice regarding disproportionate costs. This issue should also be considered in future discussions by STECF on the landing obligation.

Conclusions

General conclusions

The EWGs have addressed all TORs and provided information on all JRs. STECF agrees with the findings of EWG 23-04 and 23-06 regarding the JRs and endorses the report.

STECF concludes that even though the landing obligation has been in force for nearly ten years, and STECF has been assessing JRs submitted since 2014, it is apparent that there is little obvious change in fishing practices to avoid unwanted catches. Exemptions are used principally to maintain the fisheries status quo rather than as a last resort to cover small, residual unwanted catches. The majority of exemptions are still justified as being to avoid choke situations, yet there is little evidence of such situations occurring.

STECF concludes that despite several research projects (e.g., DISCARDLESS, MINOUW, MedBLand, etc.) showing otherwise, there is no expectation from the sector that improved practices and

increases selectivity will lead to positive economic returns. Short-term losses associated with improvements in selectivity is one of the main justifications for the proliferation of exemptions currently observed.

STECF concludes that the quality and consistency of catch data provided to support exemptions in 2023 has been quite limited for many exemptions. Data has covered different years, for different or wider areas than covered by the exemption and in different formats. However, having such data is important to understand the relationship between the *de minimis* volume requested, the actual level of unwanted catches to put the proposed exemption in the context of the fishery and also the state of the stock for which the exemption is covering. This would allow an assessment as to the level of risk of overexploitation of the exemption to the relevant stocks covered by the exemption.

STECF concludes that weaknesses remain in the collection of catch data. If the data situation does not improve and the quantities reported do not reflect the actual fisheries removals, it will have a significant impact on the quality of scientific advice and may compromise the achievement of the MSY objective.

Member States have a legal requirement to record all catches discarded under all exemptions. However, STECF concludes that in the majority of the cases this information is still lacking from the supporting information provided by Member States.

STECF concludes that the purpose of the DCF is to support CFP, therefore discards reported in logbooks could be added as part of transversal data requested by DCF in the future. The addition of this data to the DCF would allow the Commission and STECF to request this data and potentially add it to FDI data call in the future.

Conclusions on *de minimis* exemptions

STECF concludes that for many exemptions, the relationship between the *de minimis* volume requested and the level of unwanted catches is unclear from the information provided to support the exemption. In some cases, the *de minimis* volume covers 100% of the unwanted catches, usually in fisheries where the levels of unwanted catch are small. In other cases, the *de minimis* volume covers only a small part of the unwanted catches and the supporting information does not contain indications on the measures to be taken to reduce the unwanted catches not accounted for under the exemption.

STECF concludes that judging at which level costs are disproportionate is not possible as there is no way of assessing objectively what level of costs constitutes disproportionate. For this reason, in assessing *de minimis* exemptions, the relationship between the *de minimis* volume, the actual level of unwanted catches and the overall status of the stocks involved has been the focus of the assessments.

STECF concludes that testing gears to improve the selectivity for low value stocks or in circumstances where the level of discards is very low is challenging. Therefore, improving selectivity in such circumstances is only going to be delivered as a consequence of using selective gears designed to reduce unwanted catches of different target species. For instance, the use of square mesh panels in gadoid fisheries may lead to a reduction in boarfish or greater silver smelt catches.

Conclusions on high survivability exemptions

STECF concludes that assessing what constitutes high survivability is still complicated by the limited evidence and the variability in the available estimates. Many factors can affect survival, but these are not well understood. This makes assessment of requests for survivability complex as many factors need to be considered.

STECF concludes that survivability should be considered in the context of the discard rate for the fishery seeking an exemption. Medium survival rates in high discarding fisheries still lead to high discard mortality rates. STECF has previously concluded (STECF PLEN 19-02) that unless surviving and dead discards are accounted for in stock assessments where survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. This should continue to be discussed in the assessment forums for stocks with survival exemptions.

STECF concludes that a balance is needed between extrapolating the survival evidence from the conditions observed in the studies and implementing them in normal fishing operations.

STECF concludes that survival and discard evidence and fleet information is reported incoherently, that hindered the assessment of exemptions made by the EWG. Most information is Member State specific within regions and there are very limited transboundary linkages to neighbouring areas with shared stocks and fisheries.

Future directions

STECF concludes that the current yearly cycle of evaluating JRs is not efficient. The whole process has been condensed into an extremely short time frame, leaving limited time for Member States and Advisory Councils to formulate JRs and a short time frame for STECF to assess the JRs. STECF concludes that the current process should be paused to allow time to reflect on how it can be improved.

STECF concludes that without collecting catch and discard data of the species subject of the JRs STECF is not able to assess the JRs. STECF concludes that a more efficient use of resources could be for STECF, DG MARE and Member States to work on new ways to improve the implementation of the LO, including how to deal with possible short-term losses for improving selectivity or implementing other measures to reduce unwanted catches.

STECF concludes that it is vital that Member States and the Advisory Councils understand what information is needed to support non-annual or possible future reviews. In addition, it is necessary to clarify what is required from STECF, so such an assessment can be robust and useful.

STECF concludes that the avoidance of unwanted catch through improved selectivity or other means should be the primary focus in implementing the landing obligation. While recognising that modifying selectivity can result in some reduction in revenue, such loss in revenue should be viewed in the broader context of medium-term gains in stocks from an increase in selectivity, the reduced risk of choke events and better utilization of quota to land a higher proportion of more valuable catch.

STECF concludes that a further review of the landing obligation as indicated by DG MARE in the recent Commission Communication[2], provides an opportunity to consider the landing obligation in its totality and ways to improve implementation. In this context, reviewing the process of evaluating exemptions would be important. Such a review would allow discussion on data issues, further development of the categorisation proposed by EWG 23-04 and 23-06, as well templates that could be supplied to Member State groups to help them provide consistent and coherent JRs. STECF could feed into this process through discussions at future plenary meetings or by dedicated EWGs.

[2] COM(2023) 103 final. Communication from the Commission to the European Parliament and the Council – "*The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management*".

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[1] - Information on STECF members' affiliations is displayed for information only. In any case, Members of the STECF shall act independently. In the context of the STECF work, the committee members do not represent the institutions/bodies they are affiliated to in their daily jobs. STECF members also declare at each meeting of the STECF and of its Expert Working Groups any specific interest which might be considered prejudicial to their independence in relation to specific items on the agenda. These declarations are displayed on the public meeting's website if experts explicitly authorized the JRC to do so in accordance with EU legislation on the protection of personnel data. For more information: https://stecf.jrc.ec.europa.eu/adm-declarations

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REPORT TO THE STECF

EXPERT WORKING GROUPS ON Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (EWG-23-04 & 23-06)

Virtual meetings, 8-12 May 2023

This report does not necessarily reflect the view of the STECF and the European Commission and in no way anticipates the Commission's future policy in this area

1 INTRODUCTION

1.1 Background

Under the CFP, after consulting the relevant Advisory Councils, Member States cooperating at sea-basin level may provide the Commission with joint recommendations requesting exemptions from the landing obligation. Where the STECF's assessment reports that the proposed exemptions contribute to achieving the expected results, the Commission adopts delegated acts implementing these joint recommendations into EU law, in accordance with Article 15(6) of the Common Fisheries Policy (CFP Regulation)[3]. Where there is no multiannual plan for the fishery in question, article 15(6) of the CFP Regulation empowers the Commission to adopt delegated acts laying down on a temporary basis specific discard plans containing the exemptions. The six potential elements that can be contained in a discard plan are the following:

- Definitions of fisheries and species.
- Provisions for survivability exemptions.
- Provisions on *de minimis* exemptions.
- The fixation of minimum conservation reference sizes.
- Additional technical measures needed to implement the landing obligation.
- Documentation of catches.

The temporary discard plans introduced under Article 15(6) had a maximum of 6 years (with the exception to the existing discard plan for turbot fisheries in the Black Sea). For the North Sea, North-western waters and South-western waters These temporary plans have been replaced by provisions adopted under article 15(5) and the provisions for implementing the landing obligation are now specified in the Western Waters, North Sea and Baltic Sea multiannual plans. This means a shift from setting out temporary derogations from the landing obligation under the CFP via discard plans towards a more stable approach having the multiannual plans as a legal basis. Under the existing multiannual plans, the Commission is empowered to adopt delegated acts following Article 18 (the Regionalisation procedure) of the CFP. Other than for the Mediterranean and Black Sea, delegated regulations specifying the details of implementation of the landing obligation have been adopted by the Commission under the existing multiannual plans. The provisions within these delegated regulations expire by the end of 2023.

In this context, the delegated acts specifying the exemptions constitute an important step towards the sustainable exploitation of fish stocks. They provide flexibility for the implementation of the landing obligation, contributing to one of the key objectives of the CFP to reduce the levels of unwanted catches and eliminate discards. It is therefore all the more important that sound scientific evidence supports all the provisions of the delegated acts, as this is the precondition of such flexibility.

As communicated in the recent Annual Communication[4] - "Towards more sustainable fishing in the EU: state of play and orientations for 2023" - the Scientific, Technical and Economic Committee for Fisheries (STECF) highlighted that, "*the impacts of such exemptions on fishing mortality are poorly understood given the level of reporting of catches discarded under exemptions*". Therefore, in the same Communication the Commission stated their intention, working with Member States, to review all of the requested exemptions to the landing obligation in 2023. This is to ensure all

[3] Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. OJ L 354, 28.12.2013, p. 22.

[4] COM/2022/253 final

requested exemptions would have an updated assessment. While some of these exemptions are time-limited or have specific annual reporting requirements, there are others which have been in place for a considerable amount of time without recent assessment. STECF was thus requested through expert working groups established for 2023 (EWG s 23-04 & 23-06), to review and evaluate the Member States' joint recommendations that would continue the implementation of the landing obligation beyond 2024.

During PLEN 22-03, DG MARE held a preparatory discussion with STECF on the structure and focus of the review of the joint recommendations. Arising from those discussions, most importantly, STECF highlighted the importance of consistent catch information to allow assessment of the level of risk of discards allowed under exemptions will potentially have on the status of the stock or stocks involved. Further discussions were held with STECF during PLEN 23-01, while briefing sessions were also held with the Member State Regional Groups during Q1 of 2023 to outline the process and provide guidance on the information required.

1.2 Terms of Reference for EWG-23-04 & 23-06

Based on the previous evaluations of the STECF, the Ad-hoc contract 19-01 on temporary *de minimis* exemptions, the preparatory meeting with STECF for EWGs 23-04 and 23-06 held in STECF PLEN 22-03 and 23-01, and the joint recommendations that will be submitted by Member States regional groups, the following draft terms of reference are proposed for EWG 23-04 and 23-06:

STECF is requested to:

1. Review the supporting documentation and catch data underpinning the requests for exemptions on the basis of high survivability, as included in the joint recommendations submitted by the regional groups. In data-poor situations and for exemptions relating to very small quantities, the STECF is requested to look into the possibility to extrapolate the evaluations, studies or any relevant scientific material from other sea-basins. The STECF is requested to assess what further supporting information may be available and how this could be supplied in the future (e.g., survival studies, tagging-release-recapture experiments), taking into account the proportionality approach (for instance the volume of catches/discards and the difficulty/cost for Member States to undertake studies or experiment for small fisheries). In those cases where not sufficient data could be provided, the STECF is requested to provide recommendations on the future gathering of such data (preferably via existing databases).
2. Review the supporting documentation (biological, technical and/or economic) for *de minimis* exemptions on the basis that either increasing selectivity is very difficult to achieve, or to avoid handling unwanted catches would create disproportionate cost. This review should focus on the requests for *de minimis* exemptions as included in the joint recommendations put forward by the regional groups. In data poor situations, assess what further supporting information may be available and how this could be supplied in the future (e.g., discard data collection, selectivity studies, test new bycatch reduction devices).

1.3 Summary of the Joint Recommendations submitted

JRs were submitted by the North Sea, North-western Waters and South-Western waters Regional Groups. Additionally, three Joint Recommendations from the different regional groups in the Mediterranean - SUDESTMED, PESCAMED and ADRIATICA – were also received. These JRs contained requests to renew existing exemptions beyond the end of 2023, when the current Delgated Regulations implementing the landing obligation will expire.

EWG 23-04 & 23-06 met virtually from 8-12 May virtually, to review the JRs submitted. EWG 23-04 reviewd the JRs for the North Sea, North-western waters and South-western waters, whilst EWG 23-06 reviewed the three Mediterranean JRs.

Essentially, the JRs contained requests to renew all of the existing exemptions contained in the existing Delegated Regulations. However, the North Sea and North-western waters requested two new exemptions, while there were also requests from several of the Regional Groups to modify or

re-include other exemptions. In total, the EWGs 23-04 and 23-06 reviewed 103 exemptions. The breakdown by region is shown in table 1.3.1.

Table 1.3.1 Number of recommendations by type and region evaluated by EWG 22-05

Region	*De minimis* exemptions	High Survivability exemptions
NWW	14	7 (including 1 new exemption)
North Sea	19 (including 1 new exemption)	8
SWW	21	4
PESCAMED	7	3
SUDESTMED	9	
ADRIATIC	11	
Total	**81**	**22**

2 EVALUATION OF REGIONAL JOINT RECOMMENDATIONS

To assist the Member States groups, templates were prepared by STECF PLEN 22-03 for the provision of fisheries information to support *de minimis* and high survivability exemptions to the landing obligation. These templates were adapted from previous templates developed by STECF EWG 16-05. They are provided in Annex I.

2.1 Structure of Advice – *de minimis* exemptions

In assessing each of the *de minimis* exemptions requested, EWG 23-04 and 23-06 has considered the following elements for each exemption based on the information contained in the JRs:

- A clear description of the problem.
- Detailed catch and fleet data for the stock and the fishery the exemption applies.
- An evaluation of what this data shows in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches).
- Indication of usage of the exemption by Member States.
- A review of existing supporting studies/literature reviews provided for the exemption in the past and also any new information available.
- Information on research on improving selectivity.
- Information on the level of disproportionate costs associated with implementing the landing obligation.
- Impact/risk of the exemption in the context of the fishery.
- Planned research to support the exemption.

The information has been collated using a template developed by the EWGs as shown in Annex II.

2.2 Structure of Advice – high survivability

In assessing each of the high survivability exemptions requested, EWG 23-04 and 23-06 has considered the following elements for each exemption based on the information contained in the JRs:

- A clear description of the problem.
- Survival estimates provided and quality of these estimates.
- Survivability estimates in the context of the discard rate in the fishery.

- Improvements in selectivity and operational practices on board fishing vessels to increase survivability that may have been taken.
- Projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used.
- New information, research or studies planned.

The information has been collated using a template developed by the EWGs as shown in Annex III.

2.3 Categorisation of Exemptions

In reviewing the exemptions, the EWGs has observed that they can be categorised as follows:

1. Exemptions supported by catch data from all Member States, are well justified and shown to likely have a low impact on the relevant stock(s).
2. Exemptions where the justification is not based on dedicated studies (intuitive rather than scientifically proven) or on generic studies not specific to the exemption but likely to have a low impact on the stock(s).
3. Exemptions linked to the use of selective gears.
4. Exemptions where the *de minimis* volume of unwanted catches that could potentially be discarded under the exemption are below the level of unwanted catch as reported by ICES/FDI but there is no indication of additional measures to reduce such catches.
5. Exemption covers a broad range of species and/or gears/areas, making providing a justification covering the scope of the exemption challenging.
6. Exemptions that relate to stocks that are depleted and ICES has provided zero catch advice, or the stocks covered by the exemption are caught together with such depleted stocks.
7. Exemptions based on further studies planned and the exemption is justified as a stop gap.
8. Exemptions where the catch data shows the unwanted catches are negligible or zero, but the exemption is needed "just in case" there are unwanted catches.

The EWGs used this approach as a way of sumarising the exemptions for DG MARE. However, the EWGs recognised that it would require further refinement to make it useful for future assessments.

3 EWG 23-04 & 23-06 OBSERVATIONS

Following from previous EWGs (EWGs 15-10, 16-10, 17-08, 18-06, 19-08, 20-04, 21-05 and 22-05 as well as STECF PLEN 14-02 and 19-02) set up to evaluate the Joint Recommendations, STECF has repeatedly made some general observations relating to the Joint Recommendations submitted by the Regional Groups of Member States. Many of these remain valid to the review carried out by EWG 23-04 and 23-06. These are split into general observations, observations relating to *de minimis* exemptions and observations relating to high survivability exemptions.

3.1 General Observations

- The EWGs acknowledge the efforts made by the Member States and High-Level Groups in formulating the JRs for 2023 and submitting these on time. Given these JRs covered all of the exemptions currently in place this represented a substantial amount of work.
- Whilst acknowledging the efforts made, the EWGs note that despite the efforts made by STECF and DGMARE to highlight the importance of providing the best possible catch information, the information presented to support many exemptions lacked consistency. Data was provided in different formats and for different years in many cases. Some Member States used the templates and provided relative and absolute estimates of unwated catches. Others only provided partial or relative data or no data at all.

- The EWGs reiterate the need to improve the quality and consistency of catch data provided to support exemptions. Such data is important to understand the relationship between the level of potential discards under the requested exemptions and the actual level of unwanted catches in the relevant fishery and for the relevant stocks. In the absence of this information, for many exemptions the EWGs could not assess the level of risk of allowing discarding under the exemptions would potentially have on the status of the stock or stocks involved.
- The EWGs note that the weaknesses in the recording and reporting of catch data relating to unwanted catches discarded under exemptions consistently reported by STECF remain. Despite there being a legal requirement in Article 15 of the CFP to record such catches, there is no evidence of this occurring routinely. For most exemptions, there was no indication in the JR as to the level of unwanted catches reported, and any estimates that are provided seem to be underestimates.
- The EWGs reiterate if the data situation in relation to recording unwanted catches does not improve and the true quantities being caught as reported do not reflect the actual removals, it will likely have a significant impact on the quality of scientific advice and may compromise the achievement of the MSY objective. The potential for this discrepancy is higher for *de minimis* than high survival exemptions because the actual discard amount may be substantially higher than the permitted *de minimis* volume. For high survival exemptions, this risk has been mitigated to some extent by deducting the estimated dead discards associated with the exemptions from the total allowable quota prior to allocation.
- The EWGs reiterate that the avoidance of unwanted catch through improved selectivity or other means should be the primary focus in implementing the landing obligation. Noting that a significant amount of testing of gear modifications to improve selectivity has been carried out, uptake of such gears has been very limited to date. Recognising that modifying selectivity can result in reduction in revenues, such losses should be viewed in the broader context of medium-term gains in stocks, the risk of choke events and the utilisation of quota to land low value catches.
- For some exemptions, the EWGs note that the justification provided is not necessarily supported by dedicated studies or studies relating specifically to the exemption. In such cases, as the likely impact of the exemption on the relevant stocks is low, the exemption has been granted, even though, Article 15 states that exemptions should be supported by scientific evidence.
- The EWGs note for some stocks (e.g., mackerel, horse mackerel), there are multiple exemptions in place in the relevant sea basin that allow for the discarding of unwanted catches against these exemptions. While individually such exemptions are likely to have a low impact on the relevant stock(s), the cumulative unwanted catches under the relevant exemptions may be much higher and could be an issue for stock sustainability.
- The EWGs observe that there are several exemptions that relate to stocks that are assessed by ICES, STECF and GFCM as being severely depleted or the stock relevant to an exemption is associated with other stocks that are similarly fished unsustainably. In such cases, caution is needed to ensure that the exemption does not lead to increased or unancounted mortality on such stocks.
- The EWGs note that one of the main concerns of Member States and the fishing industry regarding the implementation of the landing obligation was and still is the choke species problem (see also EWG 13-23 (STECF 2013) or 14-19 (STECF 2014a). Many of the exemptions from the landing obligation put in place and the flexibility instruments included in Article 15 aim to address the problem of avoiding choke species problems in mixed fisheries (e.g., inter-annual quota flexibility, inter species flexibility, *de minimis*, survivability, quota transferability). As most of the ex-ante modelling exercises to assess socio-economic impacts assume full implementation of the landing obligation, choke effects are shown to be the main problems of the landing obligation in these analyses and the accompanying literature. However, there is very little empirical evidence of choke effects in fisheries today. It seems that the desire to ensure "business as usual" has led to a lack of effective implementation. This, in combination with a lack of monitoring and the introduction of all or some of the instruments (e.g., exemptions or mitigation measures), means

anticipated choke species have not materialised. This means that there is often a significant mismatch between the model calculations of impacts (a full implementation of the landing obligation) and the actual situation in fisheries.

- The EWGs observe that STECF has been requested several times in the first years after the adoption of the current basic regulation to provide an ex-ante feedback on possible effects of the landing obligation. In the first EWG report on the landing obligation (STECF 13-20, p. 9), the EWG stated that difficulties to improve selectivity may have more to do with economic implications (short term losses) than technical issues. This latest assessment supports this conclusion. It is apparent that exemptions have been introduced principally to reduce the short-term costs of the implementation of the landing obligation, rather than to solve problems in specific fisheries.
- In initiating future reviews, the EWGs stress it is vital that Member States and the Advisory Councils understand what information is needed to allow for a meaningful assessment to be carried out.

3.2 Observations on *de minimis* exemptions

- The EWGs note for many exemptions the relationship between the *de minimis* volume requested and the level of unwanted catches is unclear from the information provided to support the exemption. In some cases, the *de minimis* volume covers 100% of the unwanted catches, usually in fisheries where the levels of unwanted catch are small. In other cases, the *de minimis* volume covers only a small part of the unwanted catches but the supporting information does not contain any indication of the measures to be taken to reduce these residual unwanted catches.
- The EWGs observe that there is limited literature on "disproportionate costs of handling unwanted catches". There are a few specific projects (e.g., MINOUW project and a study from the Netherlands (Oostenbrugge et al. 2021)) where researchers have attempted to calculate the actual costs of handling unwanted catches on board. However, STECF has stated several times that it remains a judgement call when costs can be defined as 'disproportionate' (see STECF 2013, p. 10, STECF 2014b (EWG 13-17), p. 10). Therefore, there is still no objective threshold for 'disproportionate costs.'
- The EWGs reiterate that Member States should base such exemptions on the wording contained in Article 15 which states, "*To avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear*". The EWGs interpret this to mean that disproportionate costs are a given and the focus should be on defining the percentage of unwanted catches that could be justifiably discarded under such an exemption rather than whether costs are disproportionate or not.
- EWG 23-06 noted the effort and work done by the SUDESTMED HLG to provide support and evidence regarding the "disproportionate costs of handling unwanted catches" in south-eastern Mediterranean fisheries by means of an exhaustive Multicriteria Performance Matrix analysis.
- The EWGs observe that Member States have continued to use a variety of ways to calculate *de minimis* volumes. In most cases for single species *de minimis* exemptions, a percentage (e.g., 3% or 5%) has been applied to the catches of the relevant species. However, for several fisheries where the intention is to discard 100% of the catches (e.g., boarfish in the NWW and whiting bycatch in demersal beam trawl fisheries the North Sea), catches from the entire fishery or for different species have been used as the basis for the calculation to increase the de minimis volume. The EWGs cannot adjudicate whether this is a correct interpretation of Article 15.
- The EWGs reiterate that *de minimis* exemptions can provide an incentive for vessel operators to continue discarding unwanted catches at sea and only retain unwanted catches on board if they are inspected on hauling. The lack of reporting and recording of unwanted catches discarded would strongly suggest this is the case.
- The EWGs note that for many *de minimis* exemptions, particularly in SWW and NWW, the number of vessels that potentially could avail of this exemption is large; the exemption

covers fisheries where different gears are used during the same fishing trip; or the exemption covers a very wide area. This means that the monitoring of discards under the exemption is potentially challenging given that in these cases the volume of discards per vessels is likely to be very low.

- The EWGs note that in recent years the amount of testing of selective gears has reduced significantly. Many *de minimis* exemptions are justified by trials carried out 3-5 years ago and there seems little intention of Member States carrying out further work, even though the previous trials have not led to uptake of the gears tested.

3.3 Observations on high survivability exemptions

- The EWGs acknowledge the significant work carried out on the survival of various species. This has been one of the positive outcomes of the landing obligation and the knowledge on survivability is now extensive for several species. Survival work has also led to greater collaboration between Member States, which is also positive.
- As the EWGs were asked to review existing exemptions, focusing on data issues, the EWGs did not use the critical review framework developed by ICES Workshop on Methods for Estimating Discard Survival (WKMEDS) on how to conduct discard survival assessments, to assess the survival data provided to support the exemptions. However, the EWGs reiterate this is a useful framework that allows review of the reliability of survival estimates derived from survival experiments. The template used is shown in Annex IV. There are more details on the critical review process available in the ICES WKMEDS meeting reports (ICES, 2016 and Breen and Catchpole 2021).
- For the exemptions for plaice with beam trawls in the North Sea and NWW, the EWG 23-04 observes that the current survival estimates are still highly variable, in some cases less than 10% and seem only relevant for the larger beam trawl vessels. Member States continue to request the exemption on the basis that work to reduce unwanted catches is continuing but in light of such variability, DG MARE may wish to consider the appropriateness of continuing to grant this exemption balanced against the economic impacts on the relevant fleets of removing the current exemptions.
- The EWGs reiterate that several existing exemptions for plaice and sole continue to be linked to conditions such as restricting the exemption to fishing to certain depths, tow durations and to specific groups of vessels or specified selective gears. While these factors may influence survival, there is no evidence of these conditionalities being applied by Member States. In practice controlling and enforcing such measures to any degree will be challenging. A balance is needed between extrapolating the survival evidence from the conditions observed in the studies, and the practical considerations of enforcing and complying with the regulated measures.
- The EWGs reiterate the need to consider survivability in the context of the discard rate for the fishery seeking an exemption (STECF 17-02), highlighting that medium survival rates in high discarding fisheries still lead to high discard mortality rates. Cuckoo ray is a case in point. STECF has also previously concluded (STECF 19-02) that unless surviving and dead discards are accounted for in stock assessments are accounted for in TAC setting, where survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. This needs to continue to be discussed in the assessment forums for stocks with survival exemptions.
- EWG 23-04 observes that for the complex survival exemptions for *Nephrops*, plaice and skates and rays, which have a wide scope covering multiple gears and/or species/areas, it would be useful to carry out a detailed meta-analysis of survival to assess the overall effect of such exemptions.
- EWG 23-06 noted the novel information provided by the PESCAMED HLG to support the high survivability exemption for spiny lobster in the western Mediterranean, while no new information was provided to support the high survivability of a number of species in the Western Mediterranean. Moreover, for the scallop (Pecten jacobaeus) and the carpet clam (Venerupis spp.) no additional studies are planned to fill this gap.

4 NORTH SEA – OVERVIEW OF JOINT RECOMMENDATIONS

Commission Delegated Regulation (EU) 2015/2440 established, for the first time, a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division 2a. Based on new Joint Recommendations for the North Sea submitted by the regional group of Member States this plan has been updated several times, most recently by Commission Delegated Regulation (EU) 2020/2014. This Regulation moved from implementation from short-term temporary derogations from the landing obligation under the CFP via discard plans towards a more stable approach using the North Sea multiannual plan (Regulation (EU) 2018/973) as the legal basis. It also included exemptions relating to pelagic fisheries that had previously been in a separate Delegated Regulation. Regulation (EU) 2020/2014 has been amended by Delegated Regulations (EU) 2021/2062 and 2022/2289.

In 2023, a new Joint Recommendation has been submitted by the Scheveningen Group. This consolidates the main elements of Regulation (EU) 2020/2014. It provides additional information on all of the existing exemptions, both *de minimis* and high survivability, which expire at the end of 2023. An additional request for a new *de minimis* exemption is also included in the new JR.

The main elements of the 2023 JR's are summarised in table 4.1.

Table 4.1 Main elements of the Joint Recommendations submitted for the North Sea

Elements	***Pelagic or Demersal***	***Relevant Article in current discard plan***	***Assessments by STECF***
De minimis			
Common sole caught with gillnets and trammel nets in in Union waters of ICES divisions 2a and 3a, and ICES subarea 4	Demersal	Article 11(1)	EWG 15-10
Common sole caught by beam trawls with a mesh size of 80-119mm with increased mesh sizes in the extension of the beam trawl in ICES subarea 4	Demersal	Article 11(2)	EWG 15-10 EWG 17-08
Sole, cod, haddock, saithe, whiting and hake caught in the *Nephrops* fishery using bottom trawls with a mesh size equal to or larger than 70 mm equipped with a species-selective grid in Union waters of ICES division 3a	Demersal	Article 11(3)	EWG 17-08
Sole, haddock, whiting, cod, plaice, saithe, herring, Norway pout, greater silver smelt and blue whiting below MCRS caught in the *Pandalus* fishery using bottom trawls with a mesh size	Demersal	Article 11(4)	EWG 16-10 EWG 17-08 EWG 18-06

equal to or larger than 35 mm equipped with a species selective grid, and with unblocked fish outlet, in Union waters of ICES division 3a			
Whiting below MCRS caught in bottom trawls 90-119mm with SELTRA panels and bottom trawls with a mesh size of 120mm and above in Union waters of ICES division in 3a	Demersal	Article 11(5)	EWG 17-08
Bycatch of plaice below MCRS in fisheries caught in the *Nephrops* trawl fishery with a mesh size ≥ 80-99mm with a SEPNEP in ICES subarea 4	Demersal	Article 11(6)	EWG 17-08
All fish species caught in the Brown shrimp fishery using beam trawls in Union waters of ICES divisions 4b and 4c:	Demersal	Article 11(7)	EWG 18-06
Ling below MCRS caught using bottom trawls with a mesh size equal to or greater than 120 mm in Union waters of ICES subarea 4	Demersal	Article 11(8)	EWG 18-06
Whiting below MCRS caught in mixed demersal fisheries by vessels using bottom trawls or seines with a mesh size of 70-99 mm in Union waters of ICES divisions 4a and 4b.	Demersal	Article 11(10)	EWG 16-10 EWG 17-08 EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Whiting below MCRS caught using beam trawls with a mesh size of 80-119mm in ICES subarea 4	Demersal	Article 11(11)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05
Mackerel, horse mackerel, herring and whiting in the pelagic fishery carried out by pelagic trawlers up to 25	Pelagic	Article 11(12)	PLEN 14-02 EWG 20-04 EWG 22-05

meters in ICES area 4b and c south of 54 degrees north			
Bycatch of industrial species caught using bottom trawls, seines and beam trawls in ICES subarea 4	Demersal	Article 11(13)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Ling below MCRS caught using longlines in ICES subarea 4	Demersal	Article 11(14)	EWG 19-08 EWG 20-04 EWG 22-05
Horse mackerel caught using bottom trawls, seines and beam trawls with a mesh size between 80 and 99 mm in ICES subarea 4	Demersal	Article 11(15)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Mackerel caught using bottom trawls, seines and beam trawls with a mesh size between 80 and 99 mm in ICES subarea 4	Demersal	Article 11(16)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Blue whiting caught by industrial pelagic trawlers in ICES subarea 4	Pelagic	Article 11(17)	EWG 20-04 EWG 22-05
Northern prawn caught with demersal trawls and seines using mesh sizes above 70mm in ICES division 3a and subarea 4	Demersal	Article 11(18)	EWG 22-05
Haddock below MCRS caught demersal fisheries by vessels equipped with electronic monitoring systems, including CCTV or vessels equipped with Seltra panel with 300 mm square mesh with a mesh size equal to or larger than 90 mm, in the Union waters of ices division 3AS	Demersal	New exemption	EWG 23-04
High Survivability			
Nephrops caught with *pots; bottom* trawls with a cod-end larger than 80 mm or a cod-end with a mesh size of at least 70 mm equipped with a	Demersal	Article 3	EWG 15-10 EWG 16-10 EWG 17-08 EWG 18-06 EWG 19-08 EWG 20-04

species selective grid; or a cod-end of at least 35 mm equipped with a species selective grid in Union waters of ICES divisions 2a, 3a and subarea 4			
Common sole below MCRS caught with bottom trawls with a cod end mesh size of 80-99 mm in ICES division 4c	Demersal	Article 4	EWG 16-10 EWG 17-08
Fish bycatch in pots and fyke nets in Union waters of ICES division 3a and ICES subarea 4	Demersal	Article 5	EWG 17-08
Plaice caught with nets; Danish seines; bottom trawls with a mesh size of at least 120 mm in winter months (from 1 November to 30 April) in Union waters of ICES division 3a and subarea 4	Demersal	Article 6	EWG 18-06 EWG 19-08 EWG 20-04
Plaice below MCRS caught with beam trawls with a mesh of 80-119mm in Union waters of ICES division 2a and ICES subarea 4	Demersal	Article 7 (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Turbot caught with trawls with a cod end larger than 80mm in ICES subarea 4	Demersal	Article 8	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Skates and rays (*Rajiformes*) caught with all gears in in Union waters of ICES divisions 2a, 3a and subarea 4)	Demersal	Article 9 (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Mackerel and herring caught with purse seines under certain conditions in ICES division 3a and subarea 4	Pelagic	Article 10	PLEN 14-02 EWG 22-05

4.1 Proposals for *de minimis* exemptions

A summary of the fishery information applicable to the existing and new *de minimis* exemptions is provided in Table 4.1.1.

Table 4.1.1 Summary of *de minimis* exemptions submitted as part of the North Sea Joint Recommendations

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Sole caught by vessels using set gear (trammel nets and gillnets), in Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4) up to a maximum of 3% of total catches. Article 11(1) of Delegated Regulation (EU) No 2020/2014
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is based on improvements in selectivity to avoid unwanted catches, over and above the measures already introduced, will be hard to achieve without severe economic impacts on the revenue of the vessels concerned.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	The exemption is based on French data as the only Member State that uses this exemption. The most recent data available for this fishery are from the French OBSMER programme, date from 2019 and 2020 observations (which were impacted by the COVID-19 pandemic). France reported a lack of capacity to provide new data in time for the May 1st deadline.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	French data from 2019-2020 indicates a proportion of discarded fish between 4,1% (2020) and 1.8% (2019), of which between 96% (2019) and 98% (2020) were undersized individuals. French landings for all gears in the area for the same period amounted to 108 and 37 tonnes in 2019 and 2020, respectively (ICES, 2022 – https://doi.org/10.17895/ices.advice.7859). No absolute data is available on the extent of unwanted catches in the relevant fisheries as only relative information has been provided. The JR indicates that discarded sole have a high survival rate based on several referenced studies, although many of these are not directly related to the actual fishery covered by the exemption.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported	Based on the JR, the exemption is only being used by France. However, there is no data provided on the level of unwanted catches reported against the exemption.

by the Member State against the exemption?	
Supporting Information	
What supporting information/literature reviews has been provided?	No new information was provided, other than the summary data in the JR.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Data provided are taken specifically from the fishery to which the JR applies.
How representative is it of the fishery/fisheries covered by the exemption?	The discrepancy between the absolute figures reported by France and aggregated official data reported to ICES is hard to reconcile from the data provided.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR states that the Obsmer report shows most fishing operations are conducted with a mesh size of 100 mm, and that an increase in the mesh size would result in a major economic loss for these fisheries. With this mesh size, discards of sole are less than 2%, composed of about 97% undersized fish. It is also stated that Ifremer report that this fishery has a small impact on the ecosystem.
Is this based on pilot studies or trials?	This is based on trials carried out prior to 2015, at the time of the first request for this exemption, assessed by EWG 15-10.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No specific arguments have been presented at this time, other than generic statements.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	France has indicated that the volume of unwanted catches of sole from the set net fisheries covered by the JR is low. However, no catch data has been provided and France has indicated that they do not sample this fishery.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The fishery of this species has occasional small impacts in the stocks of species of some concern, such as the school shark (*Galeorhinus galeus*) and

	the undulate ray (*Raja undulata*), each with 5% in the catches of these gear in 2020.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned.
EWG 23-04 Conclusions	
No new information is presented relating to the current exemption. The supporting information refers to reports provided previously to EWG 15-10. The limited supporting data presented indicates that discarding of sole is generally low and fishing gears under this exemption are tuned to catch common sole at and above the MCRS. However, no absolute information on the volume of unwanted catches has been provided, and the arguments to support the case are inferred rather than based on dedicated studies. The main justification for the exemption is that selectivity improvements through increasing mesh sizes would result in commercial losses and any sole discarded have a high survival rate. Again, while this is likely to be the case, it is inferred rather than supported by dedicated studies in the relevant fisheries.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Commn sole caught by vessels using beam trawl (TBB) of mesh size 80-119 mm equipped with a Flemish panel, in the Union waters of ICES subarea 4: a quantity of common sole below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of that species. Article 11(2) of Delegated Regulation 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This fishery targets mainly plaice and sole (the latter being the most valuable species). Research has shown that increasing the mesh size to 90 mm would improve selectivity for plaice. However, it would have a significant economic impact for sole with economic losses estimated at 12% of revenue. Belgium also justifies the exemption based on disproportionate costs for handling unwanted catches of sorting and storing unwanted catches of sole on board.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Belgium and the Netherlands have provided updated data on the fleet, landings, unwanted catches, and discard rates relevant to the fishery.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Data pertaining to Belgium and the Netherlands are presented for 2019-2021 (3 years). Most catches are made by the Netherlands (about 97%). Discard rates in fisheries in Belgium are on average 23% (2020-2021 – not available in 2019) but only 15% in fisheries in the Netherlands (3

	years). Overall, in the geographic area of concern, they represent an average of 15,5% for the period analysed. On average, for the two Member States and the 3 years, an absolute average figure of 708 tonnes per year of unwanted catches is estimated. No data is provided for other Member States. ICES provides fisheries data for the species in Subarea 4, from Belgium, Denmark, France, Germany, the Netherlands, and the UK (2022, https://doi.org/10.17895/ices.advice.19453814). ICES estimates total discards as 959 tonnes in 2021, equating to a discard rate of around 11% for all gears. According to estimates 92% of landings are taken by beam trawlers. ICES also reports officially reported landings of Below Minimum Size (BMS) sole of 43 tonnes. No data is available by gear or by Member State of BMS landings. Using the ICES data, for 2021, this would mean the volume that could be discarded would equate to 457 tonnes. Thus, there would seem to be a discrepancy between the volumes reported to be discarded and the BMS reported as landed by Member States.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The current JR only mentions fisheries by Belgium and the Netherlands (in Subarea 4 – none in Divisions 2a and 3a). No information on uptake is provided.
Supporting Information	
What supporting information/literature reviews has been provided?	No new information was provided, other than the summary data in the JR.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Information and data provided are taken specifically from the fishery to which the JR applies.
How representative is it of the fishery/fisheries covered by the exemption?	The discrepancy between the absolute figures reported by the two MS and aggregated official data reported to ICES is hard to reconcile from the data provided.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR summarises data from historic selectivity studies that show increasing the mesh size to 90 mm would improve selectivity for plaice selectivity. However, using this mesh size would imply a significant loss of marketable sole, estimated at 12%. The JR also references trials by Belgian beam-trawlers using a sorting panel that allows the escape of undersized sole. The results with this device – the Flemish panel – were assessed previously by EWG 17-08 and shown to

	be effective. However, no information has been provided on the use of the Flemish panel by Belgian and Dutch beam trawlers and there has been no assessment of the continued effectiveness of this gear modification since its introduction as a condition of the exemption.
Is this based on pilot studies or trials?	The analysis of the effect of increasing mesh size is based on trials carried out at sea under an EU tender started in 2007 (published 2010).
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	An analysis of cost data provided by ILVO relating to the operation of the fishery is included in the JR. This information provided relating to disproportionate costs show increased sorting times on board associated with the landing obligation. However, it is not clear how these figures are derived. Sorting of unwanted catches on board would have to be carried out regardless of the landing obligation, while the actual volumes of unwanted sole catches are relatively small.
Is this based on pilot studies or economic model simulations?	These data are based on economic data collected under the DCF.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	This fishery takes both plaice and sole, but the average prices for sole are higher than for plaice: 16-20 EUR/kg compared to 3 EUR per kg respectively in 2022. Research has shown that increasing the mesh size to 90 mm would be a good improvement for plaice selectivity. However, that would also entail a substantial detrimental economic impact for sole, implying economic losses of 12% of the revenue from the loss of marketable sized fish (between 300k and 400k€ per year in the period 2020-2021. Additionally, it is argued that Belgian beam-trawlers (but note that these represent just 10% of the catches) are already equipped with a sorting panel dedicated to allowing the escape of undersized sole. In the same fishery, there seems to be a problem of mixed-unwanted catches, the sorting of which would mean 3,78 to 6,18 extra working days each sea trip, depending on the area and fleet segment. This would require one additional crewmember on board, with space, safety, and profit distribution (therefore prospective employee attractance) negative impacts, which, depending on fleet segment is reported to represent between 1100 to 2600 € per trip (average cost per crew member per day x average number of days at sea per trip). If we multiply this by the average yearly number of licensed vessels in the last 3 years (186 for both countries), the extra trip cost for this fleet would be between 200 and 500 k€.

Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the data provided and also taking account of ICES data, it would seem there is a discrepancy between the amount of sole that could be potentially discarded under the exemption and the estimated discards in the fishery as a whole. However, as only partial data is available, with no data on the actual catches below MCRS, EWG 23-04 cannot make any evaluation of the potential risk of this exemption.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The fishery for this species has occasional small impacts in the stocks of species of some concern, such as the school shark (*Galeorhinus galeus*) and the undulate ray (*Raja undulata*), each with 5% in the catches of these gear in 2020.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned.
EWG 23-04 Conclusions	
The justification for this exemption remains the same as in previous JRs, relating to improvements in selectivity being difficult to achieve, over and above the gear modifications already applied in the fishery. While it is positive that the exemption is related to the use of this gear modification that has been shown to reduce the level of unwanted catches, there is no information on uptake or evidence of monitoring of the effectiveness of this device. The arguments around disproportionate costs relate to the implementation of the landing obligation in its totality for all species and not just sole so the relevance of this information is questionable. Additionally, the catch data presented suggests that the discards reported by ICES are in excess of the volume of unwanted catches of undersized sole that could be potentially discarded under this exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Norway lobster caught by vessels using bottom trawls (OTB, OTT, TBN) with a mesh size equal to or larger than 70 mm, equipped with a species-selective grid with a bar spacing of a maximum 35 mm in the Union waters of ICES division 3a: a combined quantity of common sole, haddock, whiting, cod, saithe and hake below the minimum conservation reference size, which shall not exceed 4 % of the total annual combined catches of Norway lobster, common sole, haddock, whiting and Northern prawn, cod, saithe and hake. Article 11(3) od Regulation (EU) 2014/2020.
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Only Swedish vessels use this exemption. According to the JR, the request for this *de minimis* exemption IS motivated by difficulties to further increase the selectivity of the already highly selective *Nephrops* trawls concerned. As *Nephrops* is the only source of income for users of this gear, they are particularly economically vulnerable to potential losses of target species that a further increase in selectivity would risk causing.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated data for the fishery are provided, which however exclude any aspects of the current fleet size. No units are provided. Some remarks on the importance of small vessels are made in the text of the JR. An annex that relates to this JR dates from 2014, was updated in 2019, and was previously assessed.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Unwanted catches in the fishery in absolute and relative (in brackets) terms are as follows, assuming tonnes as the appropriate unit: Cod – 21,0 (100%) Haddock – 11,8 (100%) Hake – 8,5 (100%) Saithe – 1,1 (100%) Common Sole – 1,3 (70%) Whiting – 19,2 (90%) TOTAL – 62,9 (96%) Total catch of the target species in 2021 (no data found for 2022) was 7601T, so the unwanted catches of the combined stocks correspond to approximately 1% of all catches. This appears to be much lower than the 4% requested under this exemption.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The only Member State making use of this exemption is Sweden. Sweden reports 1,6 tonnes of *de minimis* discards, (i.e., about 2,5% of the total unwanted catch). This reported weight equates to only 0,02%, far below the requested 4%.
Supporting Information	
What supporting information/literature reviews has been provided?	An annex that relates to this JR dates from 2014, was updated in 2019, and was previously assessed. The text of the JR includes recent data that were compared against ICES data for the target stock.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Data provided are taken specifically from the fishery to which the JR applies.

How representative is it of the fishery/fisheries covered by the exemption?	The data provided are representative of the fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Vessels in this fishery using bottom trawls (OTB, OTT, TBN) with a mesh size equal to or larger than 70 mm, are equipped with a species-selective grid with a bar spacing of maximum 35 mm. Levels of unwanted catch in the fishery are modest with limited amounts of unavoidable by-catches. Therefore it is argued that there would be great difficulties to further increase the selectivity. This gear has previously been evaluated by STECF on several occasions and is recognised as increasing selectivity in the fishery. The JR also indicates the maintenance of the existing derogation is viewed to "incentivise the continued use of this selective gear".
Is this based on pilot studies or trials?	A reference is made to a Swedish University of Agricultural Sciences report from 2018, named "Scientific background to three suggested exemptions from the landing obligation" which includes a "*de minimis* for *Nephrops* grid trawl fishery" section.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	N/A
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	As per the calculations based on the data provided, the impact of the unwanted catches is quite low (~63 tonnes or 1% of the catches) even if 96% of the by-catch is discarded. Furthermore, the reported official uptake is only 1,6 tonnes, or 0,02% of the total catches of this fishery. The request is viewed as a further incentive to keep using the selective gear.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The information provided suggests that there are no other stocks involved, other than the target and the by-catch for which the exemption is sought.

	Cod is the only possible concern, but the impact appears to be quite limited.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned.
EWG 23-04 Conclusions	
This exemption is based on the same justification and supporting information previously assessed by EWG 17-08 as being well founded. It is linked to the use of a proven selective gear and the argument that the exemption acts as an incentive to using this gear is reasonable. Updated catch information has been provided, which directly relates to the fishery, which shows the impact of the exemption is likely to be low.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption in the fishery for Northern prawn by vessels using bottom trawls (OTB, OTT) with a mesh size equal to or larger than 35 mm equipped with a species selective grid with a bar spacing of maximum 19 mm, and with unblocked fish outlet, in the Union waters of ICES division 2a, 3a and subarea 4. Combined quantity of common sole, haddock, whiting, cod, plaice, saithe, herring, Norway pout, greater silver smelt and blue whiting below the minimum conservation reference size where it exists, which shall not exceed 5 % of the total annual catches of Norway lobster, common sole, haddock, whiting, cod, saithe, plaice, Northern prawn, hake, Norway pout, greater silver smelt, herring and blue whiting. Article 11(4) of Commission Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is based on difficulties in increasing the selectivity further in this fishery, over and above the improvements that have already been made in the fishery with the mandatory use of the sorting grid.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Supporting information has been provided by Sweden (for 2022) and Denmark (for 2020-2022). Sweden provided detailed landings and discard data by species in division 3.a for the metier in question. Denmark presented total landings, unwanted and total catch in division 3.a. However, the JR does not indicate the year of observations. Denmark also provided the information on landings and

	discards from fleet segment relevant to the exemption by species for 2020-2022. No information on the number of vessels impacted by the exemption has been provided. The data only related to 3a. No catch information is provided for 2a or 4.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The information provided by Sweden shows the total discard rate of 0.9% (volume of discards 20,3 tonnes) for the relevant metier in 2022. The Danish data shows the total discard rate of 0.35% (volume of unwanted catch of 132 tonnes). From the provided Swedish catch information for 2022, the overall unwanted catch reported for the area 3a against the exemption was 8.7 tonnes (43 %) of estimated discards (20,3 tonnes) for the same species in this fishery from DCF observer data. The bycatch of Norway pout made up 8.3 tonnes (41%) while the share of unwanted catches of other species was negligible.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Sweden and Denmark have been using this exemption in 3a. No information has been provided about the extent of involvement of other Member States nor on relevant fisheries in the other areas covered by the exemption. The JR suggests that the awareness of the exemption and uptake in practice is probably very high, without providing any detail of the volumes discarded under the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The JR provides as an Annex a Swedish study report of 2018 that originally supported the request for this exemption (Anon. 2018. Scientific background to three suggested exemptions from the landing obligation (1- *de minimis* for *Nephrops* grid trawl fishery, 2- *de minimis* for *Pandalus* trawl fishery and 3- high survival exemption for fish bycatches in pots). Swedish University of Agricultural Sciences. 19 pp.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Results of these studies have been taken from the fisheries, related to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	

Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No new arguments have been provided. The JR suggests that since *Pandalus* is the only source of income for users of this gear, they are particularly vulnerable for the potential losses of target species a further increase in selectivity would cause.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No arguments or results of the relevant studies to formally estimate the costs for handling and landing the unwanted catches for this *de minimis* exemption have been provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption applies to a well-documented highly selective *Pandalus* fishery with small bycatches of the listed fish species. JR suggests that as the grid bar spacing here is 19 mm, bycatches are even smaller than in the *Nephrops* fishery using a grid with a 35 mm bar spacing. The modest fish bycatches covered under this exemption implies that the associated risks are small.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Some components (e.g., Southern sub-stock) of cod in North Sea and Kattegat are at poor state according to the latest ICES advice. However, the low level of cod catches under this exemption implies that the associated risks to the cod stock components involved are small.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned.
EWG 23-04 Conclusions	
The justification and supporting information are the same as previously evaluated by EWG 17-08 and 18-06 as being well founded. It is linked to the use of highly selective gear that is mandatory in the fishery. New catch information presented to support the exemption suggests that the fish bycatch when using this highly selective *Pandalus* gear with selective grid of 19mm is low. This implies that the associated risks to the stocks involved are small.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting below MCRS caught in fisheries by vessels using bottom trawls (OTB, OTT, TBN, PTB) with a mesh size of 90-119 mm, equipped with Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh) or 300 mm mesh size (square mesh), or bottom trawls (OTB, OTT, TBN, PTB) with a mesh size equal to or larger than 120 mm, in the Union waters of ICES division 3a up to a maximum of 2 % of the total annual catches of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake. Article 11(5) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	While not clearly stated, it appears that the exemption is needed due to difficulties in improving selectivity in a short-term period and disproportionate costs of handling the catches of whiting, which generate additional labour costs for catch sorting. This was the justification provided in 2017.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data for Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake was provided only for Denmark for 2020 – 2022 but not for the MCRS fraction. No fleet data was provided by Denmark or Sweden.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data shows high level of unwanted catches of whiting in the fishery. Unwanted catch fraction discarded from the species varied from 66% to 95% in 2020 – 2022 in the different metiers, constituting 338 – 962 tonnes for the Danish fleet and 57 tonnes (2022) for Sweden. The majority of whiting catch in the fishery is discarded. When the unwanted whiting for Danish bottom trawls (OTB, OTT) are compared to the combined total catch of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake in 2020 – 2022, the discard rate varies from 5% to 13%. Combining the catches of the species to calculate the *de minimis* volume increases the amount significantly that can be discarded under the exemption.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of	Danish vessels OTB_MCD >=120_0_0 and Swedish vessels using bottom trawls 90-119mm with a Seltra panel and vessels using >=120mm

unwanted catch recorded and reported by the Member State against the exemption?	codend mesh size are reported to use this exemption. Below minimum size (BMS) landings of whiting reported by ICES are currently much lower than the estimates of discards. Sweden reports an unwanted catch of 2.8 tonnes in 2022 based on logbook data landed as undersized catch. Because total annual catches of Norway lobster, cod, haddock, whiting, saithe, common sole, plaice and hake was not provided, the discard rate of whiting below MCRS could not be calculated.
Supporting Information	
What supporting information/literature reviews has been provided?	No new information has been provided, only updated catch data.
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Supporting information supplied and evaluated by EWG 17-08, demonstrated that while improving selectivity for whiting in these fisheries is possible through gear modifications this will result in disproportional losses of marketable catches of other species. No new information has been provided.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The justification for the *de minimis* relating to handling costs being disproportionate compared to low market prices is generic to all types of species and fleets (EWG 17-08). No new information has been provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in	With the information provided it is difficult to assess the impact of the exemption on the stock.

the context of the fishery and the fishing gears used?	Most of the whiting caught in the fishery are discarded. The formulation of the exemption combining multiple species means the exemption allows for a larger volume of unwanted catch to be discarded than is currently discarded according to the ICES advice.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Some components (e.g., Southern sub-stock) of cod in North Sea and Kattegat are in a depleted state according to the latest ICES advice. However, the low level of cod catches in the relevant fisheries implies that the associated risks to the cod stock is small.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned.
EWG 23-04 Conclusions	
The justification and supporting information are largely the same as evaluated previously by EWG 17-08. Therefore, the observations made previously remain relevant. The exemption is based on the use of selective gears but most of the whiting catch is still discarded. It appears that the way the exemption is formulated (i.e., by combining a number of species) means that the *de minimis* volume is greater than the level of unwanted catches.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for plaice below MCRS caught by vessels using bottom trawls with a mesh size of 80-99 mm, equipped with a SepNep, in the Union waters of ICES subarea 4. A quantity of plaice below the minimum conservation reference size, which shall not exceed 3 % of the total annual catches of saithe, plaice, haddock, whiting, cod, Northern prawn, common sole and Norway lobster. Article 11(6) of Commission delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is based on difficulties in increasing the selectivity further in this fishery, over and above the improvements that have already been made in the fishery with the mandatory use of the SEPNEP as defined in the Delegated Regulation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	The JR provides updated catch data for the Dutch fleet using a mesh size of 80-99mm with the SEPNET device for 2020-2022 (partly). The Dutch fleet (licensed to use bottom trawls and seines with mesh sizes 70 – 99 mm) consists of

	over 80 vessels. The active fleet has varied in size over time between 35 and 50 vessels, with an average of 43 vessels per year. Relevant to this request, the Dutch fleet using a mesh size of greater than 100mm includes both vessels targeting Nephrops (*Nephrops norvegicus*), as well as vessels targeting whiting, mackerel, and species not subject to catch limits in ICES division 4b.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data provided describes the landings of saithe, plaice, haddock, whiting, cod, common sole and Norway lobster and unwanted catch of plaice by the fleet segment relevant for the exemption in 2020 and 2021. For 2022, only the landing figures were presented. According to the JR 45, 38 and 36 vessels were operating under the exemption in 2020-2022, respectively. No discard estimates and discard rates have been provided. The total landings by the relevant Dutch fleet consisted of 1834 tonnes in 2020, 2168 tonnes in 2021 and 2205 tonnes in 2022. The amount of unwanted catch of plaice below MCRS was 1197 tonnes 2020 and 1445 tonnes in 2021.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The only information provided concerns the Dutch fleet. No indication is provided on the level of unwanted catch reported against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	No additional supportive information was provided.
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No new arguments on difficulties to enhance selectivity were put forward.
Is this based on pilot studies or trials?	N/A.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No arguments supporting the exemption on grounds of disproportionate costs were put forward.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	According to the most recent ICES advice the plaice stock in Northe Sea is in good state. Fishing pressure on the stock is below FMSY and spawning-stock size is above MSY Btrigger, Bpa, and Blim. In this respect the potential *de minimis* exemption would not imply negative effects on the plaice stock, accepting the level of unwanted catch of plaice is over 1000 tonnes. (ICES. 2023. Plaice (*Pleuronectes platessa*) in Subarea 4 (North Sea) and Subdivision 20 (Skagerrak). Replacing advice provided in 2022. In Report of the ICES Advisory Committee, 2023. ICES Advice 2023,ple.27.420. https://doi.org/10.17895/ices.advice.22548568),
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Some components (e.g., Southern sub-stock) of cod in North Sea and Kattegat cod are at poor state according to the latest ICES advice. Also the stock of sole is close to its historical low (SSB is below MSY Btrigger , Bpa and Blim; ICES. 2023. Sole (Solea solea) in Subarea 4 (North Sea). In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, sol.27.4. https://doi.org/10.17895/ices.advice.21841017).
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No information on potential research/studies were provided.
EWG 23-04 Conclusions	
While not stated, EWG 23-04 assumes that the justification for this exemption is as previously described in earlier JRs, that improving selectivity over and above the use of the current SEPNEP device is very difficult to achieve. EWG 17-08 concluded on the basis of experimental studies that the exemption was well founded as long as vessels are equipped with the SepNep panel. Only limited new supporting information has been provided with the current request. There is no information on the uptake or use of the SEPNEP and no monitoring to assess the effectiveness of the device has been carried out. Therefore, an assessment of impact of this exemption cannot be completed and the observations made by the previous EWG remain	

relevant that if the SEPNET device is used as described in the previous JR then the levels of unwanted catches of placie ae likely to be reduced.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for all species subject to catch limits in the fishery for brown shrimp in which shall not exceed 5 % in 2024 onwards of the total annual catches of all species subject to catch limits made in those fisheries. Article 11(7) of Commission delegated Regulation (EU) No 2020/2014). The Scheveningen Group JR proposes to extend the exemption with the introduction of a provision on the use of an increased mesh size (at least 22 mm), complementing provisions of the Technical Measures Regulation in which currently 16 mm are set out as minimum mesh size (Regulation (EU) no. 2019/1241, Annex V, Part B). It is proposed to extend the exemption further by inclusion of a provision on the mandatory use of selection devices (sorting grid or sieve net), also complementing the existing provisions of the Technical Measures Regulation.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The request is based on improving selectivity further over and above the mandatory use of selective gear included in the exemption is very difficult to achieve without making the fishery uneconomic. It is also based on the avoidance of disproportionate costs of handling unwanted catch.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	JR provides an extensive description of brown shrimp fishery in the North Sea and fleets involved. The Netherlands, Germany, Denmark and Belgium are responsible for >95% of the brown shrimp landings. **The Netherlands** active fleet consists of app 170 vessels, mostly beam trawlers, operating in areas 4b and 4c. Due to the Marine Stewardship Management program the Dutch Fishery is currently mainly fishing with 25 mm mesh size. The German fleet operates with close to 170 vessels mostly along the German coast. The fishery is carried out with light beam trawls with mesh sizes of mainly 24mm.The percentage of landings from German vessels in the total international brown shrimp landings has decreased steadily and is currently around 35%. Species composition of German landings in 2021-2022 provided in the JR suggests that landings

	consist of nearly 100% of brown shrimp. Landings as well as market price of shrimp show high annual variability. The effect of COVID19 and energy prices have affected the profitability of the shrimp fishery. **Denmark** operates with 28 beam trawlers with meshes of 24 mm mostly along the Danish coast. Annual landings are app. 10000 tonnes. **Belgium** has a total of 29 vessels equipped to fish for shrimp, but only seven target shrimp all year round/during a period in the year. Most of the vessels switch to fish flatfish/*Nephrops*. Two types of vessels fish on shrimp in Belgium: the coastal vessels and the Eurocutter vessels with TBB_CRU gear during certain parts of the year. All vessels fishing with (TBB_CRU) gear are obliged to fish with a panel "zeeflap" that enhances selectivity for shrimp and decreases catches of small fish and benthos. Non-target species are eliminated through an escape window in the belly of the net. Member States with the largest Brown shrimp fleets (Netherlands, Germany, Denmark) implemented bycatch monitoring programs for the brown shrimp fisheries as outlined in the 2018 joint recommendation. The sampling program was performed from 2019 to 2022.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The results of the bycatch monitoring program of NLD, GER and DEN, compiled in JR Annex 5.7.B show that largest bycatch was found in 2022 (year with full coverage of all countries involved) where 2793 tonnes of whiting is estimated bycaught in the brown shrimp fishery which compares to 3.2% of the whiting TAC for 2022. To a certain extent, the bycatches of single species reflect the status of that stock, i.e., if the stock SSB is increasing, it can be expected that the bycatches in shrimp fisheries also increase. In 2021 this bycatch percentage was 6.3%, possibly caused by a lower TAC on whiting in 2021. Whiting has in the later years experienced an increase in spawning stock biomass (ICES 2022). Also, the SSB of herring and plaice (second and third highest amount of bycatch) is >= MSY $B_{trigger}$ and the two stocks are fished at or below F_{MSY} according to the latest assessments from 2022. The other bycaught TAC species plaice, herring and sprat did generally not exceed 1% of the total TAC for the respective species. Only in 2022, 1799 tonnes of plaice were estimated bycaught in the brown shrimp fishery, corresponding to a bycatch percentage of the total TAC of 1.3%. The rarely bycaught species (brill, cod, horse mackerel, lemon sole, sandeel, sole, turbot)

	generally showed a bycatch percentage close to zero.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Belgium, Netherlands, Germany and Denmark are using this exemption. Annex 5.7. of JR provides a comprehensive set of the results of trilateral (DEN, GER, NLD) co-sampling programmes on bycatch of TAC-species in the North Sea brown shrimp fishery.
Supporting Information	
What supporting information/literature reviews has been provided?	JR provide a comprehensive set of information covering the relevant fishery in recent years.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information stems is relevant to the brown shrimp fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR provided an analysis of the possibilities of enhancing of selectivity in the brown shrimp fisheries in order to achieve the objectives of Article 2.5(A) of CFP Regulation. The results of trilateral (DEN, GER, NLD) sampling programme indicate that the length distribution of sampled individuals for the four most important bycatch species is dominated by small individuals between 5cm and 10cm. The size range of the bycatch therefore overlaps with the market size of brown shrimps making further improvements in selectivity challenging. EWG 23-04 notes that in order to ensure enhancement of selectivity as much as possible when making use of this exemption, the Scheveningen Group recommends the following additional conditions: a) Increase of minimum mesh size to at least 22 mm in order to allow sorting out of small bycatch species (juvenile TAC regulated species as well as brown shrimp) already before catches are brought on board. JR recommends adding this provision to the Technical Measures Regulation (currently 16 mm) shall be added to the exemption as condition. b) Provisions on selection devices. The Scheveningen Group recommends agreeing at regional level on clarifying the obligation to use selectivity devices – sieve net, sorting grid, or any other device that is scientifically proven to be equally or better with view to reducing the bycatch of TAC-species achieved by sieve nets or

	sorting grids – without an exemption throughout the year.
Is this based on pilot studies or trials?	Arguments are based on observations from the trilateral (DEN, GER, NLD) co-sampling programme.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The results from a Dutch study referenced in the JR show that if the shrimp vessels >260 hp vessels with combined fisheries (MFL1) are obliged to sort undersized catches of TAC species, the total labour time onboard will be more than doubled. For three options based on the options that are available for fishermen to react to this obligation the effects were calculated. 1. If the total share of the revenue for the crew stays the same, the share per crew member halves. Due to the extra sorting time needed for the TAC fish, the crew has to be more than doubled. 2. If the ship owner pays the same share per crew member and hires the extra crew needed, all the extra costs due to the sorting of the undersized TAC fish lead to a negative profit. 3. If the number of crew members and the fishing effort stay the same, the number of hauls per fishing trip will need to be reduced due to the extra sorting time for the undersized TAC fish. The total revenue will be reduced proportionally with the reduction in hauls. This leads to a negative profit and halving the share of per crew member. The project concludes that considering duration of the sorting process on board, extra costs of material, time and personnel, safety and practical aspects, implementing the landing obligation for Dutch shrimp fisheries seems very difficult or even not possible. The results can be extrapolated also to similar shrimp fisheries in Denmark and Germany.
Is this based on pilot studies or economic model simulations?	The arguments are based on the results on a Dutch Project "Implementing the landing obligation – what costs are involved for the shrimp fisheries sector?", provided as the Annex to the JR.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The provided in JR information on the economic situation in German brown shrimp fishery suggest that the revenue dropped considerably between 2018 and 2019 and stayed at a low level in 2020 and 2021. The same drop becomes obvious for the gross value added and net profit taking also into account the costs for operating the fisheries.

Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Plaice and whiting are the main bycatch species relevant to this exemption. According to the latest ICES advice the whiting and plaice stocks in good condition (Fishing pressure on the stock is below FMSY and spawning-stock size is above MSY $B_{trigger}$, B_{pa}, and, B_{lim}). This suggests that the potential implementation of the exemption would not have a negative impact on those stocks. The bycatch of herring and sprat has been minor in the brown shrimp fishery. ICES. 2023. Plaice (*Pleuronectes platessa*) in Subarea 4 (North Sea) and Subdivision 20 (Skagerrak). In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, ple.27.420. https://doi.org/10.17895/ices.advice.21840975; ICES. 2023. Whiting (*Merlangius merlangus*) in Subarea 4 and Division 7.d (North Sea and eastern English Channel). In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, whg.27.47d. https://doi.org/10.17895/ices.advice.21864324).
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	JR provided information on two ongoing research initiatives related to the brown shrimp fisheries in Belgium: • Experimental sea trials using LED in shrimp fisheries, with the aim of reducing flatfish bycatch. Two trials on board of a Dutch vessel seem promising, and it was possible to significantly reduce bycatch of some species (*Pleuronectes platessa, Gobius)* without effecting the commercial shrimp catches. • Innovative sorting machine to sort shrimp faster on board (-> improve survival bycatch). The machine is currently being fine-tuned, sea trials to evaluate the machine are planned this spring on board of commercial vessels WR-9 and WR-289
EWG 23-04 Conclusions	
A large amount of detailed catch data and supporting information has been provided. The justification for the exemption is well explained and the exemption seems well founded. The actual impact of the exemption seems relatively small.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption in the demersal fisheries by vessels using bottom trawls (OTB, OTT, PTB) with a mesh size equal to or greater than 120 mm catching ling in Union waters of ICES subarea 4: a quantity of ling below minimum conservation reference size, which shall not exceed 3 % of the total annual catches of ling in that fishery. Article 11(8) of Commission delegated Regulation (EU) No 2020/2014:
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that improvements in selectivity will be very difficult to achieve without causing significant commercial losses of marketable catch. The exemption applies to vessels using a mesh size equal to or greater than 120 mm.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated fleet data has been provided by for France. Catch data has been provided for French, Danish and German fleets. Detailed catch composition data is provided for the French saithe fishery using the OBSMER report for 2019 and 2020.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Unwanted catches in Danish and German fleets are negligible compared with total catches (0% discard rate). The discard rate for French otter trawlers targeting saithe is less than 1 %. Based on most recent data (2022) the French saithe fishery in ICES 4a using OTB, OTT and PTB (6 vessels in 2020) is responsible for landings of 443 tonnes which equates to 52 % of total French catches of this stock using all gears (857 tonnes). The total catch of ling is provided for French fleets (857 tonnes in 2022), Danish fleets (444 tonnes in 2022) and German fleets (58 tonnes in 2022). The reported unwanted catches of ling below MCRS for Danish and German vessels are less than 0.5 tonnes. No information is provided on the level of unwanted catches by French vessels.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	French, German and Danish vessels appear to use this exemption. However, no information on the level of unwanted catch reported against the exemption is provided.
Supporting Information	
What supporting information/literature reviews has been provided?	Apart from catch and fleet data no additional supporting information has been provided

Is this information taken from the actual fishery/fisheries relating to the exemption?	The catch and fleet data is taken from the actual fisheries relating to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The argument provided is that increases in selectivity are hard to achieve. The JR states that the baseline mesh size in the fishery concerned is 120 mm and therefore increasing in selectivity will lead to commercial losses. This is not backed up by selectivity data or any information on the impact on the viability of the fishery if the mesh size was increased.
Is this based on pilot studies or trials?	No, it is based on landings/ catch data.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The exemption is on the basis that increases in selectivity are difficult to achieve.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of ling from the fleets presented seems to be low. Therefore, the likely impact of the exemption on the ling stock is likely to be negligible.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
Limited new information has been provided other than partial information on catches and fleets. Therefore, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant. However, it is apparent from the data	

provided the level of unwanted catches of ling in the relevant fishery is close to zero and it is not clear why the exemption is actually required.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting caught by vessels in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES division 4c: a combined quantity of whiting and cod below the minimum conservation reference size, which shall not exceed 5 % of the total annual catches of whiting and cod. Article 11(9) of Delegated Regulation (EU) No 2020/2014 and Whiting caught in the mixed demersal fisheries by vessels using bottom trawls or seines (OTB, OTT, SDN, SSC) with a mesh size of 70-99 mm (TR2) in the Union waters of ICES divisions 4a and 4b: a quantity of whiting below the minimum conservation reference size, which shall not exceed 4 % of the total annual catches of whiting. Article 11(10) of Delegated Regulation (EU) No 2020/2014 The JR requests to expand Article 11(10) of Delegated Regulation (EU) No 2020/2014 for whiting to ICES division 4c removing cod from the current Article 11(9).
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Under EU regulation 2020/2014, two separate exemptions were in force: one covered whiting and cod in ICES area 4c, the other covered whiting only in ICES area 4a and b. The justification is based on difficulties to improve selectivity in a short term period and disproportionate costs of handling unwanted whiting catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Supporting catch information has been provided by Netherlands (for 2020-2022) and France (for 2022). France has also provided catch composition information relating to the relevant French fisheries. JR provided detail description of fleets operating in ICES divisions 4a, 4b, 4c.

What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>Netherlands fleet</u> The Dutch demeral otter trawl fleet consists of over 80 vessels. This includes vessels targeting *Nephrops*, as well as vessels targeting whiting, mackerel and species not subject to catch limits in ICES division 4b. The active fleet has varied in size over time between 35 and 50 vessels. Landings of whiting in the ICES divisions 4a, 4b, 4c by Netherlands varied between 315 – 440 tonnes, with unwanted catches of 798 – 991 tonnes. In the mixed demersal fishery in divisions 4a, 4b whiting makes up roughly 3% of total catches (varying from 2,1% t to 3,7% in 2018 - 2022). About half of the fleet is active in ICES sector 4c and fish predominantly using OTB. The number of vessels in the fleet that reports catch of whiting and/or cod in ICES sector 4c is almost 30 per year. The Netherland otter trawl fleet operating in ICES 4c mainly catches non quota species (~55-65% of total annual catches). Main species for which catch limits apply are mackerel (15-20% of total catch), whiting (13-17% of total catch) and horse mackerel (7-11% of total catch). Cod catches of the Dutch fleet in 4c (ca. 8 tonnes per year) are less than 2,5% of shared whiting and cod catches (ca 330 tonnes per year), and less than 0,5% of total catches of the Dutch fleet in ICES 4c (ca 2,150 tonnes per year). <u>French fleet</u> The exemptions cover two French metiers: vessels using bottom trawls (OTB-OTT) and vessels using seines (SDN-SSC), with a mesh size under 99mm (TR2). French vessels associated with this exemption operate in the North Sea, and in the eastern adn western Channel (7^{e} and 7d). Two fleets are identified by the Obsmer program using bottom trawls (OTB, OTT, PTB): under 18 m and over 18mm in length. Vessels <18 m target sole, cephalopods, red mullet (114-159 vessels in 2019 – 2020) and vessels >18 m - cephalopods, red mullet, whiting (48 – 51 vessels in 2019 – 2020). Vessels using Danish seines (SDN) or Scottish seines (SSC) operate in areas 4b and 4c target demersal species (37 different species are caught). Data from French fleet 2022 logbooks show landings in ICES divisions 4a, 4b of 75.4 tonnes, unwanted catch of 4.2 tonnes and in ICES division 4c, landings of 332.2 tonnes, unwanted catch of 3.6 tonnes. France also provided information from 2019-2020 on the catch composition in the relevant fisheries.

	The proportion of whiting below MCRS in the observed fleets varied between 47.6 – 76.7 %. Information for vessels <18 m length using bottom trawls shows that the proportion of whiting discards in the total catch was 6.3 % (2019); for vessels >18 m length using bottom trawls has shown that proportion of whiting discards in the total catch was 5.7 % (2019) and 5.5 % (2020); for seines it was 3.3 % (2019).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The Netherlands and French mixed demersal otter trawlers (OTB, OTT) and seiners (SDN, SSC).
Supporting Information	
What supporting information/literature reviews has been provided?	Provided information is scare. JR provided only the main conclusions of previous studies used to justify this exemption.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Extracted information from several studies (SELECCAB, SELECFISH, SELECMER, SELUX) related with TR2 fishery selectivity measures in the North Sea concerning whiting.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The SELECMER project shown for example that while certain devices allowed more undersized whiting to escape, the use of of this technology led to significant commercial losses up to 20% on species such as whiting, mackerel or red mullet. The SELECCAB project also tested different devices that led to important commercial losses up to 38%. Certain devices tested under SELECFISH also show important losses by 50%. Light technology under the SELUX project also reduced catches of whiting of all sizes, therefore leading to commercial losses. The JR highlights modification of gear configurations under UK rules. The UK Fishery Act of 2020 extended the obligations on UK vessels to EU vessels fishing in UK waters, requiring the use of a selective gear. French vessels have opted use this selective gear in EU and UK waters as they operate in both areas. No detial of the impact is provided.
Is this based on pilot studies or trials?	This is based on both pilot studies and trials.

Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The JR does not provide any new arguments for the exemption based on disproportionate costs. Reference is made to a previously reported study - EODE. Information on disproportionate costs was reported in 2017, 2018 and 2019 based on the EDOE study (EWG 20-04). This study indicates that for French vessels, given they are operating long trips, distant to ports, the costs for handling unwanted catches are disproportionate. According to the information presented, vessels would be forced to return to harbour more frequently, generating higher costs.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	No assessment of the impact of this exemption on the stock can be made given only partial catch data with no estimate of the absolute level of unwanted catches of whiting provided. The JR states that according to ICES the whiting stock in the North Sea is fished sustainably.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No information provided.
EWG 23-04 Conclusions	
The justification and supporting information provided for this exemption are the same as previously assessed by STECF on several occasions. Much of this information is generic and does not relate specifically to the relevant fleets and fisheries. Only partial catch data for the relevant fleets have been provided and as no estimates of the total volumes of discarded whiting below MCRS are presented, it is not possible to carry out a full assesment of the likey impact of the exemption. On this basis, the previous observations in EWGs 16-10, 17-08, 18-06, 19-08, 20-04, 21-05 and 22-05 remain relevant.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting below the minimum conservation reference size caught with

	80-119 mm beam trawl gears (BT2) in the Union waters of ICES subarea 4: a quantity of whiting below the minimum conservation reference size, which shall not exceed 2 % of the total annual catches of plaice and sole. Article 11(11) of Commission delegated Regulation (EU) No 2020/2014:
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This *de minimis* exemption is needed to avoid disproportionate costs of handling unwanted catches of whiting below MCRS in Dutch, Belgian and German beam trawl fisheries using a mesh size of 80-119mm which mainly catch plaice and sole.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information has been provided for fleets from the Netherlands, Belgium and Germany.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The catch data provided shows the level of unwanted catch varies significantly between Member States. Netherlands reports unwanted catches of 1533 tonnes and 1825 tonnes in 2020 and 2021. For Belgium and Germany, the level of unwanted catch is much lower, 54 tonnes and 324 tonnes respectively in 2021. Most recent estimates of Dutch (2021), Belgian (2021) and German (2022) whiting discard rates are given as 93%, 85% and 90%. Landings of whiting by all three Member States are low, collectively less than 220 tonnes. This exemption is expressed as: a quantity of whiting < MCRS which shall not exceed 2 % of the total annual catches of plaice and sole. Total catches of plaice and sole are not provided in the JR, so it is not possible to estimate the total unwanted whiting catch as a percentage of the total annual catches of plaice and sole. It is clear that the formulation of the exemption is designed to maximise the amount of whiting that could be potentially discarded under the exemption, as using only whiting catches would give a much lower figure.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The JR indicates that the German, Belgian and Dutch BT2 fleets are most likely to make use of this *de minimis* exemption. No indication is provided of the level of unwanted catch recorded and reported against the exemption from any of the Member States.
Supporting Information	

What supporting information/literature reviews has been provided?	Limited new information has been provided and reference is made to supporting information provided to previous EWGs. Dutch research (Oostenbrugge et al., 2019), submitted previously to EWG 21-05 estimated the cost of handling large volumes of whiting < MCRS on the profitability of a fishing trip for: • Smaller euro cutters (< 221kW/ 24 m) reduce from + €500 to -€600. • Larger cutters reduce from €3,300 to €6,300. EWG 21-05 observed that having to land undersized whiting would increase handling time and costs in the BT 2 fleet. EWG 21-05 concluded that the provided study gave a comprehensive overview on what economic impacts may occur in case the discarding of undersized whiting is not allowed but could not assess the robustness of these estimates. A new Belgian study (ILVO, 2023), submitted as part of the 2023 JR, estimates the additional time and cost of handling large volumes of undersized whiting. The study concludes that increased costs (€1123 for vessels < 221kW and €2260 for larger vessels) and the need for vessels to carry one additional crew member. The study also finds that not all vessels have space in accommodation or in life rafts and that the wage per crewman would decrease if an additional crewman was employed. The economic findings of the Belgian study are in line with those of the above Dutch study.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information on disproportionate costs presented in the JR is taken from the Dutch and Belgian fisheries relating to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The information on disproportionate costs from the Dutch fishery is, according to the JR, representative of the smaller scale Belgian and German fisheries.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR highlights the challenges in improving selectivity in the relevant beam trawl fisheries, chiefly the difficulty in improving selectivity for unwanted catches while maintaining catches of valuable sole.
Is this based on pilot studies or trials?	The 2021 JR provided an overview of the studies conducted to improve selectivity in the beam trawl fishery. EWG 21-05 observed that:

	• The summary was useful and clearly indicated the issues and challenges involved in improving selectivity in this fishery. • There were indications for future work planned without any detail provided. The 2023 JR mentions ongoing research to improve selectivity and survival. The SELOV project aims to reduce fishery mortality of discards by increasing survival probabilities and gear selectivity in the BT2 fishery. The JR concludes that improving selectivity in the mixed fishery remains complex and concludes that a *de minimis* exemption is warranted on the basis of disproportionate costs of handling undersized whiting.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	EWG 21-05 observed that the the Dutch study included in the 2021 JR (Oostenbrugge et al., 2019), was comprehensive and provided a good overview on what happens in the fleet regarding the costs of having to sort the bycatch of whiting and what the likely impact this would have on vessels. Having to land undersized whiting would increase handling times and costs in the Dutch BT2 fleet. EWG 23-04 acknowledges that the Belgian study submitted in the 2023 JR estimates similar costs for handling undersized whiting as the Dutch study and the finding that the additional sorting time However, in the case of Belgium it is not clear how these figures are derived. Sorting of unwanted catches on board would have to be carried out regardless of the landing obligation, while the actual volumes of unwanted whiting catches reported for Belgium are small compared to the Dutch fleet.
Is this based on pilot studies or economic model simulations?	The studies are based on observations from observer sampling and self-sampling of quantities and handling times of whiting discards.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	In the Dutch study the overall profit from a trip is reduced by: • €600 to €1100 for vessels < 221kW • €3000 to €3300 for larger vessels The Belgian study estimated costs of €1123 for vessels < 221kW and €2260 for larger vessels and the need for vessels to carry one additional crew member. It is not possible to verify whether these figures are accurate.
Projected impact/risk associated with the exemption	

What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The most recent ICES advice for the whiting stock in Subarea 4 and Division 7.d states that fishing pressure on the stock is below FMSY and spawning-stock size is above MSY Btrigger, Bpa, and Blim.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The most recent ICES mixed fishery advice for the greater North Sea states that based on current fishing patterns and single-stock catch advice, the most limiting stock for North Sea demersal fisheries is witch. Whiting is the overall least limiting stock. Information is not provided in the JR on species composition of catches but witch is not included in the top 10 landings from the German fishery. The JR states that Dutch, Belgian and German fisheries are similar in terms of species composition.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	As part of the 2023 JR the Netherlands commits to conduct further research on the disproportional costs of undersized whiting in the BT2 fishery in the next whiting season from 2023-2024 and considers the comments from STECF (regarding not being able to fully assess the robustness of the previous study).
EWG 23-04 Conclusions	
Limited new information has been provided other than a Belgian study estimating disproportionate costs of handling unwanted catches of whiting < MCRS and most of observations made by previous EWGs on this exemption remain relevant. As no information on the catches of plaice and sole are provided it is not possible to estimate the level of unwanted catch of whiting discarded under this exemption and therefore the impact of the exemption on the stock. The data provided shows significant volumes of whiting discards but also provides reasonable arguments as to why it is difficult to improve selectivity and on the added costs for storing and handling on board. It is apparent that the formulation of the exemption using sole, and plaice catches as the basis, increases the level of unwanted catches that could be discarded. This mainly benefits the Netherlands where the unwanted catches are the highest.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption in pelagic fisheries carried out by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES divisions 4b and 4c south of 54 degrees north for a combined quantity of mackerel, horse mackerel, herring and whiting that shall not exceed 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting.

	Article 11(12) of Commission delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This *de minimis* exemption is needed because increases in selectivity are difficult to achieve in the fishery and because of the disproportionate cost of handling unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated detailed catch and fishery information has been provided by the Scheveningen Group. OBSMER catch, landing and discard data from 2019 and 2020 is presented for French mid-water trawlers but is labelled as relating to French mid-water trawlers not trawlers < 25 m as per this exemption. It also is not clear whether the data presented relates only to 4.b and 4.c as it is understood the fishery also operates in 7d. Catch composition information is als provided.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	In 2019 there were 122 of these vessels operating from Cherbourg to Boulogne-Sur-Mer and fishing in the southern part of the North Sea (ICES 4.b and 4.c). The vessels fish all year long and trips last up to one day. The most recent available OBSMER data for 2020 shows that in this fishery: • Herring makes up 94.1 % of the catch with 0 % discarded. • Mackerel makes up 4.5 % of the catch with 0 % discarded. • Whiting makes up less than 0.9 % of the catch with 98 % discarded. • Horse mackerel makes up 0.4 % of the catch with 78.4 % discarded. The JR makes the case that French artisanal small pelagic fisheries have particularly low rates of discards based on the OBSMER data. However, no information is provided in absolute terms as total catch weights are not provided. From the wording of the exemption, it is not clear whether the *de minimis* volume is based on the total annual catches of the named species in all fisheries or just the French fisheries covered by the exemption. The former would provide a much higher level of unwanted catch that could potentially be discarded.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of	The JR explains that this exemption is particularly important for the French fleet and is for artisanal pelagic vessels mainly targeting mackerel, herring and sardine.

unwanted catch recorded and reported by the Member State against the exemption?	There is no indication of the level of unwanted catch recorded and reported by France against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	<u>Selectivity</u> The JR makes the argument that the exempted fishery is already very selective. The OBSMER data supports this argument to the extent already outlined in previous evaluations by STECF EWGs. The JR states that no specific selectivity studies have been carried out in the fishery concerned and none are planned. The JR briefly mentions French pelagic selectivity trials that focused on mesh size geometry, trawler conception and selective grids. The only trial results quoted are from mesh size and orientation selectivity studies carried out on mackerel (Casey et al., 1992) and herring (Suuronen and Millar, 1992) in the western English Channel and Baltic Sea. Both of these come from quite different fisheries. The French REDRESSE project to improve selectivity of different gears in the Bay of Biscay is also cited and work with selective gears on mid-water trawls is mentioned briefly along with: echo sounder tests to help fishermen make better strategic decisions on targeting strategy. In part of this project the fishing industry demonstrated strategies for avoidance of unwanted catches. No information on the results is provided. The REDRESSE project appears to have focused on the Bay of Biscay rather than the southern North Sea. <u>Disproportionate costs</u> The 2016 French EODE project studied costs in terms of handling time under full application of the LO. The EODE study estimates the following increase in sorting time for < 18 m trawlers: • 02:45 hrs extra sorting time per trip. • 30 % to 60 % increase in working time depending on vessel size. The EODE study estimates an increase in sorting time 02:24 for vessels > 18 m. It is not clear from the JR if the vessels concerned are pelagic trawlers or whether the estimates of increased sorting time appear to be for all species subject to the LO rather than the species concerned with this exemption.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided on the results of selectivity trials is not from the fishery related to the exemption.

	The EODE project focused on the area of the Exemption – the North Sea as well as the eastern Channel. The information from on the disproportionate costs presented in the JR is for French trawlers < 18 m and > 18 m. It is not clear if these are demersal, pelagic or both types of trawlers.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The results of selectivity trials from other mackerel and herring fisheries demonstrates improvements in selectivity are difficult to achieve by increasing mesh size and changing mesh orientation. The results may be considered broadly applicable, but the information provided on the French fishery is not sufficient to fully assess this. It does not appear that the disproportionate cost analysis in the EODE project is for the specific group of vessels concerned with this exemption (pelagic trawlers < 25 m in ICES 4.b and 4.c). The estimates are for all LO species not just the species concerned with this exemption. The results may be considered broadly applicable, but the information provided is not sufficient to fully assess this.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The French OBSMER data demonstrates that the discard rate for French mid-water trawlers is relatively low. EWG 23-04 notes the caveats outlined above regarding the OBSMER data. The JR states that improvements in selectivity are therefore not necessary but supports the argument that selectivity is difficult to increase giving examples of two selectivity studies, albeit from different fisheries.
Is this based on pilot studies or trials?	The JR is based on a mixture of studies and trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The French EODE project reported increased costs in terms of longer sorting times of unwanted catches subject to the landing obligation. However, it is not possible to evaluate whether the arguments made are credible or not based on the information presented.
Is this based on pilot studies or economic model simulations?	The arguments based on the French EODE study.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The disproportionate costs cited in the JR relate to increased sorting times for French trawlers < 18 m and > 18 m. The disproportionate costs are not related directly to the value of landings in the JR.
Projected impact/risk associated with the exemption	

What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the relative quantities of unwanted catches of species subject to this exemption is low. However, In the absence of absolute catch values and ambiguity in the wording of the exemption, it is difficult to fully assess the projected impact/level of risk.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The French OBSMER data suggests that stocks that are in a depleted state are not exploited in the fishery subject to this exemption. The most recent ICES advice for the North Sea horse mackerel stock is that current fishing pressure on the stock is above the FMSY proxy.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any future work planned that relates to this exemption.
EWG 23-04 Conclusions	
The justification and the supporting information provided are the same as previously used in earlier JRs. Limited new information has been provided other than partial information on catches and fleets. Due to no estimates of unwanted catches under the exemption, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant. EWG 23-04 also re-iterates it is unclear why herring and mackerel are included in the exemption, when no unwanted catches of these species are reported in this fishery.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for a combined quantity of sprat, sandeel, Norway pout and blue whiting in bottom trawls fisheries with a mesh size above 80 mm and in the fishery for Northern prawn using gears with a sorting grid or equivalent selectivity device and a fish retention device in ICES division 3a and ICES subarea 4, up to a maximum 1 % of the total annual catches of the mixed demersal fishery and in the fishery for Northern prawn. Article 11(13) of Regulation (EU) No 2020/2014
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is that improvements on selectivity is very difficult to achieve as individuals of the listed species cannot escaping as they are mixed with the target species, which is of a similar size. The JR also highlights that by-catches are very low and catches of the species are managed by TACs. Consequently, an increase in mesh size in a fishery already using meshes that are more than twice those used in the targeted fishery for the industrial species will have no impact on the bycatch of these species but will have negative impact on catches of targeting species.

Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Detailed catch and fishery information has been provided by the Scheveningen Group covering Denmark and Sweden as the two Member States participating in the relevant mixed demersal and Northern prawn fisheries. However, due to covid related sampling issues, Sweden has provided data only of 2022
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Based on the detailed catch data from the Danish observer sampling program the bycatch of the industrial species covered by the exemption was very low. In areas 3a and 4 the combined unwanted catch by Danish vessels in 2022 was estimated at 286 tonnes from total combined Danish landings for the four industrial species of 246,203 tonnes, representing a negligible discard rate of 0.1%. The Swedish data shows total catches of 358,7 tonnes with 111,6 tonnes of discards and a discard rate of 31%. Most of these unwanted catches are made up of Norway Pout. The Swedish data is based only in 3a. The Danish data relates to 2020-2022 in 3a and 4.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Vessels from Sweden and Denmark use this exemption. Sweden reports 5,6 tonnes of unwanted catches based on recorded in logbooks data against the exemption in area 4 and 21,0 in area 3a. No information is provided by Denmark.
Supporting Information	
What supporting information/literature reviews has been provided?	No detailed supporting information is provided, and information supplied previously to support JRs is referenced. A generic description of observer programs caried out by the National Institute of Aquatic Resources and Technical University of Denmark is provided. Reference is also made in the JR to STECF conclusions in EWG 20-04 report.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, the information is from the relevant fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in	Similar arguments as previously submitted relating to improvements in selectivity being difficult toa chieve in the relevant fisheries are re-

the relevant fishery/fisheries is very difficult to achieve?	iterated in the JR. reasonable argument is provided. The JR states that despite the small size of the four industrial species listed in the exemption, some are unavoidably retained, particularly when the volume of the targeted catch is large. Due to this, escapement is impeded, and a small number of species can be trapped' in the codend, regardless of the mesh size. Consequently, an increase in mesh size in a fishery already using meshes that are more than twice those used in the targeted fishery for industrial species (< 16mm) will have no impact on the bycatch of these species but would have a negative impact on catches of targeting species. The JR concludes that there are, at present, no scientifically documented methods to reduce bycatch of industrial species in these relevant fisheries.
Is this based on pilot studies or trials?	This is based on observer programs carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	As in 2019 and 2020, the justification for this exemption assumes that handling of unwanted catches is regarded as uneconomically disproportionate given the difficulties in sorting these species from the target species the arguments are continuously applied. No new economic analysis is provided.
Is this based on pilot studies or economic model simulations?	No information provided.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The qualitative information provided in previous years to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. The actual level of unwanted catch is very low, compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided the bycatches of industrial species are likely to be very low in the demersal human consumption fisheries and would have negligible impact on the respective stocks.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The cod stock in the Kattegat cod is currently overfished and ICES has advised zero catch of this stock for several years. Small amounts of cod may be caught as a bycatch in the relevant fisheries.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	No indication of any new studies or research being undertaken relating to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous JRs. As previously indicated, the justification would seem reasonable and well founded, if not backed up with specific studies or trials. Limited new information has been provided other than partial information on catches, which confirm the level of unwanted catch relative to the stocks involved are low.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for ling below MCRS caught by vessels using longlines in ICES subarea 4 up to a maximum of 3% of total catches. Article 11(14) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is largely unchanged from 2019 and 2020. It is based on longlines being highly selective gears. The supporting information indicates that to increase selectivity further is not possible without incurring high economic costs. The exemption is to cover small residual unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch data and fishery information has been provided covering the French fleet which is the only fleet operating in this fishery. Catch composition information is also provided.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The French fleet operating in the fishery is composed of 15 vessels fishing in the North Sea and West of Scotland (ICES subarea 4 and subarea 6). This fleet targets demersal species, mainly hake and ling. The gears used are either set longlines or semi-floating longlines. The catch data provided relates to 2022. It shows total catches of ling with longlines of 370 tonnes with total catches of ling of 857 tonnes for all gears. Based on this data, the *de minimis* volume that could be potentially discarded would be around 11 tonnes. Information on discards is provided from the French observer programme (OBSMER 2021) which is based on 2019-2020 period. The JR indicates that the Obsmer 2023 report was not available. In 2019 the data presented shows ling made up 30,4 % of the total catch. The proportion of discards in total catch is 0,6 %. No information is provided on the actual discard rate of ling below MCRS or on the volume of unwanted catches. ICES reports total discards of 407 tonnes of ling for a

	wider management area that includes subareas 6-7, 12 and 14.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Only the French fleet use this exemption. There is no indication on the level of unwanted catch recorded and reported by France against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	A short overview of 3 projects - PASAMER (2014/2016), SELPAL (2013/2018) and RESPAST (2014/2016) - on longline fisheries is provided. These studies do not focus on selectivity or ling but in reducing bycatch of sensitive species in the hake longline fishery.
Is this information taken from the actual fishery/fisheries relating to the exemption?	PASAMER project tested the selectivity and economic impact of the use of automatic longlines.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The exemption is based on the results of two trials carried out with similar fishing gears but in a different sea basin.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The arguments presented in the supporting information concerning the PASAMER project indicate that new automated techniques for longlining do not improve selectivity or reduce economic contribution. Other projects provide generic, non-related information.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by France.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No detailed economic analysis of disproportionate costs is provided. The JR states that improving selectivity would lead to a significant economic impact. However, whether this is credible or not is difficult to evaluate with the information provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of ling below MCRS from the longlines fisheries is likely to be very low, so the impact on the stock of the exemption is likely to be small. However, no catch data has been provided to validate this assumption.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The latest ICES advice indicates the Northern hake stock is fished sustainably. There are very limited catches of other species in this fishery.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	JR states that final Obsmer 2023 report (based on 2021 observations) on improving selectivity of longlines is expected in the near future.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous JRs. As previously indicated, the justification would seem reasonable but is not backed up with any relevant specific studies or trials. The information that has been supplied is not relevant for the exemption. Only partial information on catches, has been provided and while it appears the level of unwanted catch relative to the stocks involved are low, this cannot be verified from the data available.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for Horse mackerel caught by vessels using bottom trawls with a mesh size between 80 mm and 99 mm (TR2) in ICES divisions 4b and 4c up to a maximum of 6% of total catches made in that fishery. Article 11(15) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is unchanged from 2020 (as assessed by EWG 20-04) on the grounds of disproportionate costs due to handling unwanted catches and on difficulties to achieve improvements in selectivity in these fisheries. The JR emphasises that given the mixed nature of the fisheries and the associated multi-species catch composition, it is difficult to improve selectivity without experiencing signific ant losses of marketable catches. References to historic selectivity trials and the EODE project on disproportionate costs previously made available to EWG 19-04, 20-05 and 22-05 are included as justification. However, these are not new studies.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information was provided by the Scheveningen Group covering the French fleet. France also provided catch composition data. No information is provided for other Member States. In previous years' JR Germany also supplied data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France provided information for bottom trawlers operating in ICES divisions 4b and 4c. According to the JR, France had a total of 159 bottom trawlers <18 m length and 51 vessels > 18 m length operating in the Southern North Sea in 2020. These vessels target a mixture of high value non-quota species (red

	mullet, cephalopods) and lower value whiting and rays. Based on data provided in the JR, in 2020 trawlers <18 m length horse mackerel made up a proportion of 0,7% of total catches with discards of 2,5% of weight. For trawlers >18 m length, horse mackerel made up 6,4% of total catches with discards of 1,3% by weight. Based on logbook data for 2022, the JR also reports that estimated total French horse mackerel catches from 4b and 4c were 40,6 tonnes. No information on unwanted catches is provided.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France reports it makes limited use of the exemption given the low level of discards. No information is provided for other Member States and no information on volumes reported against the exemption are given.
Supporting Information	
What supporting information/literature reviews has been provided?	France has provided a summary of all selectivity trials made. References to historic selectivity trials and the EODE project on disproportionate costs previously made available to EWG 19-04 and 20-04 are included as justification. Project SELECMER was a study conducted in the mixed trawl fishery trawl which focused on increasing selectivity to reduce whiting below MCRS discards. There was observed reduces of undersized catches of mackerel and horse mackerel, but commercial losses persisted. The SELECCAB study focused on reducing unwanted catches of cod. Two selective grids seemed to increase selectivity, while the use of an adapted large mesh trawl did not reduce unwanted catches. The SELECFISH study tested several devices in order to reduce unwanted catches of TAC species in the North Sea and the Eastern Channel. However, the tested devices led to decreases in revenue or were difficult to install and maintain in the trawls. Results from the SELUX project are also presented, focusing on using underwater lighting to modify fish behaviour as a step to improve selectivity. However, the results showed that horse mackerel were attracted by light but repelled by flashing light. The test de vieil-lissement MAQ/JAX studied deterioration of certain fish species over time. The relevance of this study is not clear as it does not relate to the conditionalities set out in Article 15 of the CFP.

	The EODE project on disproportionate costs provides an estimate of the cost of the application of landing obligation.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document in most studies are generic and do not relate directly to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries and in one case in a different sea basin. The results of the trials would seem somewhat representative given the similarities in the gears and the fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR states that despite the efforts made to improve selectivity, there are still no acceptable selectivity devices that could be used widely. The JR emphasises that given the mixed nature of the fisheries and the associated multi-species catch composition, it is difficult to improve selectivity without experiencing significant losses of marketable catch.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by France.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. The actual level of unwanted catch is very low, compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in	Based on the information provided, the volume of unwanted catches of horse mackerel from the

the context of the fishery and the fishing gears used?	bottom trawl fisheries are low. However, no information on actual catches is provided to allow validation of this.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The most recent advice for the North Sea horse mackerel highlights fishing pressure on the stock is above the FMSY proxy.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any studies or research relevant to this exemption are planned.
EWG 23-04 Conclusions	
The justification and supporting information provided are the same as previously used to support this exemption. This information is generic and not specific to this exemption Limited new catch information and as no estimates of the actual level of unwanted catches are provided, no assessment can be made of the likely impact of this exemption. Additionally, the information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of the *de minimis* exemption. The JR indicates that France rarely uses the exemption as the level of unwanted catch is very low. If this is the case, then it is not clear why it is still needed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for mackerel caught by vessels in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB) with a mesh size between 80 and 99 mm in ICES divisions 4b and 4c up to a maximum of 5% of total annual catches in that fishery. Article 11(16) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for this exemption is as previously indicated because the fishery is mixed in nature, it is very difficult to increase selectivity without decreasing revenues significantly. Total catches can consist of 63 fish species. The JR also points to the disproportionate costs that would be incurred if unwanted catches of mackerel needed to be sorted and stowed separately on board. The exemption aims at providing some flexibility needed for bottom trawlers to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fleet information was provided by France. France also provided catch composition information. No data was supplied by other Member States.

What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France provided information for bottom trawlers operating in ICES divisions 4b and 4c. According to the JR, France had a total of 159 bottom trawlers <18 m length and 51 vessels > 18 m length operating in the Southern North Sea in 2020. These vessels target a mixture of high value non-quota species (red mullet, cephalopods) and lower value whiting and rays. Based on logbook data provided in the JR, in 2022 the total catch of mackerel by the vessels involved in this fishery were 781 tonnes, with 2 tonnes of unwanted catches. Mackerel make up around 34% of the total catch from the fishery but only 0.7% of the total discards. The proportion of undersized mackerel in the discards is zero and the overall discard rate for mackerel in the entire catch is also very low (<1%). The limited cacth information provided suggests that the level of unwnated catches in the fishery is low but other than the logbook figure, no other catch information has been provided.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	French vessels using this exemption operate with bottom trawls in the Southern North Sea. There is no indication of the level of unwanted catches recorded or reported against this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France has provided a summary of all selectivity trials made. References to historic selectivity trials and the EODE project on disproportionate costs previously made available to EWG 19-04 and 20-04 are included as justification. Project SELECMER was a study conducted in the mixed trawl fishery trawl which focused on increasing selectivity to reduce whiting below MCRS discards. There were observed reductions in undersized catches of mackerel and horse mackerel, but commercial losses persisted. The SELECCAB study focused on reducing unwanted catches of cod. Two selective grids seemed to increase selectivity, while the use of an adapted large mesh trawl did not reduce unwanted catches. The SELECFISH study tested several devices to reduce unwanted catches of TAC species in the North Sea and the Eastern Channel. However, the tested devices led to decreases in revenue or were difficult to install and maintain in the trawls. Results from the SELUX project are also presented, focusing on using underwater lighting to modify fish behaviour as a step to improve selectivity.

	However, the results showed that horse mackerel were attracted by light but repelled by flashing light. The test de vieil-lissement MAQ/JAX studied deterioration of certain fish species over time. The relevance of this study is not clear as it does not relate to the conditionalities set out in Article 15 of the CFP. The EODE project on disproportionate costs provides an estimate of the cost of the application of landing obligation.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the summary of studies and the text mostly relate directly to the relevant fishery involved. However, the arguments are generic and are not specific to this exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The referenced studies show that the vessels catch a wide diversity of species during the same fishing operation but are dependent financially on several species (whiting, haddock, cod, megrims, cephalopods) as well as some pelagic species. Thus, it is very difficult to improve selectivity without causing significant commercial losses. The JR highlights that under the UK Fishery Act of 2020, EU vessels fishing in UK waters must use prescribed selective gears. French vessels use these selective devices when fishin both in EU and UK waters as they generally operate in both areas in the course of the same fishing trip. No detail on these gears or their impact is provided.
Is this based on pilot studies or trials?	Yes, this is based on several trials and pilot studies.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.

How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. The actual level of unwanted catch is very low, compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of mackerel from these fisheries are very low. Therefore, the exemption is expected to have little impact on the stock. However, in the absence of information on catches this cannot be validated.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new studies or research to support this exemption being planned.
EWG 23-04 Conclusions	
The justification and supporting information provided are the same as previously used to support this exemption. This information is generic and not specific to this exemption Limited new catch information and as no estimates of the actual level of unwanted catches are provided, no assessment can be made of the likely impact of this exemption. Additionally, the information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of the *de minimis* exemption. The JR indicates that France rarely uses the exemption as the level of unwanted catches are very low. If this is the case, then it is not clear why it is still needed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for blue whiting (*Micromesistius poutassou*) caught in the industrial pelagic trawler fishery targeting blue whiting in ICES subarea 4, and processing that species on board to obtain surimi base up to 5 % of the total annual catches of blue whiting. Article 11(17) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for this exemption is the same as assessed by STECF previously (EWG 18-06, 19-08, 20-04, 22-05). It relates to food security issues from damaged or undersized blue whiting that cannot be processed on board and must be discarded. The cost of landing and handling damaged blue whiting is estimated to be disproportionate.

Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Limited updated catch data is provided by France in respect of the one industrial trawler that uses this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Very limited new catch information specific to catches from ICES subarea 4 has been provided. The only catch data indicates that the total catch of blue whiting in 2022 was 14 201 tonnes. This is for the wider management area relating to the blue whiting stock and does not relate specifically to the industrial trawler the exemption relates. No other catch information is provided.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The exemption is used by only one industrial vessel in France "Joseph Rotty II". No indication of the level of unwanted catch recorded and reported against the exemption has been provided.
Supporting Information	
What supporting information/literature reviews has been provided?	The main supporting information is in the form of a description of the process on board this vessel. While the information presented is largely qualitative, it describes the problem in detail and provides a justification for the exemption from several perspectives relating to the disproportionate costs of handling damaged and undersized blue whiting on board. As the vessel does not usually return to port until fully loaded, retaining such catch on board would shorten the duration of each fishing trip by at least 15%. The vessel would have to make 5 fishing trips in a year instead of 4 to land the same total catch. The additional time at sea, estimated that 12 days of extra route would create an extra cost of roughly €180,000 with additional unspecified costs for handling such unwanted catches.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, the information provided relates to the specific fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	NA
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	There is a statement in the JR to the effect that there is no way to increase the selectivity of the fishery to avoid unwanted catches. The French vessel uses a 50 mm mesh in the codend, which is more than the legal minimum mesh size. Using a mesh size larger than 50 mm would result in

	significant losses of blue whiting, which are not likely to survive the escapement process.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	While the information presented is largely qualitative, it describes the problem in detail and provides a justification for the exemption from several perspectives relating to the disproportionate costs of handling damaged and undersized blue whiting on board. As the vessel does not usually return to port until fully loaded, retaining such catch on board would shorten the duration of each fishing trip by at least 15%. The vessel would have to make 5 fishing trips in a year instead of 4 to land the same total catch. The additional time at sea, estimated that 12 days of extra route would create an extra cost of roughly €180,000 with additional unspecified costs for handling such unwanted catches.
Is this based on pilot studies or economic model simulations?	This is based on economic model simulations.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	No assessment as to whether the losses indicated are disproportionate or not is possible, having little information on total income or other indicators on the vessel economics.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	No assessment can be made as no catch information specific to the exemption has been provided. Blue whiting biomass is well above the biological reference points. Previous assessments by STECF would suggest the likely impact of the exemption is low given the level of unwanted catch is likely to be less than 100 tonnes annually.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No additional work is planned, although ways to improve selectivity in the future are not ruled out.
EWG 23-04 Conclusions	
The justification and supporting information are largely the same as in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. No dedicated studies are provided, and the supporting information largely is based on a description of the onboard processing and the costs associated with handling unwanted catches of undersized blue whiting. There is no catch information specific to the fishery provided so no assessment of the impact of this exemption, can be made. However,	

it is noted that the volume of unwanted catch of blue whiting compared to the total catch for the industrial vessel availing of this exemption is likely to be small and would have not have any impact on the overall blue whiting stock. Similar exemptions exist in NWW and SWW with the same justification.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for Northern prawn by vessels using bottom trawls and seines with a mesh size above 70 mm in ICES area 3a and above 80mm in ICES division 4 up to a maximum of 0,1% of total catches in this fishery. Article 11(18) of Delegated Regulation (EU) No 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is that improvements in selectivity are very difficult to achieve, because despite the small size of Northern prawn, some are retained, particularly when the volume of the targeted catch is large. Due to this, escapement is impeded, and a small number of prawns can be trapped in the codend, regardless of the mesh size. Consequently, an increase in mesh size in a fishery already using meshes that are more than twice those used in the targeted fishery for Northern prawn will have no impact on the bycatch of these species but will have negative impact on catches of the targeting species. The JR concludes that there are, at present, no scientifically documented methods to reduce bycatch of Northern prawn in the relevant fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Detailed catch and fishery information has been provided by the Scheveningen Group covering Denmark and Sweden as the two Member States participating in the relevant fisheries.This exemption would affect the demersal fishery using gears (OTB, OTM, OTT, PTB, PTM, SDN, SPR, SSC, TB, TBN) with mesh sizes above 70mm in ICES division 3a fitted with a sorting grid with a maximum bar spacing of 35mm or equivalent selectivity device and above 80mm in ICES division 4.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Denmark and Sweden report catch data for Demersal fishery with trawls >=80 mm in ICES subarea 4 and with trawls >=70 mm in ICES division 3a. Catch data for the period 2020-2022 were provided. The 2022 data from Sweden does not cover subarea 4. Therefore, the observation are based on 2021.

	The total landings of Danish and Swedish vessels subject to the landing obligation operating in the relevant fisheries is 32,589 tonnes with the estimated discards of Northern prawn of 3,21 tonne, a discard rate of 0,004%. The latest vessels subjects to LO number in 2021 is 342. No specific separation by length segments is given.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The exemption is using by Denmark and Sweden. In 2021, the discard volumes reported for all of the fleets were less than 1 tonne annually with a discard rate between 0.002 to 0.023%
Supporting Information	
What supporting information/literature reviews has been provided?	No detailed supporting information provided. The background and the justification of this exemption are similar to those presented by Scheveningen group for the combined *de minimis* exemption for industrial species. Therefore, the observations for that exemption are relevant.
Is this information taken from the actual fishery/fisheries relating to the exemption?	No information provided.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears and in the same sea basin as the exemption for combined quantity of sprat, sandeel, Norway pout and blue whiting. To all intents and purpose this is an extension of that exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The justification that the catches are insignificant in the demersal fisheries and options to improve selectivity have been exhausted are not necessarily supported with quantitative evidence. However, based on the information supplied for this exemption and for the similar one for industrial species, it is reasonable to assume that improving selectivity further in the fishery to reduce such a small bycatch is difficult to achieve in practice.
Is this based on pilot studies or trials?	This is based on observer programs carried out by Member States for exemption for combined quantity of sprat, sandeel, Norway pout and blue whiting.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No detailed economic analysis of disproportionate costs is provided. The Scheveningen Group referred to earlier evaluations of the exemption for industrial species. They acknowledged the likely high cost resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries for such a small quantity of fish.
Is this based on pilot studies or economic model simulations?	No information provided.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The actual level of unwanted catch is very low (< 0.1%), compared to the landings from the fishery. Other arguments are referring to data provided for the industrial species exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of northern prawn from the bottom trawl fisheries are very low and are not likely to impact on the stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The cod stock in the Kattegat cod is currently overfished and ICES has advised zero catch of this stock for several years. Small amounts of cod may be caught as a bycatch in the relevant fisheries.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication that further studies or research is planned relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous JRs. As previously indicated, the justification would seem reasonable and well founded, if not backed up with specific studies or trials. Limited new information has been provided other than partial information on catches, which confirm the level of unwanted catch relative to the stocks involved are low.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for haddock below the minimum conservation reference size (BMS) caught in demersal fisheries by vessels equipped with electronic monitoring systems, including CCTV or vessels equipped with Seltra panel with 300 mm square mesh, using bottom trawls (OTB, OTT, TBN, PTB) with a mesh size equal to or larger than 90 mm, in the Union waters of ICES division 3AS, up to a maximum of 1,5% of the total annual catches of haddock in 3a (Kattegat). This is a request for a new exemption.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that a sharp increase in the abundance of haddock below the minimum size has been observed in 2021 and 2022, which has more than doubled the time spent sorting catches, to comply with the landing obligation with a direct negative effect on the sorting of other species with high survival, such as plaice and *Nephrons.* It has increased crew workload and rest time, with a consequent increase in the risk of work-related accidents. The JR references future attempts to reduce the by-catch of juvenile haddock through an increase in selectivity and more appropriate fishing practices. It is also argued that the justification is similar to a current exemption for whiting.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	According to the JR, as the influx of juvenile haddock in ICES division 3A is a recent occurrence, the data provided are based on observations of catches from the Danish Fisheries Agency's CCTV project in the Kattegat.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Catch data are only provided for Denmark in 2022. In 2022, Denmark reports total catches of 11 tonnes of which 10 tonnes (91%) were considered unwanted catches. Information on catches between 2021 and 2022 - 2023 is also provided to show the significance of the increase in the abundance of juvenile haddock. These indicate an10-60 times increase in the extent of unwanted catches - 0,32kg/trip in 2021 compared to 11,52kg/trip in 2022/2023. The data presented are based on an audit of a variable number of Danish vessels and a variable number of observed hauls and trips. It is not possible to determine the total relative fisheries impact, since no data were provided on the wanted / landed catches of the same group of vessels (or even of all vessels employing the same gear) for all species. From the audited fleet, discards of haddock represent 1,49% of the catch of the same species, 94,5% of which are below MCRS. If the selected group of species is used (likely not the complete catch), haddock accounts for 0,3% of the catches.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The current JR refers to Swedish and Danish fisheries (in Division 3AS). It is not clear if any other Member states have access or interests in the same fishery.

	This is a request for a new exemption so there is no information on the level of unwanted catches recorded or reported.
Supporting Information	
What supporting information/literature reviews has been provided?	An annex to the JR is provided. This presents results of a Danish experimental project covering vessels with the similar characteristics (same gear, fitted with REM and carrying CCTV). Results are available for haddock, as well as other selected species.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Data provided are taken from a part of the fishery that participated in dedicated trials.
How representative is it of the fishery/fisheries covered by the exemption?	The information is directly relevant to this JR, but it is difficult to determine the representativeness with the whole fishery, (i.e., to what extent the total fishery is covered by the information).
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR notes that the *de minimis* exemption is required "while looking to change to more selective gear and fishing practices in order to decrease catches of juvenile haddock." Possible improvements in selectivity resulting from a behavioural adaptation are also referenced as follows: "Discards decrease significantly after vessels have had the electronic monitoring systems installed for a while and received guidance on the landing obligation from the Danish Fisheries Agency".
Is this based on pilot studies or trials?	The information comes from trials based on fishing vessels, voluntarily participating in the trials and where the appropriate monitoring equipment has been installed.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No specific arguments have been presented on disproportionate costs, but economic and safety costs are implied without providing any detail arguments.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in	Even if the total relative impact is not possible to determine from the data presented, the

the context of the fishery and the fishing gears used?	calculations presented above would suggest the impact is low. The JR suggests that the exemption be only for the short-term as it is expected changes in behaviour will result from the added awareness that the CCTV system provides.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The cod stock in the Kattegat cod is currently overfished and ICES has advised zero catch of this stock for several years. Small amounts of cod may be caught as a bycatch in the relevant fisheries.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	It is indicated that the CCTV project will continue.
EWG 23-04 Conclusions	
This is a new exemption and EWG 23-04 notes that it is different to most other exemptions proposed. The arguments are not strictly related to selectivity or disproportionate costs (economical), as per the conditionalities specified in Article 15 of the CFP. The justification centres on a perceived problem related to high recruitment of juvenile haddock into the stock that will lead to an increased likelihood of significant increase in unwanted catches. The JR argues this will potentially lead to increased costs for the vessels involved in the fishery. EWG 23-04 notes that the JR indicates that improvements in selectivity are being considered but no detail is provided on what gear modifications are proposed over and above what is already used in the fishery. EWG 23-04 also questions why the *de minimis* exemption is needed before any selectivity improvements can be implemented. If the problem has been identified, then it would seem prudent to act as quickly as possible to help alleviate the problem. The justification is also centred around participation in a CCTV monitoring programme. The exemption would be limited to vessels participating in the monitoring programme. No indication is provided of likely uptake and how many vessels would be able to use the exemption. Additionally, the observation in the JR, that CCTV will lead to behaviour change that will mitigate the problem and remove the need for the exemption, is unsubstantiated. EWG 23-04 concludes it is difficult to make any judgement as to whether the exemption is justified or not. On the one hand, it undoubtedly is trying to address an issue that will likely lead to increases in unwanted catches of haddock. However, on the other it could be considered outside the definition of *de minimis* as envisaged in Article 15.	

4.2 Proposals for high survivability exemptions

A summary of the fishery information applicable to the existing high survivability exemptions is provided in Table 4.2.1.

Table 4.2.1 Summary of high survivability exemptions submitted as part of the North Sea Joint Recommendations

Description of the Exemption	
Title of Exemption and relevant delegated act and article	High survivability exemption for Norway Lobster caught with pots and trawls in ICES division 2a, 3a and ICES subarea 4. Article 3 of Regulation (EU) No. 2020/2014.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required because selectivity cannot be improved. In both the creel (pot) and in trawl fisheries for Norway lobster (*Nephrops norvegicus*) it is difficult to avoid catching undersized individuals without significant losses of marketable catch.
Supporting Data	
Have survivability estimates been provided?	No new estimates were provided. All studies have been reviewed before (e.g., EWG 18-06). Pervious evidence included a vitality study from the Scottish East coast otter-trawl fishery in the Firth of Forth. Observers scored trawled Norway lobsters for vitality and recorded operational and environmental fishing characteristics as part of routine at-sea observations. This study included a comparison of on-board discarding practices and operational/environmental fishing characteristics of twin-rig otter trawlers. This established whether the mode of operation of the single trawl from the survival study (Fox and Albalat, 2018; reviewed and evaluated previously following the ICES critical review criteria) was representative of the wider fleet. It was concluded that fishing and discarding practices differed. Specifically, the prevalence of physical damage impacted the survival of discarded *Nephrops*. The previously provided survival estimates (Fox and Albalat, 2018) remained the same: for the Scottish East Coast fishery (Firth of Forth), it was estimated that 74.5% (71.8-77.1%; 95% confidence interval) of Norway lobster survived being discarded in the summer. For the Scottish West Coast fishery (Minches), discard survival of Norway lobster was estimated to be 45.7% (43.4-48.3%; CI) in summer, 56.3% (53.5-59.4%) in winter (12 hauls for each season) and 52.7% (50.9-54.6%) across both seasons, based on data from one vessel using both 80mm and 100mm mesh size gear with an equal number of replications throughout the trial (6 gear deployments each with 80 mm and 100 mm gear, in each season, respectively). The evidence also included a peer-reviewed and published analysis of *Nephrops* discard survival data from three separate studies from three different fisheries in the North Sea region. They highlighted the relevance of scoring the extent of injury and understanding their causality as to which (operational) factors contribute to its occurrence (Fox et al. 2020). These studies had been submitted as separate technical reports previously (i.e., Valentinsson and Nilsson 2015, Armstrong et al. 2016 and Fox and Albalat 2018), and were later reanalysed and merged into one

	scientific paper (Fox et al. 2020). The new combined analysis indicated that warmer water temperatures were attributed to a >10-fold increase in immediate mortality, emphasizing the relevance to consider fishing activity per season (and area). The current exemption assumes that the fishing practices on the west coast of Scotland resulting in survival rates of 53% are representative of general fishing practices by the smaller vessels fishing for *Nephrops* anywhere within 12 miles of coastlines using gear 80-110mm in all areas.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Both vitality observations and survival studies.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Catch information has been provided by Sweden, Denmark, Germany and the Netherlands for ICES division 3a and subarea 4 and by gear type (i.e., pots and trawls). Denmark also provided fleet data. The catch information shows discard rates by fleet/fishery vary from 0-50% against survival rate estimates of 48% for trawls to 98% for pot fisheries.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	The exemption in trawl fisheries is linked to the mandatory use of selective gears. There is no evidence of any new studies to consider further improvements in selectivity. Pots used to catch Norway lobster are acknowledged as being highly selective.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	None provided.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Discards rates in the different fleets/fisheries range from 0-50% with varying survival estimates from 48-98%. For the most important fisheries this can be summarised as follows: • Pot/creel: 96 % survival (98% in winter and 95% in summer). For 2022, total estimated discards in the Swedish fishery with Nephrops creels in 2022 was 49 tonnes, which corresponds to 16% of total catches.

	• Grid trawl: 59 % survival (75% in winter and 42% in summer). In 2022, total estimated discards in the Swedish fishery with Nephrops grid trawls was 565 tonnes, which corresponds to 50% of total catches. • Seltra trawl: 48% survival (59% in winter and 38% in summer). In 2022, total estimated discards in the Swedish fishery with Seltra trawls was 228 tonnes, which corresponds to 28% of total catches. The risk is highest in trawl fisheries, particularly in summer months. The risk in pot fisheries is very low, given the high survivability estimates.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of further research or studies planned to support the exemption.
EWG 23-04 Conclusions	
No new survival information has been provided. However, EWG 18-06 previously concluded that the survival studies presented have been conducted in a robust manner and do highlight the benefits of improved selectivity through technical measures, as well as the high level of survivability observed, particularly in pot fisheries. Most gear, mesh and selectivity device combinations that catch Norway lobster in division 3a and subarea 4 are accounted for in the survivability studies discussed in the JR. Based on the catch information provided, the EWG consider that given that the discard rates reported (between 0-50%) it is likely that this exemption may have an impact on the different stocks in different areas and fisheries. However, ICES advice indicates most Norway lobster populations in the relevant functional units are fairly stable, so there does not seem to be any indications of a decline in populations that could be attributed to the exemption. It also should be noted in the North Sea, the majority of catches are taken by UK vessels. The UK has chosen to keep the high survivability exemption in place in the North Sea, so removing the exemption for EU vessels may create difficulties in terms of control but also for future stock assessment.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	High survivability exemption for common sole caught with trawls in ICES subarea 4c. Article 4 of Regulation (EU) No. 2020/2014. The existing exemption applies to common sole below the minimum conservation reference size caught using otter trawls (OTB) with a cod-end mesh size of 80 to 99 mm in the Union waters of ICES division 4c, within six nautical miles of the coast but outside identified nursery areas. The exemption only applies to vessels with a maximum length of 10 meters and a maximum engine power of 221 kW, fishing in waters with a depth of 30 meters or less and with tow durations of no more than ninety minutes.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR requests the renewal of the existing exemption stating that the circumstances have not changed. Currently there are no identified nursery areas for sole in ICES subarea 4c. The JR also suggest that a similar exemption exists in the North-Western Waters, in area 7d and 7e. and that maintaining this exemption would preserve consistency between the two areas. The JR suggests that this exemption is mainly relevant for French vessels that target sole in the Eastern Channel and southern North Sea.
Supporting Data	
Have survivability estimates been provided?	The JR provides a short description of the relevant to the exemption French fleet. French vessels using this exemption mainly operate in area 4c and 7d. In 2020, around 160 vessels were active in this fishery, that mainly target species of high commercial value such as sole or cephalopod, but also whiting and rays. As supporting information on survival, the JR refers to the scientific evidence demonstrating high discard survival rates of sole, (Santos et al, 2016, Randall et al, 2017), evaluated previously by EWGs 16-10 and 17-08. Additionally, the JR provides a short overview of two more recent survey reports: Oliver et al., 2019. Sole survivability in the Irish otter trawl fishery. BIM Report, December 2019, and the CORBENORD SUMO project on sole survivability in the Eastern Channel (COBRENORD, 2022. Rapport d'étude du projet SUMO (SUrvie de la sole en Manche-Ouest) 34 p.). The Irish study was conducted on sole caught in late summer off the Irish West Coast. It was a captivity monitoring survival experiment. The study aimed at supporting an extension request of the existing exemption to adjacent waters and areas 7a, 7e, 7f and 7g. Overall survival of conventionally trawled sole was estimated at 50%, which corresponded to earlier estimates from ICES 4 and 7d. The COBRENORD project studied the immediate survivability through a vitality monitoring. The results show an immediate survival rate of 99.1%.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The results are based on survival studies and vitality observations and seem statistically robust. However, several of the studies referenced have been carried out outside of ICES subarea 4c. The Irish study would be less representative of the relevant fishery, while still providing useful

	information. The studies relating to 7e and 7d would be representative as the North Sea fishery is an extension of the fisheries in 7d and 7e.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	No assessment can be made as no absolute catch data has been provided for the relevant fleets. The JR provides the results of French OBSMER programme describing the catch composition of vessels under 18 metres using bottom otter trawls in Area 4c targeting sole in 2019. The most recent catch data has not been made available since the final OBSMER 2023 report (based on 2021 observations) was not available in time for the 1st of May 2023. The 2019 results show that catches of common sole were limited, with 9% of the total catch from the relevant vessels made up of sole. Proportion of discarded sole was 2% of total catch and all discarded sole were below MCRS.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No evidence was provided. No nursery areas have been identified.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	No evidence was provided.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	According to the latest ICES advice, the sole stock in North Sea is at low level Although the Fishing pressure on the stock is below F_{MSY}, the SSB and spawning-stock size is below MSY Btrigger and Bpa. Given the evidence of relatively high survivability of sole below MCRS, and indications that unwanted catches in the relevant fishery are low, the renewal of this exemption poses a low risk to the stock. ICES. 2022. Sole (*Solea solea*) in Subarea 4 (North Sea). In Report of the ICES Advisory Committee, 2023. ICES Advice 2023, sol.27.4. https://doi.org/10.17895/ices.advice.21841017
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of further research or studies relevant to this exemption.
EWG 23-04 Conclusions	

EWG 23-04 concludes that the evidence provided is robust and underpins the existing exemption. The likely level of unwanted catches in the relevant fishery would seem to be low, although no absolute estimates have been provided. The JR highlights the lack of identified nursery areas in 4c as a part of the justification of the exemption. EWG 23-04 notes that this does not necessarily mean that such nursery areas do not exist. Therefore, EWG 23-04 re-iterates the conclusion of EWG 17-03 that given the condition of the exemption to take effect outside of designated nursery areas, a clear description of where these nursery areas are and the fishing effort within and outside these areas is still needed. No such information was provided in the JR.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	All species subject to catch limits caught with pots and fyke nets (FPO, FYK) in ICES division 3a and in ICES subarea 4. Article 5 of Regulation (EU) No 2020/2014. The existing exemption requires the release of by-catch immediately and below the sea surface.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	In 2017, this exemption for high survivability was intended to replace the *de minimis* exemption included under Article 6(g), of Regulation (EU) 2250/2016. The exemption is required to prevent all species subject to catch limits caught in the relevant fisheries from having to be landed and to reduce fish mortality on these stocks. Improving selectivity or implementing avoidance measures are not options given the morphology and wide distribution.
Supporting Data	
Have survivability estimates been provided?	No new survival estimates have been provided. Therefore, the survival estimates previously presented remain the basis for the exemption. Estimated survival rate of up to 80% presented in the information contained in the literature on survival from pots is mainly for cod caught in the Swedish *Nephrops* creel fishery. The temperature and depth of captures are shown to be important factors affecting cod survival. A pilot study conducted by SLU-Aqua on board Swedish *Nephrops* creelers that were fishing in Area 3a investigated only immediate mortality caused by handling and release of unwanted fish by-catches and did not look at potential longer-term mortality. Additionally, two studies were carried out in Sweden and Germany that used as a basis for the exemption of Baltic cod in pots and traps (STECF, 2014). The results obtained during this study suggest that in this type of fishery, in which cod was being targeted, and with this type of gear, the

	survival rate of cod can be very high and close to 100%. No other survival estimates are available.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The estimates are based on a study of all discarded fish during five *Nephrops* creel trips in the Skagerrak between October 2016 and April 2017. 421 individuals of 16 species were observed for short-term survivability. Some 235 fish were taken by birds during the trials. The German and Swedish studies referenced also only considered short-term mortality and only for cod.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Updated data on discards were provided. Overall, the discard estimates by Sweden and presented in the JR are quite high with > 90% of unwanted catches discarded. However, the discard volume is small (25 tonne across more than 20 species which are subject to TAC). Information provided by Denmark indicated zero discards. The available estimates indicate short-term survival rates of over 90%.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No information was provided.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The fisheries under this exemption are exclusively performed by small coastal vessels with limited capacity to handle unwanted catches. As any fish catch is returned immediately to the sea there are no obvious ways to improve survivability through on board handling or other operational practices.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption assumes that all species subject to catch limits released from crab and lobster pots and *Nephrop*s creels have the same survival chances as cod released from pots used to target fish. There is no direct evidence to support this, but it is reasonable to infer that, at the point of release, and assuming environmental and technical operations are comparable, the likelihood of survival is high. However, the risk of substantial avian predation of discarded fish as identified previously by STECF should be considered.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research/studies planned.

EWG 23-04 Conclusions
This exemption was last assessed by EWG 17-08. The justification and supporting information are largely similar. In this regard EWG 23-04 considers that all information available indicates that mortality of discarded fish is likely to be low and that the actual catches are negligible. Therefore, the impact of this exemption is minimal. The observations made by the previous EWG remain relevant, particularly in relation to avian predation and the impact on survivability which remains poorly understood and documented.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for catch and by-catch of plaice in the Union waters of ICES division 3a and subarea 4 for: (a) plaice (Pleuronectes platessa) caught with nets (GNS, GTR, GTN, GEN). (b) plaice caught with Danish seines. (c) plaice caught with bottom trawls (OTB, PTB): (i) with a mesh size of at least 120 mm when targeting flatfish or roundfish in the Union waters of ICES division 3a and subarea 4. (ii) with a mesh size of 90 to 119 mm equipped with a Seltra panel with a top panel of 140 mm mesh size (square mesh), 270 mm mesh size (diamond mesh), 300 mm mesh size (square-mesh), or in sub-division Kattegat, a square mesh panel of at least 120 mm in the period from 1 October to 31 December every year which target flatfish or roundfish in the Union waters of ICES division 3a. (iii) with a mesh size of 80 to 119 mm targeting flatfish or roundfish in the Union waters of ICES subarea 4. Article 6 of Commission Delegated Regulation (EU) 2020/ 2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for the exemption is that scientific evidence has demonstrated high discard survival rates. A major portion of the current JR relating to this exemption is concerned with encouraging STECF and the Commission to reconsider the recommendation submitted as a JR by the Scheveningen Group in 2023 concerning Article 6c of EU 2020/2014. This recommendation was for the removal of the mesh size specification for bottom trawls so that pilot selectivity studies with mesh sizes other than

	those specified in the exemption for bottom trawls would be exempt from the landing obligation. This recommendation was assessed by STECF PLEN 23-01 (section 6.8) which recommended that pilot selectivity studies should avoid catching undersized plaice and that MS use the provisions of Art.25 of EU 2019/1241 (Technical Measures Regulation). STECF PLEN 23-01 noted that discard rates of plaice are highly variable in trawl fisheries and that removing the mesh size specification in the survival exemption would significantly widen the scope of the exemption. According to the JR, Denmark has granted permission for 7 projects/ vessels under Article 25 of the technical measures regulation and asserts that the impact would be negligible if these vessels were allowed to utilise the survival exemption for plaice. The mesh size used in these trials, the nature of selective devices or the catch/ discard rates of plaice are not provided.
Supporting Data	
Have survivability estimates been provided?	Survivability estimates have been provided by the Scheveningen Group to support this exemption: • 100 % set nets (EWG 18-06) • 78 % Danish seine (EWG 18-06) • 73 % bottom trawl 90 mm targeting plaice during Winter (EWG 19-08) • 40 % bottom trawl 90 mm targeting plaice during Summer (EWG 19-08) • 41 % bottom trawl 90 mm targeting plaice during Winter (EWG 19-08) No new survival estimates are provided in the 2023 JR.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Previous JRs have been supported by survival estimates derived from direct observation. EWG 23-04 notes the findings of previous EWGs that these supporting studies were carried out according to ICES WKMEDS guidelines (ICES, 2014).
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The 2023 JR provides updated information on catches and discard rates for Danish, French, Belgian, Dutch and German fleets. This data is not complete or made available in a standard format, for instance some Member States aggregated: catches by gears and areas; discard rates across all gears; and/ or only provide relative values for catches, landings and discards. The available data suggests that discard rates vary widely between gears and Member State fleets.

	For those Member States where data is provided discards rates range from 16-80%. However, in the fisheries with the highest discard rate (i,e, Sweden) the actual volumes are small. Due to inconsistencies in reporting it is not possible to put the survival estimates in the context of the discard rate for the various fisheries.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	Danish pilot selectivity studies are ongoing, but it is not clear if these studies are focused on reducing catches of plaice subject to this exemption.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The 2023 JR does not provide direct evidence of measures to improve survivability through on board handling or other operational practices
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	EWG 22-05 noted that given the relatively high estimated discard rates and relatively low and variable survival rates for plaice in some of the trawl fisheries covered by this exemption, significant quantities of plaice discarded in these fisheries may not survive. EWG 23-04 cannot provide any further assessment as only very limited catch data has been provided.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No evidence of new studies to support the survival exemption are provided in the 2023 JR.
EWG 23-04 Conclusions	
No additional survival estimates have been provided to support the high survivability exemption for plaice. EWG 23-04 reiterates the finding of EWG 22-05 that given the relatively high estimated discard rates and relatively low survival rates for plaice in some of the fisheries covered by this exemption, significant quantities of plaice discarded may not survive. Regarding the request from Denmark regarding the removal of the mesh size specification for bottom trawls so that pilot selectivity studies with mesh sizes other than those specified in the exemption for bottom trawls are included under the exemption, there is not enough information for EWG 23-04 to make any further comment. The conclusions of PLEN 23-02 remain valid.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for plaice below the minimum conservation reference size in the Union waters of ICES division 2a and ICES subarea 4 caught using 80 to 119 mm beam trawls if the plaice is caught:

	(a) with gears equipped with the flip-up rope or Benthos release panel (BRP) and caught by vessels with an engine power of more than 221 kW; or (b) by the vessels of Member States implementing the roadmap for the Fully Documented Fisheries. The exemption referred to in paragraph 1 shall also apply to flatfish caught with beam trawls (BT2) by 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 miles zone, if the average trawl duration is less than ninety minutes. Article 7 of Regulation (EU) 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for the exemption is that high survival has been demonstrated. The JR explains that the exemption is essential for Belgian and Dutch BT2 beam trawlers to avoid severe economic impacts from having to land large quantities of undersized plaice with a very low economic value. The rationale for extending the exemption is that Member States will then have the opportunity to continue ongoing projects or initiate new ones that advance plaice survival and selectivity.
Supporting Data	
Have survivability estimates been provided?	Survivability estimates have been provided to previous EWGs: • 14 % survival rate from Dutch pulse trawl (EWG 18-06) • 21 % mean survival rate from Belgian beam trawls (EWG 20-04) • 13 % survival rate in Celtic Sea during Summer (EWG 21-05) • 51 % survival rate in Eastern Channel during Winter using flip up rope (EWG 21-05) • 44 % survival rate in Eastern Channel during Winter using conventional beam trawl (EWG 21-05) • 1–58 %, 11–28 %, 2–4 % survival rates for trips of the Belgian coastal (≤221 kW), Eurocutter (≤221 kW) and >221 kW vessel Survival estimates vary depending on season, vessel size, catch size and composition, gear characteristics and area.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Survival estimates are derived from long term captive monitoring and vitality/ RAMP assessments related to survival probability. Previous EWGs have found studies to be robust, if

	highly variable, and followed ICES WGMEDS protocols.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The information provided in the 2023 JR includes discard rates for Belgian and Dutch beam trawl fisheries. Plaice discard rates reported range from 70 to 76%. Discards from vessels with < 221kW are reportedly not monitored separately by Belgium under the DCF due to seasonal fishing and a limited number of trips. Landings from these vessels constitutes 12 % of those from larger vessels.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	There is a detailed description of completed projects that have focused on improving selectivity in the relevant fisheries. Including an assessment from Wageningen of increasing codend mesh size from 80 to 90 mm, which is reported to lead to losses of 32-47 % of marketable sole and no lowering of the level of unwanted catches of plaice.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The conditions of the survival exemption are in effect measures to improve survivability, (e.g., the vessel size/ power limits, tow duration limits and the requirement to use flip up rope and Benthos release panels). Original Dutch supporting studies included estimates where catch was landed into water filled hoppers to reduce potential temperature effects on plaice before discarding. There is no information in the JR as to whether any of these factors are effective or their use monitored.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	In 2021 the Dutch BT2 fleet numbered 101 vessels and caught 21,958 tonnes of plaice with a discard rate of 76 %. The data is aggregated for the whole fleet and shows a decreasing trend over recent years. In the same year the Belgian BT2 fleet numbered 33 vessels including 16 vessels <=221kW. Overall landings from vessels <= 211kW are relatively low at 27.9 tonnes but catch and discard data is incomplete as Belgium does not collect DCF data from this segment. Belgian vessels >221kW caught 835.6 tonnes of plaice with a discard rate of 74 %. Belgian survival estimates suggest that plaice caught by vessels <=221kW in the coastal and Eurocutter segments have higher survival

	probabilities compared with vessels >221kW (1–58 % and 11–28 % compared with 2–4 %). ICES advice shows the plaice stock in the North Sea is in good condition with fishing mortality below Fmsy and spawning-stock size above MSY, Btrigger, Bpa, and Blim. The EU TAC for North Sea plaice in 2023 is 55,005 tonnes. The varying survival estimates need to be considered in the context of the discard rates and volumes reported, which for all of the fleets is quite large. Taken with the level of catches relative to the EU TAC this high survival exemption is likely to have an impact on the stock, even allowing for the fact that the stock is well above biologically reference points.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Ongoing Belgian and Dutch projects are also described in the beam trawl fishery including: • Increasing selectivity using LED lights in conjunction with a Benthos Release Panel and to create a virtual separator panel. • Increasing survival probabilities and gear selectivity using innovative gears such as the Modular Harvesting System, an alternative to traditional mesh codends that allow fish to swim freely withing the gear (SELOV project) • The ongoing Dutch DOSST using the modular harvesting system (MHS) have potential to increase the survival probability of plaice by reducing damage during the capture process.
EWG 23-04 Conclusions	
While acknowledging that new information has been provided, essentially the justification and the survival estimates provided to support this exemption are the same as evaluated previously by EWGs 18-06, 19-08, 20-04, 21-05 and 22-05. Therefore, the main conclusions from these EWGs remain valid. Survival rates are variable and lowest in the segments that account for the highest catches, with the highest discard rates and volumes. ICES advice shows the plaice stock in the North Sea is in good condition with fishing mortality below Fmsy, Fpa, and Flim, and spawning-stock size above MSY Btrigger, Bpa, and Blim. However, given the survival rates are in the range of 20-40% and the discard rates are high (~70%), considerable volumes of plaice discarded under this exemption are likely not to survive. Unless surviving discards are accounted for in stock assessments and dead discards are accounted for in TAC setting when survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. There is still only limited and inconclusive information on the effectiveness of the Flip-up rope and the Benthic Release Panel to improve survivability. The use of these devices is specified in the Delegated Act as a condition of the exemption. However, if these devices are not effective in increasing survivability, then the value of making them a condition of the exemption is questionable even though they may have other benefits not related to survivability.	

Member States have made efforts, and work is ongoing, in the fisheries concerned to improve selectivity and survival probabilities through the use of innovative gears and technologies. However, without clear timelines there does not seem any endpoint for this work.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for turbot in the Union waters of ICES subarea 4 caught with beam trawls with a cod-end equal to or larger than 80 mm (TBB). Article 8 of Delegated Regulation (EU) 2020/2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for the exemption is that scientific evidence has demonstrated high survivability for turbot, while the level of discards in the fishery are low.
Supporting Data	
Have survivability estimates been provided?	No new survival estimates have been provided. The previous discard survival estimates provided by the Scheveningen Group as part of previous JRs remain the best estimates: • 20 to 43 % in NL pulse trawls (EWG 18-06) • 38 to 75 % in BE beam trawls (EWG 21-05)
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The provided survival estimates are based on survival studies. The Dutch survival study was carried out on pulse trawls. EWG 20-04 questioned the relevance of these survival estimates given that pulse trawling is no longer practiced. These estimates have little relevance to the current exemption. The Belgian survival study was assessed by EWG 21-05 to have been limited by the relatively small sample size (18 fish). However, the results of this study seem robust.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The 2023 JR provides updated estimates of unwanted catches and discard rates for the beam trawl fleets concerned: • 0.5 tonnes of unwanted catch equating to a discard rate of 4% for Belgium. • 30 tonnes equating to a discard rate of 3% for the Netherlands. • 24.7 tonnes equating to a discard rate of 15% for Germany. The catch data suggests the quantity of turbot affected by this exemption is relatively low.

Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	The JR states that turbot is a bycatch in beam trawl fisheries for sole and plaice and that increasing codend selectivity is not possible in these fisheries without losing efficiency for the target species.
Is there evidence of measures being taken to improve survivability through on-board handling or other operational practices (e.g., shorter towing times)?	Flip up ropes and Benthos release panels have been introduced in Belgian BT2 fisheries since 2019 and their use is likely to be more widespread given the conditions of the plaice beam trawl survival exemption in the North Sea. Further evidence of measures being taken to improve survivability include the DOSTT project, which involves the testing of a Modular Harvesting System that reduces fish damage which is predicted to increase survival probabilities.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The current survival estimates need to be considered in the context of the current discard rates reported, which for all of the fleets is around 2%. ICES advice shows the turbot stock in the North Sea is in good condition with fishing mortality below Fmsy and spawning-stock size is above MSY Btrigger, Bpa, and Blim. Assuming the survival rates are in the range of 38-75%% and the discard rates and volumes are low, the impact of the exemption is likely to be low.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Research is ongoing in Dutch and Belgian beam trawl fisheries to support survival exemptions for plaice. These studies, such as the DOSTT project testing the modular harvesting system, which aims to reduce fish damage and improve survival probabilities, should also apply to turbot survival.
EWG 23-04 Conclusions	
As there is no new information provided, EWG 23-04 reiterates the observations of EWG 22-05. The current survival estimates need to be considered in the context of the current discard rates reported, which for all of the fleets is around 2%. ICES advice shows the turbot stock in the North Sea is in good condition with fishing mortality below Fmsy and spawning-stock size is above MSY Btrigger, Bpa, and Blim. Assuming the survival rates are in the range of 38-75% and the discard rates and volumes are low (as evidenced by the ICES advice), the impact of the exemption is likely to be low.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for skates and rays caught with fishing gear in the Union waters of the North Sea (ICES divisions 2a, 3a and subarea 4).

	Article 9 of Delegated Regulation (EU) 2020/ 2014.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required to prevent skate and ray species becoming choke species in multiple fisheries where they are caught as a bycatch. Improving selectivity or implementing avoidance measures are limited options given the morphology, wide distribution and target skate and ray species are both caught in targeted fisheries and as a bycatch.
Supporting Data	
Have survivability estimates been provided?	Previous JRs for this survival exemption have been supported by survival estimates and have been assessed by EWG 20-04, EWG 21-05, EWG 22-05. Additional survival estimates have been provided by the Scheveningen Group in the 2023 JR. A study in the Dutch beam trawl and seine net (flyshoot) fisheries (Dutch BKG project) estimated survival probabilities of 45.5 % and 77.6 % for spotted ray and 49.6 % and 81 % for thornback ray. Survival was highest for both species in the seine net fishery. Captive monitoring was undertaken for up to 25 days following capture. Fishing operations took place in the English Channel and North Sea. An extension to the Sumaris project also provides new information on the survival probability of thornback ray. The fishing trial took place on a seine net vessel operating in the Eastern Channel where RAMP scores were estimated for 460 rays. Of these, 80 thornback rays were randomly selected for captive monitoring for a further 21 days. Including on board mortality, the delayed survival rate was 73.06 % which is below that estimated for trammel netd (93.5 %), but above the estimate for beam trawls (56.9 %) and similar to otter trawls (76.5 %). Work is ongoing on skates and rays amongst MS and includes - spatial distribution, policy developments, electronic monitoring, and genetic analysis. Ongoing projects mentioned in the JR include: • Bridging Knowledge gaps for skates and rays in North Sea (BKG) • Innoray project • Sumaris project extension The JR makes the point that this survival exemption for skates and rays has worked as an accelerator for Member States to commit to research projects concerning survival of unwanted catches of skates and rays.

Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The new survival estimates are derived from captive monitoring experiments. Existing survival estimates have been based on captive monitoring and vitality observations. The latest estimates based on captive studies are considered robust. These studies continue to demonstrate that survival probability varies by species and by fishing gear type.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Information on discard rates is provided by some Member States by species and for others, as an overall value for skates and rays. Most Member States provide discard rates grouped by all gears. The discard rates that are provided vary from as low as 4% to 100% for some species and gears. It is not possible, using the information provided in the JR, to put the survivability estimates into the context of the discard rate of the fishery. There are simply too many combinations to draw any clear conclusions.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	The 2023 JR does not provide specific evidence that measures are being taken to improve selectivity. Options to improve selectivity or implementing avoidance measures are limited given the morphology, wide distribution and variety of gears used. The JR references a webinar by the Dutch Elasmobranch Society featured talks about 'Advances in selectivity and avoidance of sharks and rays in mixed fisheries', including net and operational gear adaptations to improve selectivity.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	Best practice guidelines have been provided to improve release practices and survival for elasmobranchs (Wosnick et al., 2022). No information is provided on the uptake of these best practice guidelines amongst fleets.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	This survival exemption covers all species of skates and rays caught with all gears in the North Sea. The information provided suggests that the survival probability differs by species and gear type and therefore the impact/ level of risk will also vary. The JR does not provide the information necessary to fully assess the risk posed by the exemption.

New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is evidence that work is ongoing amongst Member States on the biology and management of skates and rays and includes: spatial distribution of species, estimation of population size, electric remote monitoring of catches and policy developments.
EWG 23-04 Conclusions	
EWG 23-04 acknowledges that the 2023 JR provides further evidence of Member States carrying out research, survival studies and projects. This work aims to promote best practice and improve knowledge on the survival, biology, catch monitoring, spatial distribution, gear selectivity and stock status of skates and rays not just in the North Sea but also the North-Western Waters and South-Western Waters. The available survival estimates derived for different species of skates and rays vary considerably by gear, season etc. Therefore, EWG 23-04 suggests that given this exemption covers all species of skates and rays caught with all fishing gears, and the variability of survival estimates a detailed meta-analysis of survival would be required to assess the overall effect of the exemption. EWG 23-04 acknowledges that the level of cooperation between Member States is noteworthy and as the JR points out the survival exemption for skates and rays has been the catalyst for this work.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	High survivability exemption for catches of mackerel and herring in the purse seine fisheries in ICES divisions 2a, 3a and subarea 4. Article 10 of Commission delegated Regulation (EU) No 2020/2014
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is based on previous survival studies showing survivability of mackerel and herring in purse seine fisheries to be high. This is provided certain operational measures are taken relating to the pursing operation and the timing at which fish are released. Additionally, the JR indicates that "although the exemption has not been widely utilised, it is expected that the introduction of CCTV on [all] pelagic [trawl] vessels in the near future [(until the end of 2023)] will revitalise purse seine fisheries, thus the need for the exemption".
Supporting Data	
Have survivability estimates been provided?	No new survival estimates have been provided. Reference is made to the original studies, which showed that survivability was mostly dependent on the level of closure of the net (a species-variant "point of retrieval" was defined from that) as well as the time crowded.

	The quoted survivability estimate from the same studies was 70% for mackerel and herring. These estimates come from Norwegian fisheries.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Estimates are based on survival studies from a similar Norwegian fishery for which the exemption is required.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The actual level of activity and catches with purse seines is unclear in the JR. it appears that unwanted catches of mackerel and herring are negligible, other than an inferred 30% mortality of slipped fish. Officially, unwanted catches are reported as zero, and the data provided for 2020 and 2021 also present estimates of zero unwanted catches. In 2022 the fishery was not sampled, so no estimates are presented, but discards were again declared to be negligible. It is not possible to put survivability into the context of the discard rate in the fishery as it would appear there are no discards currently.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No reference to any measures.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The exemption is linked to strict rules regarding when mackerel and herring can be released.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The JR indicates that the purse seine fishery is expected to become relatively more important from 2024 onwards. So far, the exemption has been scarcely utilised. However, the JR highlights that the implementation of CCTV on pelagic trawlers, will drive a raised interest in purse seine fisheries. The exemption is not currently used.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned in the relevant fisheries.
EWG 23-04 Conclusions	
No new survival estimates have been provided. Therefore, EWG 23-04 concludes that the survival estimates of 70% for mackerel and herring are the best available for purse seine fisheries. While they appear representative of the relevant fisheries, this assumes the experiments undertaken on the crowding density effects and crowding duration on mackerel and herring mortality are representative of the conditions experienced under commercial purse	

seine fishing operations in the North Sea. EWG 23-04 is unable to verify this to be the case. Survival is also dependent on compliance with the rules set out in the Delegated Act regarding the point of retrieval after which fish cannot be released from the purse seine. There is no indication that this condition can be monitored wit no specific measures in place.

The assertion by the Scheveningen group that the introduction of CCTV into pelagic fisheries will increase the use of purse seines and therefore the use of the exemption is unclear. There does not seem any obvious linkage between the two and at the moment no Member State seems to be using this exemption.

5 NORTH-WESTERN WATERS – OVERVIEW OF JOINT RECOMMENDATIONS

Commission Delegated Regulation (EU) 2015/2438 established a discard plan for certain demersal fisheries in North-Western Waters (i.e., in Union waters of ICES Areas 5b, 6 and 7). Based on new Joint Recommendations for the North-Western Waters submitted by the regional group of Member States, this plan has been updated several times, most recently by Commission Delegated Regulation (EU) 2020/2015 under the Western Waters Multiannual Plan (2019/472). This included exemptions for pelagic fisheries following from Commission Delegated Regulation (EU) 1393/2014 that established a discard plan for certain pelagic fisheries in the NWW. Some of the exemptions included in this Regulation EU) 2020/2015 were time limited, while others were granted based on additional information being submitted annually. Regulation (EU) 2020/2015 has been amended by Commission Delegated Regulations (EU) 2021/2063 and 2022/2290.

In 2023, a further set of Joint Recommendations has been submitted by the NWW Regional Group. This covers all the existing *de minimis* and high survivability exemptions that expire at the end of 2023. One new high survivability exemption is also requested.

The main elements of these JR's and those which have been assessed by EWG 22-05 are summarised in table 5.1.

Table 5.1 Main elements of the Joint Recommendations submitted for the NWW.

Elements	***Pelagic or demersal***	***Relevant Article in current discard plan***	***Assessments by STECF***
De minimis			
Whiting caught with bottom trawls and seines with a mesh size equal to or greater than 80 mm, pelagic trawls and beam trawls with a mesh size of 80-119 mm in ICES division 7d and 7e	Demersal	Article 13(1a) (Contains an annual reporting requirement)	EWG 15-10 EWG 16-10 EWG 17-08 EWG 18-06 EWG 21-05 EWG 22-05
Common sole caught in gillnets and trammel nets in ICES divisions 7d, 7e, 7f and 7g	Demersal	Article 13(1b)	EWG 15-10
Common sole caught with beam trawls with a mesh size of 80-119mm with increased mesh sizes in the extension of the beam trawl in ICES divisions 7d, 7e, 7f, 7g and 7h	Demersal	Article 13(1c)	EWG 15-10 EWG 17-08 EWG 20-04
Haddock caught using bottom trawls, seines	Demersal	Article 13(1d) (Contains an annual	EWG 16-10 EWG 17-08

greater than 100m; with catches comprising not more than 30 % Norway lobster and excluding beam trawls; with mesh sizes greater than or equal to 80 mm in 7b, 7c and 7e to 7k with catches comprising more than 30 % of Norway lobster; beam trawls using mesh sizes greater than or equal to 80 mm in 7b, 7c and 7e to 7k in conjunction with the use of a Flemish panel;		reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Fish bycatch below MCRS in the Brown shrimp fishery caught using beam trawls of mesh size <31mm in ICES division 7a	Demersal	Article 13(1e)	EWG 19-08
Boarfish caught using bottom trawls in ICES divisions 7b-c & 7f-k	Demersal	Article 13(1f)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Megrim below MCRS caught using bottom trawls with a mesh size of 70-99mm and beam trawls with a mesh size of 80-119mm in ICES subarea 7	Demersal	Article 13(1g) (Contains an annual reporting requirement)	EWG 16-10 EWG 19-08 EWG 20-04 EWG 22-05
Common sole caught using beam trawls with mesh size of 80-119mm with a large mesh panel in ICES divisions 7a extended to include 7j,k	Demersal	Article 13(1h)	EWG 19-08 EWG 22-05
Greater silver smelt caught using bottom trawls with a mesh size greater or equal to 100mm in ICES division 5b (EU waters) and subarea 6	Demersal	Article 13(1i)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Horse mackerel caught using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b-7k	Demersal	Article 13(1j) (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Mackerel caught using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b-7k	Demersal	Article 13(1k) (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05

Haddock below MCRS caught with a mesh size up to 119mm in the West of Scotland *Nephrops* fishery in ICES division 6a	Demersal	Article 13(1l) (Expired as of 31 December 2022)	EWG 19-08 EWG 20-04 EWG 22-05
Blue whiting caught in the industrial pelagic trawler fishery in ICES division 5b and subareas 6 and 7	Pelagic	Existing Article 13(1m)	PLEN 14-02
Albacore tuna caught using midwater pair trawls in ICES subarea 7	Pelagic	Existing Article 13(1n)	PLEN 14-02
Mackerel, horse mackerel, herring and whiting caught by pelagic trawlers up to 25 metres in length overall, using mid-water trawls targeting mackerel, horse mackerel and herring in ICES division 7d	Pelagic	Existing Article 13(1o)	PLEN 14-02
High Survivability			
Nephrops caught using pots, traps or creels in ICES subareas 6 and 7;	Demersal	Article 3(1a)	EWG 15-10
Nephrops caught with bottom trawls with a mesh size equal to or larger than 100mm in ICES subarea 7	Demersal	Article 3(1b)	EWG 18-06
Nephrops caught using bottom trawls with a mesh size of 70-99mm in combination with highly selective gears in ICES subarea 7	Demersal	Article 3(1c)	EWG 18-06
Nephrops caught using bottom trawls with a mesh size of 80-119mm within 12 miles of coasts in ICES division 6a	Demersal	Article 3(1d)	EWG 18-06
Common sole below MCRS caught using bottom trawls with cod end mesh size of 80-99 mm in ICES division 7d and 7e	Demersal	Article 4	EWG 16-10 EWG 17-08 EWG 18-06 EWG 19-08 EWG 20-04 EWG 22-05
Skates and ray species caught by any gear in ICES subareas 6 and 7	Demersal	Article 5 (Contains annual reporting requirement for cuckoo ray)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Plaice caught with trammel nets in ICES divisions 7d, 7e, 7f, 7g	Demersal	Article 6(1a)	EWG 18-06

Plaice caught using bottom trawls in ICES divisions 7d, 7e, 7f, 7g	Demersal	Article 61(b)	EWG 18-06 EWG 20-04
Plaice caught with beam trawls by vessels of the >221kW segment fleet which use the flip-up rope or benthic release panel; or vessels, with an engine power of not more than 221kW; or less than 24m in length overall in ICES subarea 7	Demersal	Article 6(1c) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Plaice caught with beam trawls with an engine power of a maximum of 221KW or a maximum length of 24m, fishing within 12 nautical miles of the coast and with average tow durations of no more than ninety minutes	Demersal	Article 6(d) (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Plaice caught using seines in ICES division VIId	Demersal	Existing Article 6(1e)	EWG 20-04
Plaice caught using Scottish seines in ICES divisions 7b-k	Demersal	Existing Article 61(f)	EWG 21-05
Fish caught with pots, traps and creels in ICES subareas 6 and 7	Demersal	Existing Article 7	EWG 18-06
Mackerel and herring caught with purse seines under certain conditions in ICES subarea 6	Pelagic	Existing Article 8	PLEN 14-02
Mackerel and herring caught using ring nets in the fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f	Pelagic	Existing Article 8	PLEN 14-02
Survivability exemption for spurdog under 100 cm size caught in otter trawls in ICES subareas 6 & 7	Demersal	New exemption	EWG 23-04

5.1 Proposals for *de minimis* exemption

A summary of the fishery information applicable to the proposed new or revised *de minimis* exemptions is provided in Table 5.1.1.

Table 5.1.1 Summary of *de minimis* exemptions submitted as part of the NWW Joint Recommendations

Description of the Exemption

Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting caught by vessels using bottom trawls and seines with a mesh size equal to or greater than 80 mm, pelagic trawls and beam trawls with a mesh size of 80 to 119 mm in ICES divisions 7d and 7e. Article 13(1a) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that it is needed to avoid additional high costs of sorting and storing undersized whiting with low economic value. Furthermore, there is a risk of whiting to become a choke species in multiple demersal fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data is provided by the Netherlands, Belgium, and France. The Netherlands has 24 demersal vessels and 6 pelagic trawlers that are licensed to fish in the NWW. Belgium has 64 active vessels (2022), mainly beam trawlers but also otter trawlers and Scottish seiners. For France it is stated that *"the final Obsmer 2023 report (based on 2021 observations) was not available in time for the 1st of May this year. In this part is therefore presented the data coming only from the observations of 2019 and 2020, taking into account the disruption to the Observer program due to the Covid crisis."* Four French fleets are referenced as relevant to this exemption: bottom trawlers (OTB-OTT) with a mesh size of 80 mm, seiners (SDN-SSC) with a mesh size of 80 mm, pelagic trawlers with a mesh size of 40mm and beam trawlers (BT2) with a mesh size of 80 to 119 mm.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The catch data for the Netherlands reports a total whiting catch of 244 tonnes in 2022 by bottom trawls and seines. There is no data provided on unwanted catches and discard rates. The JR also reports a small bycatch of whiting in the pelagic fishery of less than 1 tonnes per year (<0.01% of total catches in this area). Catch data is provided by Belgium for whiting caught by beam trawls, otter trawls and Scottish seines (2019-2022). Discard rates in 2021 are only available for beam trawls and are around 85% (27.7d) and 53% (27.7bc and 7e-k) in 2021. Unwanted catches are not known for trawls and seines. Scottish seine fishers (3 vessels) catch the highest quantities of whiting (11.4t in 2021 and 6.6t in 2022). Whiting comprises around 1.12% of the average catch composition of all fleets in ICES divisions 7d and 7e in 2021-2022.

	France did not provide catch data but instead presented catch composition data catch data for 2019 and 2020. Indicates catches vary highly from 1% (pelagic trawls in the Eastern Channel and North Sea) to 23% (bottom trawls targeting demersal species and cephalopods in the Eastern Channel and the south of the North Sea over 18m) in 2019. The proportion of whiting discards compared to the total catches for whiting ranged from 1-4.3% in 2019 and 0.8-5.5% in 2020.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The exemption is of interest to France, the Netherlands and Belgium. Spain is not likely to use this exemption. Ireland does not avail of this exemption. No information is provided on the level of unwanted catch recorded and reported by the Member State against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	No new supporting information has been provided. France has provided a review of supporting information related to selectivity and disproportionate costs from studies/literature reviews provided for the justification of the exemption in the past. These include the SELECCAB, SELECFISH and EODE projects. No information is provided by Belgium or the Netherlands.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	For France, the SELECMER project has shown that there are selectivity devices to allow undersized whiting to escape (between 13 and 40% with 12mm square-mesh panels). However, this also led to significant commercial losses up to 20% on species such as whiting, mackerel or red mullet. The SELECCAB project tested different selectivity grids that were not adapted and led to commercial losses up to 38%. The SELECFISH project showed that square-mesh cylinders led to commercial losses by 50%. Light technology tested in the SELUX project reduced catches of whiting of all sizes, leading to commercial losses. In summary, it is difficult to achieve selectivity in these types of fisheries without significant losses of commercial catches.

	The JR also highlights new rules in UK waters of ICES divisions 7e-j. The new UK legislation requires the use of a minimum mesh size of 100mm for cod-end with a 100 mm square mesh panel in UK waters outside CSPZ, west of longitude 5°. It is expected that whiting catches will decrease due to these restrictions.
Is this based on pilot studies or trials?	It is assumed that these projects are trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides a table on sorting information in which sorting time is used to calculate that 3.78 – 6.18 extra working days are needed depending on the area and fleet segment. Information from different sources (i.e., seagoing observers and sampling at sea programme) is used for these calculations. However, there is no comparison with sorting time under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France further provides an example given by a PO on information related to loss of storage, but no costs are presented. They refer that the 2016 EODE project results are still valid (increase sorting and stowage time) without any justification that is specific to the relevant fisheries.
Is this based on pilot studies or economic model simulations?	Pilot studies.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available as landings are only provided in percentages.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the lack of absolute estimates of unwanted catches, it is not possible to make any assessment of the impact/risk of the exemption.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 7d, fishing pressure on the stock is below FMSY and spawning-stock size is below MSY Btrigger, Bpa, and Blim. For cod in 7e-k fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided for this exemption are the same as provided for previous requests. The conclusions of EWG 22-05 remain relevant. No new information has been provided on improvements on selectivity, though previous studies have proven that the use of certain selectivity devices led to significant losses of commercial catches. Furthermore, information on the cost estimate for handling and landing unwanted catches is based on a study carried out in 2016. As only limited catch data has been provided, no assessment of the risk or impact of this exemption on the whiting stock can be made. However, as observed by EWG 22-05, it is likely in some fisheries, the level of unwanted catches exceeds the *de minimis* volume that potentially be discarded. Other than landing such catches, there is no indication of any additional measures being taken to reduce unwanted catches. EWG 23-04 also concludes that the information provided does not highlight the anticipated losses to the fleet in the case of the repeal of the *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption 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 ICES divisions 7d to 7g. Article 11(1b) of Delegated Regulation (EU) 2020/2015
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is based on improvements in selectivity to avoid unwanted catches, over and above the measures already introduced, will be hard to achieve without severe economic impacts on the revenue of the vessels concerned.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data has been provided by France (231 vessels). France also provided catch composition data for the relevant fishery. France stated that *"the final Obsmer 2023 report (based on 2021 observations) was not available in time for the 1st of May this year. In this part is therefore presented the data coming only from the observations of 2019 and 2020, taking into account the disruption to the Observer program due to the Covid crisis."*
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and	For France the catch data shows that common sole catches in 2019 accounted for 19.3% of the total catch by volume in the relevant fishery. The fraction of the species that is discarded is 40% and this relates to 10% of discards in the total catch. The

absolute terms (volume of unwanted catches)?	proportion of the species in the discards is 20% and 45% of common sole discards are undersized (in weight). France further shows a length distribution table from the 2021 ObsMer report, highlighting that 67% of discarded sole are undersized (in length). No absolute data is available on the extent of unwanted catches in the relevant fisheries as only relative information has been provided. The JR indicates that discarded sole has a high survival rate based on several referenced studies, although many of these are not directly related to the actual fishery covered by the exemption.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France is the only Member State that uses this exemption. Other Member States (Spain, Ireland, Belgium, and the Netherlands) are unlikely to use this exemption. Ireland reports <1 tonnes of sole bycatch in trammel and gillnet fisheries.
Supporting Information	
What supporting information/literature reviews has been provided?	A summary of the ObsMer report is given which states that the majority of fishing operations are conducted with 100 mm mesh sizes. An increase of mesh size would be a major economic loss in these fisheries (though no justification is given for this). It further states that the report shows that with a mesh size of 100 mm, discards of sole are very low and mostly composed of undersized sole (67%). The report further acknowledges that nets have little impact on the ecosystems. The JR also references survival studies relating to sole. However, most of these studies related to trawl fisheries and therefore have little relevance to this exemption.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information relates to the fishery but only observations from 2019-2020 are presented.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	France refers to the ObsMer report that states that the current mesh size of 100 mm is already selective.
Is this based on pilot studies or trials?	Not detailed in the JR.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption is complicated in that it covers several sole stocks. Based on the information provided the impact on the stock of this exemption is expected to be low. However, without any catch data estimating the discard rate and volume of discards this cannot be verified.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Not detailed in the JR.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new studies or research relevant to this exemption.
EWG 23-04 Conclusions	
No new information is presented relating to the current exemption. The supporting information refers to reports provided previously to EWG 15-10. The limited supporting data presented indicates that discarding of sole is generally low and fishing gears under this exemption are tuned to catch common sole at and above the MCRS. However, no absolute information on the volume of unwanted catches has been provided, and the arguments to support the case are inferred rather than based on dedicated studies. The main justification for the exemption is that selectivity improvements through increasing mesh sizes would result in commercial losses and any sole discarded have a high survival rate. Again, while this is likely to be the case, it is inferred rather than supported by dedicated studies carried out in the relevant fisheries.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for common sole, up to a maximum of 3 % of the total annual catches of that species by vessels using beam trawl gear with a mesh size of 80 to 119 mm equipped with Flemish panel, to catch common sole in ICES divisions 7d to 7hk. Article 11(1c) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This fishery targets mainly plaice and sole (the latter being the most valuable species). Research has shown that increasing the mesh size to 90 mm would improve selectivity for plaice. However, it would have a significant economic impact for sole with economic losses estimated at 12% of revenue. Belgium also justifies the exemption based on disproportionate costs for handling unwanted catches of sorting and storing unwanted catches of sole on board.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data has been provided by Belgium, Ireland and France. France also provided catch composition information. For France it stated *"the final Obsmer 2023 report (based on 2021 observations) was not available in time for the 1st of May this year. In this part is therefore presented the data coming only from the observations of 2019 and 2020, taking into account the disruption to the Observer program due to the Covid crisis."*
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	For Belgium (64 vessels) it is shown that landings are highest in ICES division 27.7fg, with 797.5 tonnes of sole landed in 2021. The total unwanted catch is 36.8 tonnes, leading to a discard rate of 4%. Further, discard rates were 15% and 0.3% in 2021 in ICES divisions 7d and 7e, respectively. Ireland provides catch data, but discard rates are 0% and the Member State has stated they will not make use of the exemption. France shows the average catch composition for beam trawl fisheries in 2019, which shows that common sole accounts for 7.5% of the total catch. The fraction of sole discards is 14.9%, leading to a proportion of 1.1 discards in the total catch. The proportion of species in discards is 2.3% and 80.5% are undersized (in weight). France further shows a length distribution table from the 2021 ObsMer report, highlighting that 100% of discarded sole are undersized (in length). Given only estimates for the level of unwanted caches has only been provided by Belgium, it is not possible to provide an assessment of the total unwanted catches in the relevant fisheries.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Belgium has an interest in this exemption. Ireland has small bycatch of sole in ICES divisions 7h,j,k but no reported unwanted catches and Irish vessels have not used this exemption. France has a limited interest in the exemption. No information has been provided on the level of unwanted catch recorded and reported by any Member State.

Supporting Information	
What supporting information/literature reviews has been provided?	Supporting information is provided by Belgium and France. Belgium provides information on both selectivity and disproportionate costs (discussed further below). France states that several studies have been conducted on the survivability of common sole and these studies have justified the survivability exemption for sole caught in other bottom otter trawl fisheries.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information presented are related to the actual fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Belgium presents calculations on the economic impact of increasing the mesh size (from 80 to 90 mm) using the difference in catch at length (selectivity curves) between the two mesh sizes. For sole in the Celtic Sea, 9% of the revenue would be lost with increasing mesh sizes, corresponding to €1.2 million. In the Eastern Channel, 8% of the revenue will be lost, while in the Western English Channel 5% revenue is lost. These correspond to €640k and €95k for the Eastern and Western English Channel, respectively. The JR also references trials by Belgian beam-trawlers using a sorting panel that allows the escape of undersized sole. The results with this device – the Flemish panel – were assessed previously by EWG 17-08 and shown to be effective. However, no information has been provided on the use of the Flemish panel by Belgian beam trawlers and there has been no assessment of the continued effectiveness of this gear modification since its introduction as a condition of the exemption.
Is this based on pilot studies or trials?	Pilot studies
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Belgium provides calculations on additional high costs of sorting and preserving undersized sole where it is stated that sorting all discards would mean 3.78 to 6.18 extra working days depending on the area and fleet segment. Information from different sources (i.e., seagoing observers and sampling at sea programme) are used for these calculations. However, there is no comparison with sorting time

	under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France does not provide any evidence on disproportionate costs.
Is this based on pilot studies or economic model simulations?	Pilot studies and economic model assumptions.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available as landings are only provided in percentages.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	It is stated that the impact of the exemption on this stock is expected to be low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 7e-k fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies planned relevant to this exemption.
EWG 23-04 Conclusions	
The justification for this exemption remains the same as in previous JRs, relating to improvements in selectivity being difficult to achieve, over and above the gear modifications already applied in the fishery. While it is positive that the exemption is related to the use of this gear modification that has been shown to reduce the level of unwanted catches, there is no information on uptake or evidence of monitoring of the effectiveness of this device. There is no evidence that French vessels use the Flemish panel, but the JR suggests French vessels avail of this exemption. The arguments around disproportionate costs relate to the implementation of the landing obligation in its totality for all species and not just sole so the relevance of this information is questionable. EWG 23-06 concludes that the information provided does not highlight the anticipated losses to the fleet in the case of the repeal of the *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for haddock up to a maximum of 5 % of the total annual catches of that species, caught by vessels operating with a mesh size greater than or equal to 100 mm for all bottom trawls, seines with catches comprising not more than 30% Norway lobster and excluding beam trawls; by vessels operating with mesh sizes greater than or equal to 80 mm, with catches comprising more than 30% of Norway lobster; and by vessels operating with beam

	trawls using mesh sizes greater than or equal to 80 mm in conjunction with the use of a Flemish panel in ICES divisions 7b, 7c and 7e to 7k. Article 11(1d) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that it is needed to avoid additional high costs of sorting and storing undersized whiting with low economic value. Furthermore, there is a risk of whiting to become a choke species in multiple demersal fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data has been provided by Belgium, Ireland and France. France has also provided catch composition data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	For Belgium (64 vessels) it is shown that haddock is caught as bycatch in beam trawl fisheries with an average of 1.9% in the catch composition. Discard rates ranged from 88% (2018) to 76% (2020). Belgium has provided absolute estimates of unwanted catches from 2018-2021. In 2021, the estimated unwanted haddock catches were 338 tonnes from total catches of 470 tonnes. Ireland shows that haddock is caught in a variety of Irish trawl, seine and beam trawl fisheries in the Celtic Sea. Discard rates vary between gear types with 6% in bottom trawls and seines with mesh sizes >100 mm (2022) to a discard rate of 80% for beam trawlers with a mesh size >80 mm (2022). Ireland has provided absolute estimates of unwanted catches, which vary considerably between different fisheries in which haddock are caught. The highest level of unwanted catches (but lowest discard rate) is reported in otter trawl fisheries with mesh sizes > 100mm as well as in the beam trawl fishery. France shows catch data for bottom trawls where haddock accounts for 10.2% of the total catch. The fraction discarded is 47.7% and 4.9% of discards in the total catch. The proportion of species in the discards is 10.8% with 19.6% undersized fish (in weight). In terms of length, 32% of discarded haddock is undersized (2020). Based on the ICES catch data for 2021, which report a total catch of 11,645 tonnes, the total volume of haddock that could be potentially discarded under this exemption would be 582 tonnes. Therefore, it is highly likely that the *de minimis* exemption does not cover the total unwanted catches in the fishery. There is no information on measures being taken to reduce these residual discards other than land them.

Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Ireland, Belgium, and France report interest in the exemption. The Netherlands and Spain are not likely to use this exemption. There is no indication of the level of unwanted catch recorded and reported against the exemption by any Member State.
Supporting Information	
What supporting information/literature reviews has been provided?	Supporting information has been provided by Ireland and France, relating to selectivity trials and studies on disproportionate costs. Other than new information from Ireland, these are largely studies presented to justify the exemption in previous JRs.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information relates to the fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Ireland provides different studies on improvements in selectivity. A comparison has been made on an unraised vs. raised fishing line. It is advised that *"these results be treated with caution as they are estimated from different models and data sets."* The study shows that haddock <MCRS is retained in both gears. Furthermore, a study by BIM has been carried out in the Celtic Sea, comparing catches with gear measures in place in 2023. Here it showed reductions in catches of haddock <MCRS using 300mm square mesh panel, SELTRA panel and Swedish grid. Catches of haddock ≥MCRS increased in case of a dual cod-end. It is concluded that despite major reductions, haddock <MCRS is still caught, providing a justification for the continuation of the exemption. Lastly, Ireland also shows two trials using alternative technical measure. Artificial light trials show that catches of haddock <MCRS were reduced by 13%. Modified rigging trials in the Nephrops fishery showed that the majority of catches were haddock <MCRS and no reductions in catches were observed in these trials. France provides a review of a study that has supported the exemption request in the past. The CELSELEC project tested three devices of which two had an effect on haddock. A 100 mm square mesh cylinder showed a significant increase in haddock escapement. Though results are based on a small number of individuals. The extension + codend in meshes turned by 90° ("T90") 100 mm mesh size

	showed that discards of haddock and other fish species decreased with 70-90%. However, potential significant commercial losses were also observed.
Is this based on pilot studies or trials?	Based on trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides an example given by a PO on information related to loss of storage, but no costs are presented. They also refer to the 2016 EODE project. This study indicates that for French vessels, given they are operating long trips, distant to ports, the costs for handling unwanted catches are disproportionate. According to the information presented, vessels would be forced to return to harbour more frequently, generating higher costs. This study is generic and was carried out in the southern North Sea and eastern Channel.
Is this based on pilot studies or economic model simulations?	Pilot Study.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available as landings are only provided in percentages.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given estimates of the volume of unwanted catch discarded have not been provided by all Member States, it is not possible to make a full assessment of the impact of this exemption on the haddock stock. The information that has been provided by Belgium and Ireland along with the ICES advice suggest the level of unwanted catch is high in some fisheries but much lower in other fisheries. Mandatory measures to improve selectivity were introduced into the otter trawl fisheries in 2019.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 7e-k, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For whiting in 7.b–c and 7.e–k, fishing pressure on the stock is above FMSY and between Fpa and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of new research or studies planned relevant to the exmeption.
EWG 23-04 Conclusions	

Limited new information has been provided to support this exemption and by and large the justification and supporting information are the same as previously assessed by STECF EWGs. The conclusions from EWG 22-05 remain relevant.

For some fisheries (e.g., *Nephrops* fishery in the Celtic Sea and beam trawl fishery), the haddock discard volume is likely to be well above the 5% *de minimis* requested, although in some of the fisheries the volume in the overall context of the haddock stock is relatively low. For other fisheries, (e.g., the mixed demersal trawl and seine fishery using a mesh size greater than 100mm) the discard rates are relatively low.

The haddock stock in the Celtic Sea is currently fished sustainably according to the latest ICES advice. However, given the high discard rates in some fisheries (e.g., beam trawls), it is important that reducing unwanted catches should remain a priority in these fisheries, noting that improvements have been made in several fisheries. It is also important that any haddock discarded under the exemption be fully monitored and recorded. This is particularly important given the cod and whiting stocks in the Celtic Sea are in a depleted state.

EWG 23-04 concludes that the information provided does not highlight the anticipated losses to the fleet in the case of the repeal of the *de minimis* exemption.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption in the demersal mixed fishery carried out by vessels targeting brown shrimp and using beam trawls (TBB) with a mesh size equal to or greater than 31 mm in ICES division 7a; a combined quantity of fish species below MCRS, which shall not exceed 0,85 % of the total annual catches of plaice and 0,15 % of the total annual catches of whiting in the demersal mixed fisheries. Article 11(1e) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR states that no vessels from Member State operate in the relevant fishery covered by this exemption.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	N/A
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	N/A
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	N/A

Supporting Information	
What supporting information/literature reviews has been provided?	N/A
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	N/A
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	N/A
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	N/A
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	N/A
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	N/A
EWG 23-04 Conclusions	
This exemption is effectively redundant as no Member States uses it.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for boarfish, up to a maximum of 0,5 % of the total annual catches of that species by vessels using bottom trawls in ICES divisions 7b, 7c and 7f to 7k. Article 11(1f) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that it is needed to avoid additional high costs of sorting and storing boarfish with low economic value. Furthermore, there is a risk of boarfish becoming a choke species in multiple demersal fisheries. French and Spanish have a bycatch of boarfish that is 100% unwanted catch.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	The exemption is requested for France (120 vessels, mesh size range between 80mm to 150mm) and Spain (18 vessels), but only Spain has provided catch data (but only for 11 vessels). For France it is stated that "*For this métier in 2020 and 2019, no boarfish catches in large enough quantities to be present in the catch composition presented in the Obsmer reports. Unfortunately, the 2023 Obsmer report was not delivered before the 1st of May, no updated data of this report can therefore be included*."
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	No data provided for France. For Spain, 2022 data, shows that 325.1 tonnes (2.5% total fishery catch, 100% sp discard rate) are unwanted boarfish catch and the *de minimis* exemption covers 1.6 tonnes (0.5% of boarfish catches). There is no indication of measures being taken to reduce the residual unwanted catches in exes of the volume that can be potentially discarded under the exemption, other than land them.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain would appear to use this exemption. It is stated that Belgium and Netherlands are not likely to use this exemption, while the JR states that Ireland does not use this exemption as it has enough quota to cover unwanted catch. No indication of the level of unwanted catch recorded and reported by Spain against the exemption is provided. France reports for 2022 that the catches of boarfish were unknown and therefore it is unlikely that any

	level of unwanted catch was recorded against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France references the 2017 CELSEC selectivity study. Several different selectivity devices were tested during this study. While not the focus of the study, the JR indicates that two modifications reduced unwanted catches of boarfish by up to 70%. France also referenced the COBRENORD project, which provided some information on storage limitations but not associated costs for a range of unwanted catch. No specific information is provided for boarfish. The EODE study is also highlighted. This study provides generic information on the costs associated with the implementation of the landing obligation but not specifically for boarfish. Spain references the RAPANSEL 2022 selectivity study in a separate Annex. However, this Annex was only provided in Spanish.
Is this information taken from the actual fishery/fisheries relating to the exemption?	For France the information relates to the fishery but are 5-6 years old. For Spain the information relates to the fishery and is from 2022.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The EDOE study relates to the missed demersal fisheries in the Southern North Sea and eastern Channel.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	For France, according to the selectivity study cited and Robert et al. (2020), for the smaller mesh size (<100 mm) it is difficult to increase selectivity without losing commercial catch. However, for higher mesh sizes (>100 mm), this is not the case, and selectivity trials have shown that boarfish catches can be significantly reduced (Robert at al., 2020). For Spain RAPANSEL 2022 study shows that selectivity can be increased for boarfish, but also and particularly for other unwanted catch of targeted species.
Is this based on pilot studies or trials?	For France the 2017 CELSEC selectivity trial. For Spain the 2022 RAPANSEL selectivity trial.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides a table on sorting information in which sorting time is used to calculate that 3.78 – 6.18 extra working days are needed depending on the area and fleet segment. Information from different

	sources (i.e., seagoing observers and sampling at sea programme) is used for these calculations. However, there is no comparison with sorting time under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France further provides an example given by a PO on information related to loss of storage, but no costs are presented. They refer that the 2016 EODE project results are still valid (increase sorting and stowage time) without any justification that is specific to the relevant fisheries. These are generic and not specific to this exemption.
Is this based on pilot studies or economic model simulations?	Pilot studies.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available, as the value of landings is not provided.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given estimates of the volume of unwanted catch discarded (but not necessarily recorded against the exemption) have only been provided by Spain, it is not possible to make a full assessment of the impact of this exemption on the boarfish stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 7e-k, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For whiting in 7.b–c and 7.e–k, fishing pressure on the stock is above FMSY and between Fpa and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication new research or studies planned relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided are the same as previously assessed by STECF EWGs. EWG 23-04 concludes that the information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of *de minimis* exemption. The supporting information indicates that the current 0.5% *de minimis* based on bottom trawl catches would not be sufficient to account for the total unwanted catches of boarfish for the Spanish fleet. However, selectivity improvements are possible. For France, since there is no catch information and only anecdotal information that boarfish catches are small no conclusion can be made. Nevertheless, at least for larger mesh sizes selectivity improvements seem possible.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	De meinimis exemption for megrim below MCRS, up to a maximum of 4 % of the total annual catches of those species, caught using beam trawls with a mesh size of 80 to 119 mm in ICES subarea 7; and using bottom trawls in the Celtic Sea Protection Zone, for bottom trawl vessels with catches comprising more than 55 % of whiting or 55 % of anglerfish, hake or megrim combined and in ICES subarea 7, outside the abovementioned area, for TR 2 bottom trawlers. Article 11(1g) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that it is needed to avoid the additional high costs of sorting and storing megrim below MCRS with low economic value. Furthermore, there is a risk of boarfish becoming a choke species in multiple demersal fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data has been provided by France (mainly catch composition data), Spain, Belgium, and Ireland. France and Spain also provided information on the relevant fleets. However, for France it is stated that "*Unfortunately, the final Obsmer 2023 report (based on 2021 observations) was not available in time for the 1st of May this year. In this part is therefore presented the data coming only from the observations of 2019 and 2020, taking into account the disruption to the Observer program due to the Covid crisis. In 2020 no megrim catches were recorded for these two fleets*." No reference is made to 2021 or 2022 data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The catch data for France (2019) shows that for fleets targeting anglerfish, 29.8% of megrim catch is discarded, corresponding to 1.4% of total catch. For fleets targeting other species, unwanted catches of megrim account for 0.2% of total catch and is discarded at a rate of 10.8%. No absolute estimates of unwanted catches are provided. For Spain, the catch data shows that of the 2336 tonnes of megrim caught (2022, only 11 vessels), 393 tonnes (3% of total fishery catch, 16.8% sp discard rate) are unwanted. Based on the data provided, the *de minimis* covers 109 tonnes (27.8% of megrim unwanted catches). For Belgium the data (2018-2021) shows that megrim discard rate caught by beam trawls varies around 20%, but unwanted megrim catch is unknown for the otter trawl fleets.

	For Ireland the data (2020-2022) shows that megrim is caught by bottom trawls >100 mm, bottom trawls <100 mm and beam trawls >80 mm, with a discard rate of 30%. However, it is unclear what is the difference between all gears level and metier level, as the catch is already divided by gear and mesh size. It is also unclear why the exemption catch is Not Available for most years and gears, except for 2020 and 2021 for bottom trawls >100 mm.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Netherlands does not use this exemption. No indication of the level of unwanted catch recorded and reported is provided by Belgium or Spain against the exemption. France reports for 2022 that 3 tonnes of megrim (0.1% of the 2704 tonnes available under the exemption) were used by all gears. For Ireland, only bottom trawls >100 mm reported 459 tonnes and 184 tonnes in 2020 and 2021 only, against the exemption. However, the total amount reported against the exemption is not provided.
Supporting Information	
What supporting information/literature reviews has been provided?	For France, a summary of two past (2017 and 2018) – CELSELEC and REJEMSELEC - selectivity studies already presented to STECF, are provided. Several different selectivity devices were tested under these projects. France also referenced the COBRENORD project, which provided some information on storage limitations but not associated costs for a range of unwanted catch. No specific information is provided for megrim. The EODE study is also highlighted. This study provides generic information on the costs associated with the implementation of the landing obligation but not specifically for megrim. Spain references the RAPANSEL 2022 selectivity study. This study tested several selectivity devices and showed that megrim unwanted catches can be reduced. No information was provided by Belgium or Ireland.
Is this information taken from the actual fishery/fisheries relating to the exemption?	For France the information relates to the fishery but are between 5 to 6 years old. For Spain the information relates to the fishery and is from 2022.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A

Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	For France, according to the two selectivity studies (CELSELEC and REJEMSELEC) summaries provided in the JR, selectivity for megrim can be increased. However, the actual summaries of the studies are not given so no detail is available. For Spain, the RAPANSEL 2022 study shows that selectivity can be increased for unwanted catch of megrim and other target species. However, the use of the selectivity devices tested lead to significant reductions in marketable catch.
Is this based on pilot studies or trials?	For France, two past (2017 and 2018) selectivity trials. For Spain the 2022 RAPANSEL selectivity trial. No information provided by Belgium or Ireland.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides a table on sorting information in which sorting time is used to calculate that 3.78 – 6.18 extra working days are needed depending on the area and fleet segment. Information from different sources (i.e., seagoing observers and sampling at sea programme) is used for these calculations. However, there is no comparison with sorting time under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France further provides an example given by a PO on information related to loss of storage, but no costs are presented. They refer that the 2016 EODE project results are still valid (increase sorting and stowage time) without any justification that is specific to the relevant fisheries. These are generic and not specific to this exemption.
Is this based on pilot studies or economic model simulations?	Pilot studies.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available, as the value of landings not given.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given estimates of the volume of unwanted catch discarded (but not necessarily recorded against the exemption) have only been provided by Spain and Ireland, it is not possible to make a full assessment of the impact of this exemption on the megrim stock. Additionally, no information is provided as to whether all unwanted catches are below MCRS.

	The latest ICES advice shows that fishing pressure on the stock is below FMSY, and spawning-stock size is above MSY Btrigger, Bpa, and Blim. ICES also reports that unwanted catches are quite high (2,603 tonnes in 2021) with a discard rate of 17%. This indicates that the unwanted catches in the fishery are greater than the volume of unwanted catch that can be potentially discarded under the exemption. No measures are put forward to reduce these unwanted catches, and therefore, it is assumed such catches are landed.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 7e-k, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For whiting in 7.b–c and 7.e–k, fishing pressure on the stock is above FMSY and between Fpa and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of new research or studies related to this exemption planned.
EWG 23-04 Conclusions	
The justification and supporting information provided are the same as submitted to support previous JRs and assessed by STECF EWGs. The arguments presented in the JR are generic and the information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of *de minimis* exemption. The supporting information indicates that the current *de minimis* would not be sufficient to account for the total unwanted catches of megrim by the Spanish fleet, although it is unknown what level of unwanted catch is actually reported against the exemption. The JR suggests that selectivity improvements are possible (REPANSEL 2022) but there is no indication that any gear modifications to improve selectivity have been adopted by the relevant fleets. It is unclear whether Belgium and Ireland use this exemption or not.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for Common sole, up to a maximum of 3 % of the total annual catches of that species, caught by vessels using beam trawls with a mesh size of 80 to 119 mm with increased selectivity (Flemish panel) in ICES divisions 7a. Article 4 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR states that the exemption is needed because: - Despite selectivity increases in the Irish Sea (increase in 40%) bycatches of sole are still an issue.

	- Exemptions exist in adjoining in areas 7d,e and 7f,g,h for the beam trawl fleet. Vessels often fish transboundary, so the JR agrues that consistency is needed between areas.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Belgium supplied relevant catch and fleet data (2019, 2020 and 2021). Ireland has limited catches of sole in division 7a, but there are no reported unwanted catches and has not used this exemption. Ireland had no beam trawlers using the Flemish panel. Spanish, French and Dutch flagged vessels are not likely to use this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The catch data provided by Belgium (2019 – 2021) shows that only one fleet catches sole in the area (TBB 80 – 119 mm), all of which operate with a Flemish panel. This fleet catches 75% of the sole in the area (ICES 2022) and has a discard rate of between 9 and 13 % (JR and ICES advice sheet are consistent), which in 2021 resulted in 61 tonnes of sole discarded in whole fishery (9%) (ICES 2022).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Belgium is the only Member States that uses this exemption. However, the JR indicates that no unwanted catches have been reported against this exemption. Due to confidentiality markers in FDI data it was not possible to corroborate this.
Supporting Information	
What supporting information/literature reviews has been provided?	No new supporting information has been provided. Reference is made to previous assessments, but no summary of the supporting information has been provided.
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gear from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No additional information has been supplied. However, a detailed summery was reviewed by EWG 22-05: "Measures to reduce the unwanted catch of sole have been put in place, notably through the implementation of the legal obligation to use "Flemish panels", as reported in previous STECF reports. This has resulted in the reduction of 40% of the undersized catches, to the extent that according to ICES they are now apparently mostly negligible (ICES, 2021 and 2021). The extent to which the Flemish panel has contributed to this is unclear."

	ICES estimate discards have increased recently from 3.5% (average 2016–2018) to 12% (average 2019–2021) (ICES 2022a).
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No information has been provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The JR indicates that no unwanted catches have been reported against this exemption. The catch data provided by Belgium indicates total unwanted catches of 61 tonnes, while the total catches of sole reported by ICES is 690 tonnes. This indicates a discard rate of 9% which means it is likely the total unwanted catches are more than the unwanted catches that could be potentially discarded under this exemption. There is no indication of any measures being taken to reduce the unwanted catch further. It is assumed the residual unwanted catches are landed.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Sole is caught in a mixed fishery with other flatfish as well as gadoids. Irish Sea demersal fisheries are limited by the zero-catch advice for whiting and cod, which are currently in a depleted state (ICES 2022b).
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of new research or studies planned relevant to this exemption.
EWG 23-04 Conclusions	
The information provided in the JR indicates that no Member State is currently using or declaring any unwanted catch against the exemption. There is no change in the supporting information from when this exemption was last reviewed by EWG 22-05. Only limited new information has been provided and is restricted to partial information on catches and fleets. The JR shows that Belgium, who land 75% of this stock, do report discards (but not against exemption) in this area, and have a discard rate of between 9 and 13 % (aligns with ICES 2022a). The information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of *de minimis* exemption. As the discards have significantly increased over recent years from 3.5% (average 2016–2018) to 12% (average 2019–2021) (ICES 2022a). This indicates that if the exemption is retained it is likely to have an impact on the stock as the discards have increased recently from 3.5% (average 2016–2018) to 12% (average 2019–2021) (ICES 2022a). It is not clear from the JR or ICES what is driving this increase in discarding. Therefore, it is not possible to determine the impact of the exemption on the stock or fishery.	

Description of the Exemption

Title of Exemption and relevant delegated act and article	*De minimis* exemption for Greater silver smelt caught by vessels using bottom trawls) with a mesh size greater or equal to 100 mm (TR1) in ICES division 5b (EU waters) and subarea 6 up to 0,6 % of the total annual catches of that species from all gears in those areas. Article 13 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR proposes that the exemption is needed because this species is caught as part of a deep-sea mixed fishery for which selectivity is difficult to improve, and fishers require some flexibility for bottom trawlers to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France and Spain have provided catch data. France has only provided catch composition information. Belgian, Dutch, and Irish vessels are unlikely to use the exemption according to the JR and not have provided any catch information.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France did not provide any relevant catch and fleet data. Data for 2022 provides some catch information. Six French vessels in 2019 and 4 vessels in 2020. Observer data from 2019 indicates that between 0.1% and 1.9% of the species was discarded. Based on the catch data supplied by France it is only possible to report unwanted catches under the exemptions for 2022, for all gears which total 3.2 tonnes, and declare a discards rate of 35%. Spain has provided some catch and fleet data, but it is not clear what year this data relates. The data indicates 11 vessels operate in this area, and that <1 tonne of *de minimis* was declared for this species.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	There is no evidence to suggest that Belgium, Dutch or Irish require this exemption. France has noted that discarding has been observed during at sea sampling in 2019, but do not provided information on total tonnage discarded or declared against the exemption. No data available in FDI due to confidentiality flagged in the data provided. Spain has indicted <1 tonne was reported against the exemption, but it is not clear for which time period.
Supporting Information	
What supporting information/literature reviews has been provided?	France supplied a brief summary of one selectivity study (2017), which was previously reviewed by EWG 22-05. The focus was on boarfish, not greater silver smelt. As the actual study was not provided or a

	reference to the document, it was not possible to assess its relevance here. No information provided by other Member States.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Unknown as study was not provided.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No relevant quantitative information has been provided by any Member State to support the selectivity argument.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No relevant quantitative or qualitative information has been provided by any Member State to support the argument on disproportionate costs.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the very limited catch data provided, it is not possible to carry out any assessment of the impact of this exemption. However, ICES advice indicates that otter trawls account 100% of landings in 2021 (12,925 tonnes), and discards for this stock are considered minor at 0.01% (157 tonnes, ICES 2022a). This value aligns with the discard rate reported in Annex F of JR where France reports zero discards. France takes only a minor portion of the overall catch in this stock, with 97.2% of landings being taken by Faroese and Dutch vessels. FDI data supplied to EWG 22-05 supports the JR view that the French fleet discard high levels of this species (100%) but in the context of the of overall fishery this represents a very low impact on the stock: "French bottom trawlers mostly target deep-sea species in ICES area 5b, for which greater silver smelt are one of the by-catch species of this fishery. All

	catches are 100% discarded and France considers them a potential choke risk for targeted stocks as France has a small quota for greater silver smelt. Catches represent less than 0.1% of the total TAC species catches by all bottom trawls in this area, and the respective discards amount to 0.01% of the total TAC species discards (from statements provided in the supporting documentation). The discards of the TR1 fleet (a subset of the figures above) are smaller." Using FDI data the EWG 22-05 also demonstrated that the proposed de minims represents a very minor part of the stock: "Based on the FDI data base, European vessels operating in ICES subarea 5b (EU-waters) and 6 in the period 2013-2016, caught 401,905 tonnes of TAC species of which 6,170 tonnes were greater silver smelt. Thus, a *de minimis* of 0.6% of the catches of great silver smelt would theoretically represent a maximum of about 37 tonnes discarded per year (for all European vessels using bottom trawl in ICES subarea 5 and 6), noting this is old data. More recently, (2018-2020) ICES (ICES, 2021) estimated values show that 14142 tonnes of greater silver smelt were landed and a further 397 tonnes or 2.7% discarded."
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Not information provided to carry out any assessment.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies planned relevant to this exemption.
EWG 23-04 Conclusions	
There is no change in the conclusion from when this exemption was last reviewed by EWG 22-05. Only limited new information has been provided and is restricted to partial information on catches and fleets. Therefore, a full assessment of the exemption is not possible. The information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of *de minimis* exemption. Due to the poor quality of the catch statistics provided it is not possible to estimate the unwanted catches of greater silver smelt for any fleet. The JR indicates that Belgium, The Netherlands and Ireland do not currently use the exemption. While Spain have declared minor unwanted catch under the exemption (<1 tonnes, not clear what year). No information for France. Additional information from ICES aligns with the findings of EWG 22-05, indicating that if the exemption is retained it is unlikely to have a significant impact on the stock due to the low level of discards reported indicate of the impact of this exemption is likely to be low. 0.01% (157 tonnes). Given the paucity of available catch information, monitoring the catches of greater silver smelt in the relevant fleets covered by this exemption should be encouraged to improve sampling to address this.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Mackerel caught in demersal mixed fisheries, up to a maximum of 3 % of the total annual by-catches of that species, by vessels using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b to 7k. Article 11(1k) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for the exemption is that it is needed to avoid additional high costs of sorting and storing mackerel with low economic value. Furthermore, there is a risk of mackerel becoming a choke species in multiple demersal fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data has been provided by France (mainly catch composition information), Spain, Belgium, and the Netherlands. However, for France it is stated that "*data will be taken from Obsmer 2021, which sampling fishing operations that took place in 2019. Fishing operations from 2020 have not been incorporated into the text as there have been too few sightings at sea by the Obsmer programme for these data to be robust enough. This lack of data is due to the 2020 Covid 19 crisis, which prevented observers from boarding many vessels using this exemption*." No reference is made to 2021 or 2022 data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The French catch data shows that mackerel catches (2019) by trawls, beam trawls and seines were limited, ranging from 0.4% to 6.7% of the total catch in the relevant fisheries. The discard rate for that species in the overall catch is also very limited, mostly under 1%. Mackerel discard rate varies between 0.7% and 100%. No estimates are provided on the absolute level of unwanted catches. The catch data from Spain shows that of the 39.9 tonnes of mackerel caught (2022, only 11 vessels), 34.8 tonnes (0.27% total fishery catch, 87.3% sp discard rate) are unwanted. The JR reports that the *de minimis* covers 2.2 tonnes (6.3% of mackerel unwanted catches) but it is not clear whether this is reported against the exemption. Data for Belgium (2019-2021) and Netherlands (2020-2023) shows that mackerel is caught by trawls, beam trawls and seines but no unwanted catch is reported. No information is provided by Ireland and the JR indicates Ireland does not use this exemption.

Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain indicate the exemption is important to their relevant fleets. No indication of the level of unwanted catch recorded and reported by Spain against the exemption. France reports for 2022 that 135.1 tonnes of mackerel (4% of the 3288.9 tonnes were reported against the exemption. Belgium and the Netherlands report no unwanted catches. Ireland does not use this exemption as it has enough quota to cover unwanted catch.
Supporting Information	
What supporting information/literature reviews has been provided?	For France, a summary of two past (2017 and 2018) – CELSELEC and REJEMSELEC - selectivity studies already presented to STECF, are provided. Several different selectivity devices were tested under these projects. France also referenced the COBRENORD project, which provided some information on storage limitations but not associated costs for a range of unwanted catch. No specific information is provided for megrim. The EODE study is also highlighted. This study provides generic information on the costs associated with the implementation of the landing obligation but not specifically for mackerel. Spain references the RAPANSEL 2022 selectivity study. This study tested several selectivity devices and showed that mackerel unwanted catches can be reduced. No information is provided by Belgium or the Netherlands.
Is this information taken from the actual fishery/fisheries relating to the exemption?	For France the information relates to the fishery but are old studies, dating back to 2014. For Spain the information relates to the fishery and is from 2022.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	For France, according to the two selectivity studies (CELSELEC and REJEMSELEC) summaries provided in the JR, selectivity for megrim can be increased. However, the actual summaries of the studies are not given so no detail is available. For Spain, the RAPANSEL 2022 study shows that selectivity can be increased for unwanted catch of megrim and other target species. However, the use

	of the selectivity devices tested lead to significant reductions in marketable catch. No information provided by Belgium or the Netherlands.
Is this based on pilot studies or trials?	For France, several past (2009, 2014 and 2019) selectivity trials. For Spain the 2022 RAPANSEL selectivity trial.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides a table on sorting information in which sorting time is used to calculate that 3.78 – 6.18 extra working days are needed depending on the area and fleet segment. Information from different sources (i.e., seagoing observers and sampling at sea programme) is used for these calculations. However, there is no comparison with sorting time under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France further provides an example given by a PO on information related to loss of storage, but no costs are presented. They refer that the 2016 EODE project results are still valid (increase sorting and stowage time) without any justification that is specific to the relevant fisheries. These are generic and not specific to this exemption.
Is this based on pilot studies or economic model simulations?	Pilot studies.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available, as the value of landings not given.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given estimates of the volume of unwanted catch discarded (but not necessarily recorded against the exemption) have only been provided by Spain, it is not possible to make a full assessment of the impact of this exemption on the mackerel stock. However, given the size of the western mackerel stock, it is highly unlikely that the volume of unwanted catch under the exemption would have any impact on this stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For the western horse mackerel stock, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For cod in 6, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-

	stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For cod in 7e-k, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For whiting in 7.b–c and 7.e–k, fishing pressure on the stock is above FMSY and between Fpa and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies planned, relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided are largely similar to those presented for previous requests assessed by STECF EWGS. The observations of EWG 22-05, that the arguments presented in the JR are generic, is still valid. The information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of *de minimis* exemption. From the catch data provided it is not possible to assess the impact of the exemption. The supporting selectivity studies from France and Spain suggest that selectivity improvements are possible, but uptake is restricted due to corresponding losses of marketable catches. For Belgium and the Netherlands, since there are no unwanted catches reported, the need for the exemption is unclear. Aside from the stock status of horse mackerel, which mackerel has a close association, the exemption proposal presents a range of supporting evidence that increasing selectivity without reducing yield is very difficult. In particular the Spanish are working on several studies to achieve this. This exemption is seen as a measure to breach the gap before improvements can be implemented but this has been the case since 2018, when the exemption was first proposed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for horse mackerel, up to a maximum of 3 % of the total annual by-catches of those species, caught in demersal mixed fisheries, by vessels using bottom trawls, seines, and beam trawls in ICES subarea 6 and ICES divisions 7b to 7k. Article 11(1j) of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR proposes that the exemption is needed because: - Selectivity cannot be improved without incurring financial loss in a mixed demersal fishery. - The exemption exists in the North Sea and in South-western waters, keep it in North-

	western waters ensures consistency between sea basins.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Belgium supplied relevant catch and fleet data (2021 only). Spain has provided some catch and fleet data, but it is not clear to what year the data relates. France did not provide any relevant catch and fleet data, other than some limited data for 2022. Ireland and the Netherlands did not provide any relevant catch and fleet data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The catch data provided by Belgium (2019 – 2021) show that a number of fleets targeting demersal species (SSC_DEF, TBB_DEF, OTB_DEF, OTB_MCD) report minor catches of hose mackerel totalling <15 tonnes annually. This was declared as landings and was not discarded. Therefore, no unwanted catches are reported. From the catch data supplied by France it is not possible to quantify the volume of unwanted catches of horse mackerel. The 2019 observer data indicates that OTB vessels (<18m) were observed to have some discards of horse mackerel but there is no indication of the actual volume. FDI data supplied indicates a significantly high discard rate for the French trawler fleet in 2021 (88%). Although these discards were minor in terms of the total catch of this stock (488 tonnes, <0.005%), there is potential risk that removal of this exemption could have a potential impact on this fleet (STECF 21-12). The catch data provided by Spain shows that a single demersal targeting fleet (OTB_DEF), consisting of 11 boats, reports landings and discards of horse mackerel of 6.1 tonnes. Ireland provided no catch or fleet data, so it was not possible to determine the volume of unwanted catch. However, qualitative information indicates that Ireland has small, reported catches of horse mackerel from vessels using bottom trawls but those catches are landed and accounted for through the quota balancing system. Therefore, no unwanted catches are reported against the exemption. No information is provided for the Netherlands.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain indicate the exemption is relevant to their fleets. Belgium, Netherlands, and Ireland do not currently use this exemption. There is no indication of the level of unwanted catch recorded and reported against the exemption. Spain

	indicates total unwanted catches of 6.1 tonnes, but it is not clear whether this was reported against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	For France, a summary of two past (2017 and 2018) – CELSELEC and REJEMSELEC - selectivity studies already presented to STECF, are provided. Several different selectivity devices were tested under these projects. France also referenced the COBRENORD project, which provided some information on storage limitations but not associated costs for a range of unwanted catch. No specific information is provided for megrim. The EODE study is also highlighted. This study provides generic information on the costs associated with the implementation of the landing obligation but not specifically for horse mackerel. Spain references the RAPANSEL 2022 selectivity study. This study tested several selectivity devices and showed that mackerel unwanted catches can be reduced. No information is provided by Belgium or the Netherlands.
Is this information taken from the actual fishery/fisheries relating to the exemption?	For France the information relates to the fishery but are old studies, dating back to 2014. For Spain the information relates to the fishery and is from 2022. No information provided by Belgium or Ireland.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	According to the selectivity studies provided by France in the JR, selectivity for horse mackerel cannot be increased without significant commercial losses. However, the details of these studies were not provided, and therefore could not be verified. Spain provided the RAPANSEL 2022 study shows that selectivity can be increased for horse mackerel by up to 84%.
Is this based on pilot studies or trials?	For France, several past selectivity trials (2009, 2014 and 2019). For Spain the 2022 RAPANSEL selectivity trial.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France provides a table on sorting information in which sorting time is used to calculate that 3.78 – 6.18 extra working days are needed depending on the area and fleet segment. Information from different sources (i.e., seagoing observers and sampling at sea programme) is used for these calculations. However, there is no comparison with sorting time under the current exemption. There is no evidence that the sorting time per haul used in the calculations is total or additional (in case the exemption is not granted) sorting time. France further provides an example given by a PO on information related to loss of storage, but no costs are presented. They refer that the 2016 EODE project results are still valid (increase sorting and stowage time) without any justification that is specific to the relevant fisheries. These are generic and not specific to this exemption.
Is this based on pilot studies or economic model simulations?	Pilot studies.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available, as the value of landings not given.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given estimates of the volume of unwanted catch discarded (but not necessarily recorded against the exemption) have only been provided by Spain, it is not possible to make a full assessment of the impact of this exemption on the western horse mackerel stock. However, the ICES advice for the western horse mackerel stock is for zero catch in 2023. Fishing pressure on the stock is above FMSY and between Fpa and Flim; spawning-stock size is below MSY Btrigger, Bpa, and Blim. Therefore, mortality on the stock should be limited.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For cod in 6, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For cod in 7e-k, fishing pressure on the stock is above FMSY and between Fpa, and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advice for 2023 was for zero catch. For whiting in 7.b–c and 7.e–k, fishing pressure on the stock is above FMSY and between Fpa and Flim, and spawning-stock size is below MSY Btrigger, Bpa, and Blim.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	There is no indication that any new research or studies are planned, relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided are the same as previously submitted to support previous JRs, assessed by STECF EWGs. The conclusions of EWG 22-05 remain relevant but it is also important to note that this stock is perceived to be in a poor state, for which ICES provides zero catch advice as SSB is below Blim. Any mortality on this stock needs to be reported and recorded. The information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of *de minimis* exemption. From the catch data provided it is not possible to assess the impact of the exemption. The supporting selectivity studies from France and Spain suggest that selectivity improvements are possible, but uptake is restricted due to corresponding losses of marketable catches. Aside from the stock status, the exemption proposal presents a range of supporting evidence that increasing selectivity without reducing yield is very difficult. In particular the Spanish are working on several studies to achieve this. This exemption is seen as a measure to breach the gap before improvements can be implemented but this has been the case since 2018, when the exemption was first proposed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for blue whiting, up to a maximum of 5 % of the total annual catches, in the industrial pelagic trawler fishery targeting that species in ICES subareas 5b, 6 and 7 and processing that species on board to obtain surimi. Article 11(1m) of Delegated Regulation (EU) No 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for this exemption is the same as assessed by STECF previously (EWG 18-06, 19-08, 20-04). It relates to food security issues from damaged or undersized blue whiting that cannot be processed on board and must be discarded. The cost of landing and handling damaged blue whiting is estimated to be uneconomically disproportionate. The JR also states that there is no way to increase the selectivity of the fishery to avoid unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	The exemption is requested for France (1 vessel). No catch data has been provided by France.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	N/A

Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France reports unwanted catches for 2022 of 45.2 tonnes of blue whiting. No other Member State uses this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The main supporting information is in the form of a description of the process on board this vessel. While the information presented is largely qualitative, it describes the problem in detail and provides a justification for the exemption from several perspectives relating to the disproportionate costs of handling damaged and undersized blue whiting on board. As the vessel does not usually return to port until fully loaded, retaining such catch on board would shorten the duration of each fishing trip by at least 15%. The vessel would have to make 5 fishing trips in a year instead of 4 to land the same total catch. The additional time at sea, estimated that 12 days of extra route would create an extra cost of roughly €180,000 with additional unspecified costs for handling such unwanted catches.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, the information provided relates to the specific fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	There is a statement in the JR to the effect that there is no way to increase the selectivity of the fishery to avoid unwanted catches. The French vessel uses a 50 mm mesh in the codend, which is more than the legal minimum mesh size. Using a mesh size larger than 50 mm would result in significant losses of blue whiting, which are not likely to survive the escapement process.
Is this based on pilot studies or trials?	No, it is based on the type of fshery.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A description is provided of the processing carried out on board and provides costings and impacts of not granting the exemption based on having to handle the undersized blue whiting separately.
Is this based on pilot studies or economic model simulations?	Operational information and economic assumptions.

How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. However, no assessment as to whether the losses indicated are disproportionate or not is possible, having little information on total income or other indicators on the vessel economics.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	As no catch data has been provided, it is not possible to carry out an assessment of the exemption. However, it is noted that the volume of unwanted catch of blue whiting compared to the total catch for 2022 by the industrial vessel availing of this exemption is relatively small (45 tonnes) and would have not have any impact on the overall blue whiting stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies planned that re relevant to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information is largely the same as in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. The information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of *de minimis* exemption. No dedicated studies are provided, and the supporting information largely is based on a description of the onboard processing and the costs associated with handling unwanted catches of undersized blue whiting. The limited new catch information does not allow a full assessment of the impact of this exemption, and it is not clear where the figures provided originate from (i.e., logbook or observer data). However, it is noted that the volume of unwanted catch of blue whiting compared to the total catch for the industrial vessel availing of this exemption is relatively small and is likely not to have any impact on the overall blue whiting stock.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Albacore tuna in the albacore tuna directed fisheries, up to a maximum of 5 % of the total annual catches using midwater pair trawls in ICES subarea 7. Article 11(1n) of the Delegated Regulation (EU) 2020/2015
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR highlights three reasons for the discarding of albacore in the relevant fishery: · Undersized individuals · Poor quality of fish · Low quota. The JR states that the exemption is required to offer more flexibility to fishermen in carrying out their activity. Additionally, the JR indicates that much work has been done on the selectivity of pelagic trawls, and the disproportionate costs of losing an exemption would make this fishery uneconomic. Finally, as a similar exemption is in place in SWW and the vessels of this fleet are likely to work in these two areas, the exemption is needed to ensure consistency between sea basins.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data (47 vessels) has been provided for France. Catch composition information by metier for 2020 is also provided. This shows the proportion of albacore in catches in the relevant metier fishing in ICES subarea 7 in comparison to the total catch.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	For France it shows that albacore tuna unwanted catches (2020) of midwater pair trawls accounts for 315.1 tonnes (67.9% of all discards, but only 6.6% of total catch).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France reports unwanted catches of 2022 that 5.2 tonnes of albacore tuna. Ireland reports no unwanted catches, while Spain does not fish for albacore tuna with midwater pair trawls.
Supporting Information	
What supporting information/literature reviews has been provided?	The JR references two studies: The REDRESSE project from 2018 which tested Improvement of the selectivity of different fishing gears in the Bay of Biscay. Acoustic tests, separator sheets, square mesh panels and T90 were tested on: bottom trawl, Mid-water trawl, Danish seine and static nets. During this project square mesh panel trials on bluefin tuna selectivity were carried out, with the objective of letting bluefin tuna under 30kg escape. Albacore tuna would not be sensitive to this device and would be caught regardless of size. No results from this study are presented. An economic study carried out by IFREMER in 2015 which estimated the variation in revenue (damaged catches taking the place of commercial catches) considering hold space as a constraint (saturated hold capacity before landing obligation). The study

	compares the value of commercial catches against the projected value of undersized catch. According to the analysis, the latter are sold to produce animal meal. For whiting, and albacore, the price is about 150€/tonne. The JR also provides cost estimates for handling and landings of unwanted catches in the albacore fishery. This analysis indicates that if this exemption was not in force, vessels would have to make an extra round trip to cover their costs.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Directly and indirectly. The cost estimates are taken from the fishery based on information provided by the Producer Organisations.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	It is not clear from the information provided.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Limited information is provided on a study carried out in 2018. However, this study considered gear modifications to release undersized bluefin tuna, not albacore. No results are presented.
Is this based on pilot studies or trials?	Not clear from the JR.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	An average cost of an extra trip of the unwanted catch is calculated based on the cost of damage albacore catch. However, the justification for this conclusion is questionable. In addition, the proportion of undersize catch (the other reason for discarding) is not given or its respective price. Further, no information is provided on the average % of on the level of onboard storage per trip (assumed 100%), while the % of other species discarded (e.g., bluefin) and particularly values of landings are not considered. Finally, while an average price per kg is calculated, the price paid for damage fish is much less than the calculated cost of landing the damaged fish. On this basis it is concluded that "*the cost calculated above is therefore well above the price of damaged albacore. Without this exemption, the vessels would be in deficit on their sales, if they were obliged to bring the damaged albacore ashore.*"
Is this based on pilot studies or economic model simulations?	France provides an analysis related to loss of storage and costs associated, but with significant limitations (see above).

How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Not available, as the value of landings not given.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Limited new catch information specific to albacore has been provided and therefore, full assessment of the impact of this exemption is not possible. It is noted that the volume of unwanted catch of albacore compared to the total catch for 2022 by the vessels operating in the fishery (French and Irish) is relatively small (35 tonnes) and would not appear to have an impact on the overall albacore stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of new research o studies planned that is relevant to this exemption.
EWG 23-04 Conclusions	
The STECF PLEN 14-02 conclusion that the arguments in support of the exemption are not well founded is still valid. The justification for the exemption has not changed and is based, primarily on the fact that the level of unwanted albacore catches is low and the economics on handling and storing such catches on board make it uneconomic. The arguments presented in the JR are generic and unclear. The information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of the *de minimis* exemption. Limited new supporting information has been provided in the current JR to support the exemption over and above what has been provided previously in 2014. The new catch information does not allow a full assessment of the impact of this exemption, and it is not clear where the figures provided originate from (i.e., logbook or observer data). However, it is noted that the volume of unwanted catch of albacore compared to the total catch for vessels availing of this exemption is relatively small and, in all probabilities, would have little impact on the overall northern albacore stock.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption in pelagic fisheries carried out by pelagic trawlers up to 25 meters in length overall, using mid-water trawls (OTM/PTM), and targeting mackerel, horse mackerel and herring in ICES subarea 7 for a combined quantity of mackerel, horse mackerel, herring and whiting that shall not exceed 1 % of the total annual catches of mackerel, horse mackerel, herring and whiting. Article 11(1o) of Commission delegated Regulation (EU) No 2020/2015.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This *de minimis* exemption is needed because increases in selectivity are difficult to achieve in the fishery and because of the disproportionate cost of handling unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated detailed catch and fishery information has been provided by the NWW Group. OBSMER catch, landing and discard data from 2019 and 2020 is presented for French mid-water trawlers. EWG 23-04 notes that the OBSMER data: • Is labelled as relating to French mid-water trawlers not trawlers < 25 m as per the exemption. • What area the data relates to is not clear. • It does not include total catch weights which makes it difficult to evaluate the *de minimis* exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The most recent available OBSMER data for 2020 shows that: • Herring makes up 94.1 % of the catch with 0 % discards. • Mackerel makes up 4.5 % of the catch with 0 % discard. • Whiting makes up less than 0.9 % of the catch with 98 % discard. • Horse mackerel makes up 0.4 % of the catch with 78.4 % discard. The JR makes the case that French artisanal small pelagic fisheries have particularly low rates of discards. The OBSMER data suggests that discard rates are low in relative terms, but no absolute estimates have been provided.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The JR explains that this exemption is particularly important for the French fleet and is for artisanal pelagic vessels mainly targeting mackerel, herring and sardine. In 2019 there were 122 of these vessels operating from Cherbourg to Boulogne-Sur-Mer and fishing in the eastern Channel (ICES 7d) and southern part of the North Sea (ICES 4.b and 4.c). The vessels fish all year long and trips last up to one day. There is no indication of the level of unwanted catch recorded and reported by France against the exemption.
Supporting Information	

What supporting information/literature reviews has been provided?	<u>Selectivity</u> The JR makes the argument that the exempted fishery is already very selective. The OBSMER data supports this argument to the extent already outlined. The JR states that no specific selectivity studies have been carried out in the fishery concerned and none are planned for now. The JR briefly mentions French pelagic selectivity trials that focused on mesh size geometry, trawler conception and selective grids. The only trial results quoted are from mesh size and orientation selectivity studies carried out on mackerel (Casey et al., 1992) and herring (Suuronen and Millar, 1992) in the western English Channel and Baltic Sea. The French REDRESSE project to improve selectivity of different gears in the Bay of Biscay is also cited and work with selective gears on mid-water trawls is mentioned briefly along with: echo sounder tests to help fishermen make better strategic decisions on targeting strategy. In part of this project the fishing industry demonstrated strategies for avoidance of unwanted catches. The JR lacks information on which selective gears were tested in which fishery and no information is provided on the results of these trials. The REDRESSE project appears to have focused on the Bay of Biscay rather than the eastern Channel. <u>Disproportionate costs</u> The 2016 French EODE project studied costs in terms of handling time under full application of the LO. The EODE study estimates the following increase in sorting time for < 18 m trawlers: • 02:45 hrs extra sorting time per trip • 30 % to 60 % increase in working time depending on vessel size. The EODE study estimates an increase in sorting time 02:24 for vessels > 18 M but: • It is not clear from the JR if the vessels concerned are pelagic trawlers relevant to this exemption. • The estimates of increased sorting time appear to be for all species subject to the landing obligation rather than the species concerned with this exemption.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided on the results of selectivity trials is from the fishery related to the exemption. The EODE project focused on the area of the Exemption – the eastern Channel. The information from on the disproportionate costs presented in the JR is for French trawlers < 18 m and > 18 m. It is not

	clear if these are demersal, pelagic or both types of trawlers.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The results of selectivity trials from other mackerel and herring fisheries demonstrates improvements in selectivity are difficult to achieve by increasing mesh size and changing mesh orientation. The results may be considered broadly applicable, but the information provided on the French fishery is not sufficient to make any assessment. It does not appear that the disproportionate cost analysis in the EODE project is for the specific group of vessels concerned with this exemption (pelagic trawlers < 25 m in ICES 4.b and 4.c). The estimates are for all LO species not just the species concerned with this exemption. The results may be considered broadly applicable, but the information provided is not sufficient for EWG 23-04 to fully assess this.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The French OBSMER data demonstrates that the discard rate for French mid-water trawlers is relatively low but with the caveats outlined above regarding the OBSMER data. The JR states that improvements in selectivity are therefore not necessary but supports the argument that selectivity is difficult to increase giving examples of two selectivity studies, albeit from different fisheries.
Is this based on pilot studies or trials?	The JR is based on a mixture of studies and trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The French EODE project reported increased costs in terms of longer sorting times of unwanted catches subject to the landing obligation. It is not possible to evaluate whether the arguments made are credible or not based on the information presented.
Is this based on pilot studies or economic model simulations?	The arguments are based on the French EODE study.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The disproportionate costs cited in the JR relate to increased sorting times for French trawlers < 18 m and > 18 m. The disproportionate costs are not related directly to the value of landings in the JR.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the relative quantities of unwanted catches of species subject to this exemption is low. However, in the absence of absolute catch values it is difficult to fully assess the projected impact/level of risk.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The French OBSMER data suggests that stocks that are in a depleted state are not exploited in the fishery subject to this exemption.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No study is planned.
EWG 23-04 Conclusions	
The justification and the supporting information provided are the same as previously used in earlier JRs. Limited new information has been provided other than partial information on catches and fleets. Due to no estimates of unwanted catches under the exemption, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant. EWG 23-04 also re-iterates it is unclear why herring and mackerel are included in the exemption, when no unwanted catches of these species are reported in this fishery.	

5.2 Proposals for high survivability exemptions

A summary of the proposed high survivability exemptions is given in Table 5.2.1.

Table 5.2.1. Summary of high survivability submitted as part of the NWW Joint Recommendations

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for Norway Lobster in ICES subareas 6 and 7. Article 3 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR states that the exemption is needed on the basis that: - Studies show the survival capacity of this species. - to provide consistency with South-western Waters. - French fishers return undersized Norway lobster to the water for food health and safety reasons, as poor-quality animals cannot be sold or kept on board and should be discarded. - Market constraints that require discarding commercial size individuals. The last two of these justifications would seem contrary to the landing obligation.
Supporting Data	
Have survivability estimates been provided?	All studies presented were reviewed by EWG 18-06. The JR lists a number of scientific survival studies reporting highly variable rates of survival from 30%

	to 90%. These are considered robust and represent *Nephrops* trawl fisheries. The survival studies presented highlight the benefits of improved selectivity through technical measures (Swedish grid, SELTRA-panel and Netgrid). However, it is not possible to assess the impact of these technical measures on realised catches as insufficient information has been provided (i.e., no information on catches per mesh size range or selectivity device). One additional study was mentioned by France in the JR (SURTINE, 2017). However, no reference or copy of the study was provided. Therefore, the study could not be verified and was excluded from consideration for this exemption.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	All of the referenced studies are taken from the Norway lobster fishery in area 6 and 7. However, it is important to highlight that this is a widely distributed stock with 12 Functional Units (independent stocks), all exhibiting different population and life history dynamics. The survivability estimates provided may not be applicable to all of the stocks.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The quality of catch data provided is variable and can be used to summaries the fishery as follows: Ireland provided relevant catch and fleet data for this stock (2020 – 2022). Irish data has been provided through the supplied template and is disaggregated by gear and area, therefore discard rates could be calculated for 6a (from 4 – 14.9%) and area 7 (10.6 – 15.3%), and the impact of the exemption in terms of the fishery could be understood by the reviewers. Ireland also provided a detailed summary of the fishery and its relevance to the national economy and fleet. Based on this information summarised above, and the magnitude of NEP landings by Ireland in this area (2022 catches = 6842 tonnes), it is highly likely that the continuation of this exemption will impact this stock and fishery. France provided relevant landings data for this stock (2022 only). France have not been provided using the supplied template. Therefore, discard rates could not be calculated for area 6 and area 7, and as a result the impact of the exemption on the fishery could not be assessed. An estimate of unwanted catches 'under exception' has been provided for 2022 (2.552 tonnes), however it is not clear how this has been calculated as the JR states that only 2019 data was available for the at sea sampling program. France provided a summary of the fishery however it gives no national context as to the importance of the fishery and is heavily focused on data from 2019, which makes it irrelevant as the fishing patterns of all fleets in the Celtic Sea have changed since then due to Covid-19, BREXIT, and fuel crisis. Despite the lack of detail supplied by France, the magnitude of NEP

	landings by France in this area (2022 catches = 297 tonnes), therefore the continuation of this exemption will likely have some impact on this stock and fishery. Spain provided relevant catch data for this stock (2019 – 2022). Spain did not provide data using the supplied template. Therefore, discard rates could not be calculated for area 6 and area 7, and the impact of the exemption could not be assessed in the context of the fishery. Very low discard rates have been supplied (range 0.032% - 0.425%). Spain only have a *Nephrops* fishery in FU16 where discard patterns are unknown. Sampling levels in this FU are insufficient to estimate total discards accurately (ICES 2022). Despite the lack of detail supplied by Spain, the catches by Spain in this area for were 427 tonnes. It is unclear if the catch information reported by France and Spain are scientific estimates or logbook registered. To mitigate this ICES data was used to describe the discarding pattern of the fishery, and the give context to the impact the exemption might have on the stock.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No new evidence provided. EWG notes that it would have been useful to have a summary of the landings and discards by mesh size range and selectivity device from each Member State, per gear and area.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	No evidence has been provided for this area. Although studies do recommend handling strategies to maximise survival likelihood for *Nephrops*, including the use of a sorting table to increase survival (EWG 18-06). The JR refers to survival studies in Bay of Biscay which indicate strongly that the chute system (now mandatory in are, MEEDE 2016) has been successful at increasing survivability (from 36.9% to 51.2%) by reducing crushing and exposure to air. A key issue for *Nephrops* discard survival is the location where the discarding occurs. *Nephrops* associate with specific seabed habitats of mud and sandy mud into which they construct burrows. Although highlighted by EWG 17-08, there is indications if or how this has been implemented.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The survival estimates are quire variable, ranging from 30% - 90% depending on the gear and fishery. The discard rates in area 6 and 7 range between 3 and 29% (ICES 2022). Therefore, the continuation of this exemption may impact some functional units more than other.

	The fishery in subarea 6 is almost exclusively an UK fishery, with only very limited catches by UK vessels. The UK has chosen to keep the exemption in place for this area.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of new research or studies planned that are relevant to the exemption.
EWG 23-04 Conclusions	
The conclusions of EWG 18-06 remain valid "that the scope of the proposed exemption in terms of areas, seasons and variability of fisheries and gears is broader than in other existing exemptions based on *Nephrops* survival". Not all areas, gear, mesh and selectivity device combinations that catch Norway lobster in are 6 and 7 are accounted for in the survivability studies discussed in the JR. However, the combinations are numerous, and it would be extremely difficult to cover all of these combinations. EWG 23-04 notes that the survival studies presented have been conducted in a robust manner and do highlight the benefits of improved selectivity through technical measures. However, a full assessment of the impact of these technical measures on realised catches cannot be carried out as insufficient fleet information has been provided by France and Spain. The survival estimates are quire variable, ranging from 30% - 90% depending on the gear and fishery. The discard rates in area 6 and 7 range between 3 and 29% (ICES 2022). Therefore, the continuation of this exemption may impact some functional units more than other. EWG 23-04 also notes that the fishery in subarea 6 is only relevant to fisheries in UK waters. EU vessels have only very limited bycatches in this area, and it is questionable whether subarea 6 still needs to be included in the scope of this exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	The survivability exemption for common sole was originally implanted for 7d only (2020/2015 Article 4.1). In 2023 it was updated to include 7e (2023/828 Article 1) The survivability exemption provided shall apply: - in ICES division 7d, within six nautical miles of the coast but outside identified nursery areas, to catches of common sole (Solea solea) below the minimum conservation reference size made using otter trawl gears (gear codes: OTT, OTB, TBS, TBN, TB, PTB, OT, PT, TX) with a cod end mesh size of 80 to 99 mm, by vessels: — having a maximum length of 10 metres and a maximum engine power of 221 kW; and fishing in waters with the depth of 30 metres or less and with tow durations of no more than 90 minutes; - in ICES division 7e, within six nautical miles of the coast but outside identified nursery areas, to catches of common sole (Solea solea) below the minimum conservation reference size made using otter trawl gears

	(gear code: OTB) with a cod end mesh size of 80 to 99 mm, by vessels under 12 metres. Article 4 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR states that the exemption is requested for common sole in 7d and 7 on the basis that: - Low discard rates in the fishery, comprising mostly of undersized sole. - Demonstrated high survivability from studies. - To maintain consistency with UK regulations.
Supporting Data	
Have survivability estimates been provided?	All studies presented were reviewed by EWG 18-06 and EWG 22-05. The survivability studies addressed in the JR are separated by area. Survivability studies in 7d were conducted by CEFAS, and were found by EWG 18-06 to be robust, with estimates of survival <MRCS at 89% (VIId, EWG 17-03). Survivability studies in 7e as described by the JR as showing excellent immediate survival rate for sole caught by coastal trawl caught in the Western Channel (SUMO project). However, PLEN 19-02 noted that this high survivability rate (99.1%) may be impacted by the proportion of the catches made up of rays and spider crab, which when present will negatively influence the survival of discarded sole given their spikey or rough morphology which can harm other fish. This has not been addressed in this year's JR.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	All of the referenced studies are taken from the common sole fishery in 7d and 7e.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	No relevant catch statistics have been provided by any Member State, in particular France who aside from the UK takes the majority of landings in this fishery. France has declared 0.453 (units unknown) of unwanted catch under the exemption. As the data was not submitted using the template, it was not possible to use the data to calculate discard rates. Therefore, data from the ICES advice sheets (2022a and b) was used to provide overall catch data. ICES advice indicates that there are differing levels of sole caught in the two fisheries and differing discard patterns. In 7d, gillnets, beam trawls and otter trawls, each account for a third of the landings, which in 2021 totalled 1561 tonnes, and an overall discard rate of 18%, which in 2021 resulted in 255 tonnes of discards. Whereas 7e is mostly fished by

	beam trawlers (63%, 890 tonnes), which have a lower discard rate (4.5%, <1 tonne) then the otter trawls (95.5%, 12 tonnes). This variation in discard patterns could be driven by many factors such as spatial dynamics, seasonality, gear selectivity, and fisher behaviour.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No additional evidence provided or discussed.
Is there evidence of measures being taken to improve survivability through on-board handling or other operational practices (e.g., shorter towing times)?	No additional evidence provided or discussed.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The JR notes that for 2023, ICES recommended a decrease in fishing opportunities for sole in area 7d and by 23% for sole in area 7e. It is concluded in the JR that this exemption will help support the recovery of the stock. However, there is no evidence provided to support this statement.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no indication of any new research or studies planned that are relevant to this exemption.
EWG 23-04 Conclusions	
The justification and survival estimates provided are the same as those submitted to support previous JRs and assessed by STECF EWGs. Therefore, the previous conclusions are still relevant. The survival studies presented have been conducted in a robust manner and provided reasonable survival estimates. However, they do not account fully for the impact of high levels of rays and spider crustaceans in the catch, and the subsequent impact on survivability. The information provided does not objectively demonstrate the JR's suggested losses to the fleet in the case of the repeal of the high survivability exemption. Due to the poor quality of the catch statistics provided it is not possible to estimate the unwanted catches of common sole for any fleet. Additional information from ICES indicates that if the exemption is retained it is likely to have a significant impact on the stock due to the level of catches and discarding in all fleets (Table 1 & 2). It should also be noted that ICES recommended a decrease by 27% of the fishing opportunities for sole in 7e. Discarding is higher in 7d.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for skates and rays caught with all gears in ICES subareas 6 & 7.

	Article 5 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required to prevent skate and ray species becoming choke species in multiple fisheries where they are caught as a bycatch. Improving selectivity or implementing avoidance measures are limited options given the morphology, wide distribution and target fishery for skate and ray species.
Supporting Data	
Have survivability estimates been provided?	Survival estimates have been collected through different programs carried out by the different NWW Member States since the implementation of the exemption. These include in recent years: an extension of SUMARiS on thornback ray in 2022; DISCARDLIFE II 2021-2022; 5 projects in the Netherlands; RAYSCAN 2021-2023, RAYWATCH 2020-2022. Survival estimates vary among species and fishing gears and among experiments. While survival rate appears to be greater than 40%/50% for most species in most experiments, estimated survival rates are often lower for Cuckoo rays (less than 20% in French SURF project and in a 2021 Irish experiment).
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Both survival (captivity of CKMR) and vitality experiments have been carried out. While the number of experiments ensures a good representativeness of the variability of survival rates depending on situations (e.g., year, gear, season, species). A thorough meta-analysis would help derive more robust conclusions from all the studies conducted.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Discard rates were provided for most species, Member States and fleets. They greatly vary among situations but are generally rather high and frequently higher than 50%. This can lead to important discarded quantities (e.g., 238t of various species by French fleet in 2022, 126t of cuckoo ray by Belgian trawlers in 2019, 176t of thornback ray by Belgian trawlers in 2020, 1399t of various skates and rays combined by Irish vessels in 2020).
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	The Scheveningen group developed a roadmap for best practices in 2018. No mandatory measures were implemented, but voluntary measures were proposed. This roadmap has been used by the NWW. The roadmap included measures on avoidance, on selectivity and the dissemination of a handling guide. However, outcomes appear to be limited and no data

	have been put in place to monitor how the measures have been put into practice.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	Various guides have been developed, but with no data collected on the uptake of the guides.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the management of those species and the high variability of estimates between species, fishing gears, years and fishing grounds, it is difficult to project the outcomes of the exemption. In addition of a compilation of results of experiments per species and countries, a meta-analysis per species would facilitate the projection of the level of risk.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	The Netherlands has adopted a Shark- and Ray Action Plan which includes a research agenda for shark, skates, and ray management. This aims at better understanding the spatial distribution in North-western waters and the North Sea.
EWG 23-04 Conclusions	
EWG 23-04 acknowledges that the 2023 JR provides further evidence of Member States carrying out research, survival studies and projects. This work aims to promote best practice and improve knowledge on the survival, biology, catch monitoring, spatial distribution, gear selectivity and stock status of skates and rays not just in the North-western waters but also the North Sea and South-Western Waters. The available survival estimates derived for different species of skates and rays vary considerably by gear, season etc. Therefore, EWG 23-04 suggests that given this exemption covers all species of skates and rays caught with all fishing gears, and the variability of survival estimates a detailed meta-analysis of survival would be required to assess the overall effect of the exemption. EWG 23-04 acknowledges that the level of cooperation between MS is noteworthy and as the JR points out the survival exemption for skates and rays has been the catalyst for this work.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for plaice (*Pleuronectes platessa*) in ICES division 7 in the following fisheries: (a) In ICES divisions 7d to 7g with trammel nets. (b) In ICES divisions 7d to 7g with otter trawls. (c) In ICES divisions 7a to 7g by vessels having a maximum engine greater than 221 kW and using beam trawls fitted with a flip-up rope or benthic release panel. (d) In ICES divisions 7a to 7g by vessels using beam trawls, having a maximum engine power of 221 kW or a maximum length of 24 metres, which are

	constructed to fish within 12 nautical miles of the coast and with average tow durations of no more than ninety minutes. (e) In ICES division 7d with Danish seines. (f) in ICES divisions 7b to 7k with seines. Article 6 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Though the JR mostly focuses on the French trammel net fleet for which survival estimates are provided, it seems that plaice can create a choke risk for all fleets. In the area, plaice is caught by French, Irish, Dutch, Belgian and Spanish vessels, with different gears (trammel nets, otter trawls, beam trawls, seines SSC and Danish seines), mainly as a bycatch of other species (including common sole, cephalopods, crustaceans, other mixed demersal species). The exemption allows for continuation of the fishery, especially in a context of declines in some place TACs.
Supporting Data	
Have survivability estimates been provided?	Trammel net survival probability was estimated by CEFAS (73% and 49% depending on area). For otter trawls, CEFAS estimated a survival probability of 64% and 78% depending on area. Ireland provided discard rate survival with Scottish Seines, always above 70%. For the Danish Seine, DTU Aqua estimated a survival rate of 78%. All these estimates were already revised by STECF EWG 20-04. For beam trawls, there are a number of estimates derived from the North Sea and North-western waters as follows: • 14 % survival rate from Dutch pulse trawl (EWG 18-06) • 21 % mean survival rate from Belgian beam trawls (EWG 20-04) • 13 % survival rate in Celtic Sea during Summer (EWG 21-05) • 51 % survival rate in Eastern Channel during Winter using flip up rope (EWG 21-05) • 44 % survival rate in Eastern Channel during Winter using conventional beam trawl (EWG 21-05) • 1–58 %, 11–28 %, 2–4 % survival rates for trips of the Belgian coastal (≤221 kW), Eurocutter (≤221 kW) and >221 kW vessel

Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	All estimates are based on both captive experiments and vitality observations. Most were collected in the same sea basin, with the same fishing gear and a significant number of individuals. Several estimates for beam trawls are from work in the North Sea.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Belgium reported discards by its' beam trawl fleet (both in absolute values and discard rates), of more than 60% and more than 800t in 2020 and 2021 in 7d. Plaice is an import species for the Irish beam trawl fleet (17% of the catch composition), Catch data shows relatively high discard rates (above 40%). It is a minor bycatch for the seine fishery with a lower discard rate (less than 13%). France provided catch composition data in terms of percentage pf plaice in catches in the relevant fisheries and discard rates. The absolute value of discard quantities was provided for some fisheries. Absolute discard quantities were small for all French fleets (3.1 tonnes for trawlers, 0.7 tonnes for trammel net and 0.02 tonnes for Danish seine in 2022). Discard rates are quite high for trammel net East-Channel and South of the North Sea (40%), mostly because of undersized individuals. The same stands for plaice with the Danish seines. Data are not presented for other fleets because quantities are too limited to be monitored. No data were provided for the Netherlands, but plaice is thought to be of minor importance to Dutch fisheries in subarea 7. Spain only provided total catch data with no information on the discarded quantities or discard rate estimates.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	Given the high variation in survival rates estimates with beam trawls, Belgium has undergone different projects to test different devices (BRP, flip-up rope in the overleving monitoren that ended in 2021 - LED lights and Benthic Release panels in the Combituig project that ended in 2021). Few details are provided in the JR, but they seemingly concluded that research is still needed. It is unclear whether there is ongoing work on this issue. Initiatives were also implemented to improve the knowledge (collection of vitality data, project Afsetmarken that ended in 2018). Ongoing projects in Belgium (VISIM II, Everyfish, Optifish) aim to improve the monitoring. Some actions might improve the knowledge on the spatial distribution of discards to promote avoidance in the future, but the links of

	the different actions with the discard issue is not clear.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	No
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the limited amount of new information, it remains apparent that "given the relatively high estimated discard rates and relatively low survival rates in some fisheries, it is likely that significant quantities of plaice discarded will not survive". This is notably the case for beam trawl.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Ongoing projects in Belgium aim to improve the monitoring of landings and its automatization. The intention is to improve the knowledge on the species, but it is still rather prospective. The link with the discard issue of most of the actions is not clear.
EWG 23-04 Conclusions	
While acknowledging that new information has been provided, essentially the justification and the survival estimates provided to support this exemption are the same as evaluated previously by EWGs 18-06, 19-08, 20-04, 21-05 and 22-05. Therefore, the main conclusions from these EWGs remain valid. Survival rates are variable and lowest in the segments that account for the highest catches, with the highest discard rates and volumes (i.e., beam trawl fisheries). ICES advice shows that several of the plaice stocks in North-western waters are under pressure. Given the survival rates are in the range of 20-40% and the discard rates are high (~70%), considerable volumes of plaice discarded under this exemption are likely not to survive. Unless surviving discards are accounted for in stock assessments and dead discards are accounted for in TAC setting when survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. There is still only limited and inconclusive information on the effectiveness of the Flip-up rope and the Benthic Release Panel to improve survivability. The use of these devices is specified in the Delegated Act as a condition of the exemption. However, if these devices are not effective in increasing survivability, then the value of making them a condition of the exemption is questionable even though they may have other benefits not related to survivability. Member States have made efforts, and work is ongoing, in the fisheries concerned to improve selectivity and survival probabilities through the use of innovative gears and technologies. However, without clear timelines there does not seem any endpoint for this work.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for species caught in pots, traps in ICES subareas 5 (excluding 5a and including only Union waters of 5b), 6 and 7. Article 7 of Delegated Regulation (EU) 2020/2015.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is mostly used by France and Irish fleets. The JR reports that Belgian, Dutch and Spanish vessels are unlikely to use the exemption). The exemption is used by small vessels operating close to the coast, and with limited capacity to handle unwanted catches (this is clearly stated for French vessels but is also likely valid for Irish vessels). For both fleets, discarded quantities are very limited.
Supporting Data	
Have survivability estimates been provided?	No new data was provided. In this initial request, data on cod survival (above 75% in all sources) was provided as well as observations of seabird predations after release (56%).
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	In the first request, supporting information was based on data from a similar request in the North Sea and from a literature review. All these information provide consistent conclusions of high survival.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Landings data are not provided in France, but discards are said to be very limited. In Ireland, discard data are reported for 2020 and 2021) and show unwanted catches to be limited.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No new information provided.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The fisheries under this exemption are exclusively performed by small coastal vessels with limited capacity to handle unwanted catches. As any fish catch is returned immediately to the sea there are no obvious ways to improve survivability through on-board handling or other operational practices.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption assumes that all species subject to catch limits released from crab and lobster pots and Nephrops creels have the same survival chances as cod released from pots used to target fish. There is no direct evidence to support this, but it is reasonable to infer that, at the point of release, and assuming environmental and technical operations are comparable, the likelihood of survival is high. However, the risk of substantial avian predation of discarded fish as identified previously by STECF should be considered.

New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new studies are planned.
EWG 23-04 Conclusions	
The conclusions of EWG 18-06 remain valid "the overall quantities of fish associated with the proposed exemption are negligible. Therefore, given that the gear types are relatively benign and provided discarding under the exemption is monitored, the impact is likely to be minimal." and that "the risk of substantial avian predation of discarded fish needs to be considered".	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for pelagic species in ICES subareas 6 and 7: (a) mackerel and herring in the purse seine fisheries in ICES subarea 6 (b) mackerel and herring in the ring net fishery targeting pelagic species not subject to quotas in ICES divisions 7e and 7f Article 8 of Delegated Regulation (EU) No 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption mostly concerns France but only for catches in ICES divisions 7e and 7f. The JR details the situation of the ring net fishery in divisions 7e and 7f. The fishery catches various pelagic species (main species: horse mackerel, sardine, anchovy). Herring and Mackerel can be a choke risk while other species are not submitted to quotas. Survival rate is estimated to be high. Mackerel are caught in very small quantities. Catches of herring were too low to be reported. The overall (i.e., all species) discard rate of the fleet is less than 0.1%. The JR does not explain the need for the exemption in subarea 6 and French reported data mention that there is not discards. It is unclear whether the exemption is still indeed used. No other Member States have purse seine fisheries in subareas 6 and 7.
Supporting Data	
Have survivability estimates been provided?	No new data was provided compared to previous assessments. Some estimates from the SWW estimated a survival rate above 75% for reasonably similar fisheries. An older study estimated survival rates for 5 species (including mackerel but not herring), estimated survival above 87% when

	crowding time in the purse seine was less than 5 minutes.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The estimates are based on survival studies. One is extrapolated from experiments in South-western waters but using similar gears and the same species. The other one is from the same sea basin.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Discards quantities (both absolute value and discard rate) are very low (especially for herring).
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	No information provided
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The exemption is linked to strict rules regarding when mackerel and herring can be released.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the limited discard quantity and the high survival rate, impact is likely to be minimal.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No indication of any new research or studies planned in the relevant fisheries.
EWG 23-04 Conclusions	
No new survival estimates have been provided. Therefore, EWG 23-04 concludes that the survival estimates of 70% for mackerel and herring are the best available for purse seine fisheries. While they appear representative of the relevant fisheries, this assumes the experiments undertaken on the crowding density effects and crowding duration on mackerel and herring mortality are representative of the conditions experienced under commercial purse seine fishing operations in the North-western waters. EWG 23-04 is unable to verify this to be the case. Survival is also dependent on compliance with the rules set out in the Delegated Act regarding the point of retrieval after which fish cannot be released from the purse seine. There is no indication that this condition can be monitored with no specific measures in place. The continued need and use of the exemption in subarea 6 is unclear.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	New Survivability exemption for spurdog under 100 cm size caught in otter trawls in ICES subareas 6 & 7

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Following the setting of a TAC in 2023, the exemption is required to allow the discarding of individuals above the maximum landing size (enforced by EU Council Regulation (EU) 2023/194) by trawlers for which spurdog is a bycatch. It is not clear from the title of the proposed exemption, whether it is for a *de minimis* for exemption above or below the maximum landing size. It would seem more likely that it is for spurdog above this size, rather than below as stated in the title.
Supporting Data	
Have survivability estimates been provided?	Estimates from two pre-existing survival studies were provided, both conducted in the US. The first one reports a 100% survival rate while the second one reports a 71% survival rate. Preliminary results collected by Ireland of condition and injury assessments on 25 spurdog suggest that the majority of fish are in good or excellent condition, but about 25% were found to be moribund or dead.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The two survival estimates originate from two experiments in the US, both published in scientific reviews from 2007. Rulifson (2007) observed a 0% mortality after 48h, but trawl haul was short (~30min) and temperature was favourably low. Mandelman and Farrington (2007) observed a higher mortality, still with rather short haul (45 to 60 minutes compared to 1-5 hours in the Irish experiment), but in deeper and warmer temperatures. The experiment from Ireland consists in a condition and injury analysis. It was conducted in the fishery for which the exemption is requested, but with a limited number of individuals (25).
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Experiments carried out in the US suggest that survival might be above 70%. However, the joint recommendation only reports the relative (i.e., proportions) catch composition of fleets by group of species without any details on spurdog absolute landings or discards. This is not surprising since the fishery only reopened in 2023. Given the limited information it is not possible to put survivability in the context of the discard rate of the fleets.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant	No information provided.

fisheries to reduce the level of unwanted catches discarded under this exemption?	
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	No information provided.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Both the maximum landing size implementation and the reopening of the fishery are recent measures making any assessment of the effect of an exemption, if introduced difficult.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	A new survival experiment using pop-up satellite archival tagging is supposed to take place in 2023. The use of PSAT tags appears relevant given the biology of the species. Their costs of the tags will limit the number of tracked individuals (10 fishes).
EWG 23-04 Conclusions	
As the reopening of the fishery only occurred in 2023, the reported data, both relating to catches and survival is limited. Existing data on survival from the UK, and preliminary observations of vitality in Ireland suggest that survival rate might be above 70%. However, it is not possible to project the effect of the exemption in the absence of discard data. Any exemptions would require a detail monitoring of catches. The scope of the proposed exemption as to whether it is for spurdog above or below the maximum landing size of 100cm should be clarified as this is not clear.	

6 SOUTH-WESTERN WATERS – OVERVIEW OF JOINT RECOMMENDATIONS

Commission Delegated Regulation (EU) 2015/2439 established a discard plan for certain demersal fisheries in South-Western waters (i.e., in Union waters of ICES divisions VIII, IX, X and CECAF areas 34.1.1, 34.1.2, 34.2.0). Based on Joint Recommendations for the South-Western waters submitted by the regional group of Member States, this plan has been updated several times, most recently by Commission Delegated Regulation (EU) 2020/2015 under the Western Waters Multiannual Plan (2019/472). This included exemptions for pelagic fisheries following from Commission Delegated Regulation (EU) 1394/2014 that established a discard plan for certain pelagic fisheries in the SWW. Some of the exemptions included in this Regulation EU) 2020/2015 were time limited, while others were granted based on additional information being submitted annually. Regulation (EU) 2020/2015 was amended by Commission Delegated Regulations (EU) 2021/2063 and 2022/2290. The current measures are due to expire at the end of 2023.

For 2023, In 2023, a further set of Joint Recommendations has been submitted by the Member States. This covers all the existing *de minimis* and high survivability exemptions.

The main elements of the new JR are summarised in table 6.1.

Table 6.1 Main elements of the Joint Recommendations submitted for the SWW.

Elements	*Pelagic or demersal*	*Relevant Article in current discard plan*	*Assessments by STECF*
De minimis			
Hake caught with trawls and seines in directed fisheries in ICES subareas 8 and 9	Demersal	Article 14(1a)	EWG 15-10 EWG 16-10 EWG 17-08 EWG 18-06 EWG 19-08 EWG 20-04
Common sole caught with beam trawls and bottom trawls in directed fishery in ICES subareas 8 a,b	Demersal	Article 14(1b)	EWG 15-10
Common sole caught in gillnets and trammel nets in ICES subareas 8 a,b	Demersal	Article 14(1c)	EWG 15-10
Alfonsinos caught by hooks and lines in division 10	Demersal	Article 14(1d)	EWG 18-06
Horse mackerel caught with bottom trawls, seines and beam trawls in ICES subareas 8 and 9	Demersal	Article 14(1e) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Horse mackerel caught with gillnets in ICES subareas 8, 9 & 10 and CECAF 34.1.1, 34.1.2, 34.2.0	Demersal	Article 14(1f) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Mackerel caught with bottom trawls, seines and beam trawls in ICES subareas 8 and 9	Demersal	Article 14(1g) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Mackerel caught with gillnets in ICES subareas 8, 9 & 10 and CECAF 34.1.1, 34.1.2, 34.2.0	Demersal	Article 14(1h) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Megrim caught with bottom trawls, seines and beam trawls in ICES subareas 8 and 9	Demersal	Article 14(1i) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Megrim caught with gillnets in ICES subareas 8 and 9	Demersal	Article 14(1j) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05

Anglerfish caught with bottom trawls, seines and beam trawls in ICES subareas 8 and 9	Demersal	Article 14(1k) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Anglerfish caught with gillnets in ICES subareas 8 and 9	Demersal	Article 14(1l) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Whiting caught with bottom trawls, seines and beam trawls in ICES subarea 8	Demersal	Article 14(1m) (Contains annual reporting requirement) Expired on the 31 December 2022	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Whiting caught with gillnets in ICES subarea 8 and 9	Demersal	Article 14(1n) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Anchovy caught with bottom trawls, seines and beam trawls in ICES subareas 8 and 9	Demersal	Article 14(1o) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Red Sea Bream caught with bottom trawls, seines and beam trawls in ICES Division 9a	Demersal	Article 14(1p) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Sole caught with bottom trawls, seines and beam trawls in ICES Division 9a	Demersal	Article 14(1q) (Contains annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Blue whiting caught in the industrial pelagic trawler fishery in ICES subarea 8	Pelagic	Article 14(1r)	PLEN 14-02
Albacore tuna caught using midwater pair trawls in ICES subarea 7	Pelagic	Article 14(1s)	PLEN 14-02
Anchovy, mackerel and horse mackerel caught using midwater trawls in the pelagic trawl fishery which targets anchovy, mackerel and horse	Pelagic	Article 14(1t)	PLEN 14-02

mackerel in ICES division 8			
Horse mackerel, anchovy and mackerel caught using purse seines in ICES subareas 8,9, 10 VIII, IX, X and CECAF divisions 34.1.1, 34.1.2, 34.2.0	Pelagic	Article 14(1u)	PLEN 14-02
High survivability			
Nephrops caught with trawls in ICES subareas 8 and 9	Demersal	Article 9	EWG 15-10 EWG 16-10 EWG 17-08
Skates and rays (*Rajiformes*) caught with all gears in ICES subareas 8 and 9	Demersal	Article 10 (Contains an annual reporting requirement)	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Red seabream caught with "voracera" gear in ICES division 9a and caught with hooks and lines in ICES subareas 8-10 and in ICES division 9a	Demersal	Article 11	EWG 18-06 EWG 19-08 EWG 20-04 EWG 21-05 EWG 22-05
Anchovy, horse mackerel, and mackerel caught using purse seines, provided that net IS not fully taken on board	Pelagic	Article 12	PLEN 14-02 EWG 20-04

6.1 Proposals for *de minimis* exemptions

A summary of the fishery information applicable to the proposed continuation of the *de minimis* exemptions is provided in Table 6.1.1.

Table 6.1.1 Summary of *de minimis* exemptions submitted as part of the SWW Joint Recommendations (restricted to new or revised exemptions).

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for hake, up to a maximum of 5% of the total annual catches of that species by vessels using trawls and seines in ICES subareas 8 and 9. Article 14.1.a of Delegated Regulation (EU) 2020/2015 which added pelagic trawls to the scope of the exemption.
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the exemption is needed as follows: - Catch data shows that in some fisheries/metiers hake below mcrs make up more than 90% of the hake discarded. - To avoid a risk of hake being a choke species. In the Bay of Biscay, hake is one of the species most likely to become a choke species. - Hake are caught in a wide range of fisheries both as a target and bycatch. Improving selectivity is difficult in such fisheries with incurring significant losses of marketable catch. - Disproportionate costs of handling unwanted catches of hake generate additional economic losses, perceived as unpaid extra work.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data has been provided by Spain, France and Portugal. France and Sapin have presented this data at the metier level. Belgium has not provided data as they have not used this exemption. France has also provided catch composition data. This shows the proportion of hake in catches in the relevant French metiers fishing in ICES subareas 8 and 9 in comparison to the total catch of hake. The data provided is presented in different formats and it is difficult to understand the true extent of unwanted catches across the different fleets and metiers targeting and catching hake as a bycatch. The data set is complicated by the fact that the area covered under the exemption spans the southern part of the northern hake stock as well as the southern hake stock.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>Spain</u> Spain has provided fleet and catch information for the period 2018-2022) by metier split into Bottom trawls in Cantabrian and Atlantic Iberian Waters and the Bay of Biscay as follows: <u>Cantabria and Iberia</u> *OTB DEF > = 50 0,0 'BACA' targeting demersal species in north Spanish Iberian Waters.* Total Catch – 13,826 tonnes of which unwanted catches make up 16.4% Total catch of hake – 873 tonnes of which 119 tonnes (13.6%) are unwanted catches. *OTB MPB >= 55 0,0 'gran abertura' targeting pelagic and demersal species in north Spanish Iberian Waters*

	Total Catch – 9,369 tonnes of which unwanted catches make up 1.4% Total catch of hake – 162 tonnes of which 11 tonnes (6.8%) are unwanted catches. *Pair bottom trawl ('pareja') targeting demersal and pelagic species in north Spanish Iberian Waters* Total Catch – 24,835 tonnes of which unwanted catches make up 3.7% Total catch of hake – 723 tonnes of which 24 tonnes (2.4%) are unwanted catches. *Bottom otter trawl ('baca') targeting crustaceans and demersal species in south Spanish Iberian Waters (Gulf of Cadiz)* Total Catch – 6,926 tonnes of which unwanted catches make up 31.1% Total catch of hake – 371 tonnes of which 94 tonnes (25.4%) are unwanted catches. <u>Bay of Biscay</u> *PTB DEF> 70 targeting hake in the Bay of Biscay* Total Catch – 1448 tonnes of which unwanted catches make up 13% Total catch of hake – 1317 tonnes of which 49 tonnes (3.7%) are unwanted catches. *OTB DEF > 70 targeting demersal species in the Bay of Biscay* Total Catch – 4,508 tonnes of which unwanted catches make up 44% Total catch of hake – 879 tonnes of which 309 tonnes (34.4%) are unwanted catches. The data shows that unwanted catches of hake vary across the different Spanish bottom trawl metiers. Combining the catch information presented for the Cantabrian and Atlantic Iberian Waters (8c and 9), equates to unwanted catches of 248 tonnes from a total catch of hake of 2,129 tonnes. This represents an overall unwanted catch of 248 tonnes (11.6%). The discard rate varies from 2.4% to 25.4%. For the Bay of Biscay, the combining unwanted catches are 358 tonnes from a total catch of 2,196 tonnes. This equates to a discard rate of 16.3%. From the two metiers catch data is reported the discard rate is 3.7% and 34.4%. <u>France</u> The data provided shows that unwanted catches of hake in trawl and seine fisheries were low based on 2022 data with a discard rate of 1% and discard volume of 40 tonnes out of a total catch of 3340 tonnes. By metier the data shows, unwanted catches of hake are highest in the bottom trawl fishery targeting crustaceans in the Bay of Biscay

	making up 3.9% of total catches with over 90% below MCRS. In the bottom trawl and Danish Seine fisheries targeting demersal species and cephalopods and the Danish seine fishery in the Bay of Biscay, the catches of hake are much lower, making up 1.7% and 0.1% of the total catches in these metiers. <u>Portugal</u> Portugal has provided data for hake catches in trawl and seine fisheries for areas 8 and 9 in 2020 and 2021. The data for both years shows hake catches by Portuguese vessels in area 8 were very low (12 and 3 tonnes respectively) and unwanted catches were negligible. In area 9, total catches of hake were around 1,000 tonnes in 2020 and 2021 with a discard rate of 20-22% and discard volume of 228 and 277 tonnes respectively.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Spain has provided data on unwanted catches discarded under this exemption at a fleet level. However, it is not clear how the values presented are calculated or the units. No other Member State has provided information on the level of unwanted catches discarded under this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The information provided in support of the exemption is largely based on a detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board Spanish vessels (General Secretariat for Fisheries, in cooperation with: Tragsatec, the University of Santiago de Compostela and AZTI Tecnalia, November 2019) - the economic viability of managing unintentional catches according to the regulations and affected by the Landing Obligation). This study determined the cost of losing various exemptions in areas 8 and 9 used by bottom trawlers and gillnetters. The exemptions concern: anglerfish, anchovy, hake, horse mackerel, megrim and mackerel. Two types of impacts have been considered: the loss of income as a consequence of the opportunity cost of the lost quota, and the impact of the increase in working hours. The first one has a fundamentally quantitative impact and the second one has a fundamentally qualitative impact. The study indicates that in terms of lost opportunity costs, bottom trawlers in subareas 8 and 9 are estimated to experience losses amounting to €2.763.053 if the requested *de minimis* exemption for hake is not granted. This equates to 30.1% of the total losses estimated for all fleets subject to all the requested

	exemptions for all species in the JR, if all such exemptions are not granted. A review of selectivity experiments carried out to improve selectivity in hake fisheries has also provided by Spain and France in ICES 8 and 9. The results of Spanish selectivity trials and was presented in 2019 as supporting information and reviewed by STECF. While most of such trials have shown reductions in unwanted catches of hake, uptake for these gears has not occurred due to losses of marketable catch. The documentation provided in the latest JR reiterates that uptake of any of the gear modifications remain low. This is either due to losses of marketable catch or that the gears have proven ineffective at reducing unwanted catches of hake. For 2022, new information and studies are presented in relation to technical improvement of selectivity as well as new studies on tactics to avoid hot spots of discards deployed by Spain. The new projects include SEL-LO, CASELEM, SMARTFISH and SELECTLUGO22 projects. France references worked carried out in 2017 under the REDRESSE project. Improvement of the selectivity of different fishing gears in the Bay of Biscay were tested, including acoustic tests, separator sheets, square mesh panels and T90 were tested in bottom trawl, Mid-water trawl, Danish seines and static net fisheries. No specific results are available for hake.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Most of the information provided by Spain relates to fleets and metiers operating in ICES 8 and 9. The French selectivity trials provide only limited information on hake and the relevant fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Selectivity information not from subarea 8 and 9 is from similar fisheries and with similar gears in NWW but usually with different mesh sizes. The disproportionate costs information is partially from SWW and partially from NWW.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	French and Spanish studies have been provided to evidence that improvements in selectivity is difficult to achieve. These studies have generally shown the gear modifications tested are ineffective or lead to unacceptable losses of marketable catches.
Is this based on pilot studies or trials?	Mostly selectivity trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A Spanish study has been provided that determined the cost of losing various exemptions in areas 8 and 9 used by bottom trawlers and gillnetters, including

	specifically for hake. Two types of impacts have been considered: the loss of income as a consequence of the opportunity cost of the lost quota, and the impact of the increase in working hours.
Is this based on pilot studies or economic model simulations?	An economic study.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The study indicates that in terms of lost opportunity costs, bottom trawlers in subareas 8 and 9 are estimated to experience losses amounting to €2.763.053 if the requested *de minimis* exemption for hake is not granted. This equates to 30% of the total losses estimated for all fleets subject to all the requested exemptions for all species in the JR, if all such exemptions are not granted
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the presentation of the catch information, it is difficult to establish the projected impact or level of risk of the exemption. This is further complicated as the exemption covers parts of the northern hake stock as well as the southern hake stock. Both stocks are currently fished below Fmsy with SSB above Btrigger, Bpa, and Blim. Discard rates for hake vary widely between different metiers, ranging from 0-50%. The actual volumes of unwanted catch reported are high in several metiers. Combining all of the potential unwanted catches covered under this exemption would suggest that the volume of unwanted catch that could be discarded under this exemption would be significant. The volume of unwanted catches would exceed the estimated volume that could be discarded under this exemption. It is not clear whether the intention is to attempt to reduce the level of unwanted catches or land these catches and count them against quotas.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No clear associations are identified. Hake are generally caught in mixed fisheries with megrim and anglerfish. Both of these species are currently fished sustainably in the ICES 8 and 9.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Spain reports on planned research and studies to be carried out in 2023 and 2024. Some (i.e., SEL-LO, DESCARSEL and CASELEM) are directly related to improving selectivity in the relevant fisheries, whilst others are not relevant to this exemption. France references one new project - CASEP project – which aims to study the selectivity of the Danish Seine, in the Bay of Biscay, including for hake.

EWG 23-04 Conclusions
This is a highly complex exemption involving multiple fisheries, where hake is a target catch and also caught as a bycatch. It is further complicated in that it straddles both the northern and southern hake stocks. The supporting information provided is extensive although despite numerous selectivity experiments, no solutions have been found and no substantive changes to the gears used in the different fisheries have been implemented. Detailed catch information has been provided at a fleet and metier level by Spain and to a certain extent from France. This data shows very variable discard rates and volumes by metier. For some, the level of unwanted catches is quite low (~1%), while for others it can be upwards of 50%. This makes any evaluation of the likely impact of the exemption in its totality difficult. However, combining all of the unwanted catches reported in the JR would suggest that there are significant amounts of unwanted catches of hake, and these are in excess of the projected volume of catch that could be discarded under this exemption. It is not clear whether the intention is to attempt to reduce the level of unwanted catches or land these catches.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for common sole (*Solea solea*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls and bottom trawls in ICES divisions 8a and 8b. Article 14.1.b of Delegated Regulation (EU) 2020/2015, which added pelagic trawls to the scope of the exemption.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the exemption is required due to the low level of unwanted catches of sole and the risk of sole being a choke species in other fisheries due to the low quota. Belgium also justifies the exemption based on disproportionate costs for handling and storing unwanted catches of sole on board.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data is provided for Belgium and France. France has also provided catch composition information for 2020 which shows the proportion of sole in catches in two metiers fishing in ICES divisions 8a and 8b. No data is provided for Spain, so it is assumed they have no catches of sole in ICES divisions 8a and 8b. The JR indicates that Portugal do not use this exemption as they have no fisheries catching sole in 8a and 8b.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and	Both relative and absolute data has been provided by France (2022 only) and Belgium (2019-2021). The data suggests that the discard rate of sole in the relevant fisheries is between 1-7% with Belgium reporting unwanted catches of 17 tonnes and 28

absolute terms (volume of unwanted catches)?	tonnes in 2019 and 2020 respectively. France reported unwanted catches of 4 tonnes in 2022. The data shows that the discard rate and *de minimis* volume are reasonably well matched. French catch composition information shows sole make up less than 0.5% of the total catches in the relevant French metiers.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The JR indicates France, Spain and Belgium use the exemption but there is no information on the level of unwanted catch reported against the exemption for any Member State. Spain has not provided any catch data.
Supporting Information	
What supporting information/literature reviews has been provided?	Belgium has provided information on the costs and additional time/manpower required for handling unwanted catches of sole on board Belgian beam trawl vessels. The information provided indicates that sorting unwanted catches of sole (<25 cm) would mean 5.89 extra working days each sea trip. Considering the average number of days at sea per trip is within the same range, this means that 1 additional crew member would be needed on board. France references three survivability studies in French trawl and static net fisheries relating to sole carried out between 2018-2021 – ENSURE, SURSOLE and SUMO. Additionally, France references one selectivity study – REDRESSE. The REDRESSE project does not provide data relating to sole. France also references a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour).
Is this information taken from the actual fishery/fisheries relating to the exemption?	The survivability studies relate principally to trials carried out in ICES 7e and 7d, although one study does relate to Area 8.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how	No justification or comment is made on the representativeness of the supporting information or, in the case, of the survivability studies how they relate to the specific exemption.

representative is it of the fishery/fisheries covered by the exemption?	
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Belgium refers to the use of the Flemish panel to increase sole selectivity in the Belgium beam trawl fishery. This gear modification is a mandatory requirement for similar *de minimis* exemptions in beam trawl fisheries in Area 7a, b-k but is not currently requirement for the fisheries in 8a and 8b. The supporting information from France relating to selectivity is not specific to sole.
Is this based on pilot studies or trials?	Mostly selectivity trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The information provided relating to disproportionate costs show increased sorting times on board associated with the landing obligation. However, in the case of Belgium it is not clear how these figures are derived. Sorting of unwanted catches on board would have to be carried out regardless of the landing obligation. Based on the data provided it is apparent the actual volumes of unwanted sole catches are very small, so the estimates of the additional time seem excessive. The French EDOE is also not specific to the fisheries/metiers covered by this exemption and also date back to 2016 and from a different area. It is not clear how representative they are of the situation in 8a and 8b or specifically for bottom trawlers catching sole. This study provides a generic assessment of the costs, time and manpower considerations associated with the landing obligation.
Is this based on pilot studies or economic model simulations?	Combination of information taken from studies and inferences from economic and biological data.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	With the data and information provided, this cannot be evaluated. Any estimates of disproportionate costs provided are in relation to the costs associated with implementing the landing obligation rather than specific to this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the discard rate and volume of unwanted catches is low compared to overall catches, the projected impact and level of risk of the exemption is probably also low. Sole in 8a and 8b is currently fished at Fmsy and reports low levels of discards.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The justification and supporting information is largely similar as previously submitted. The data suggests that the discard rate and volume of unwanted catches of sole that would be discarded under this exemption are low in comparison to the overall catches of sole in the relevant fisheries. Therefore, the risk to the stock as a whole from this exemption is also likely to be low. However, the arguments to support the case are inferred from studies that do not relate directly to the fisheries in ICES divisions 8a and 8b. The arguments around disproportionate costs relate to the implementation of the landing obligation in its totality for all species and not just sole so, there relevance is questionable and the projected additional time and costs over estimated. Additionally, EWG 23-04 notes that a similar exemption in Area 7 for beam trawls is linked to the use of the Flemish panel. EWG 23-04 suggests a similar condition should be put in place for beam trawl vessels fishing in divisions 8a and 8b.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for common sole (*Solea solea*), up to a maximum of 3 % of the total annual catches of that species by vessels using trammel nets and gillnets in ICES divisions 8a and 8b. Article 14.1.c of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required as an increase in mesh size would result in major economic losses for these fisheries. Additionally, the JR indicates that sole caught in gillnet and trammel net fisheries are removed one by one from the nets, and undersized individuals are immediately returned to the water. The exemption is therefore justified as a high percentage of discarded sole survive.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data has been provided by France. The JR reports that no other Member State is involved in this fishery.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and	The French data for 2022 shows that the discard rate and volume of unwanted catches of sole were very low, typically less than 1% and 3 tonnes.

absolute terms (volume of unwanted catches)?	
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	No information has been provided by France of the volumes of unwanted catch discarded under this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France references three survivability studies in French trawl and static net fisheries relating to sole carried out between 2018-2021 – ENSURE, SURSOLE and SUMO. Additionally, France references one selectivity study – REDRESSE. The REDRESSE project does not provide selectivity data relating to sole caught in static nets. A reference is also made to a literature review carried out by IFREMER in 2016 on the selectivity of fishing gears including static nets.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided mainly relates to the survivability of sole in bottom trawl fisheries. Only one project – ENSURE – refers directly to trammel nets.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	No justification or comment is made on the representativeness of the supporting information or, in the case, of the survivability studies how they relate to the specific exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The argument put forward that improvements in selectivity are difficult to achieve is inferred from a literature review and on the fact that a large proportion of the discards of sole are larger than MCRS rather than based on dedicated studies or trials.
Is this based on pilot studies or trials?	No
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Disproportionate costs are not referred to in the JR.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	

What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the discard rate and volume of unwanted catches is low compared to overall catches, the projected impact and level of risk of the exemption is probably low. Sole in 8a and 8b is currently fished at or below Fmsy and low levels of discards are reported by ICES.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The justification and supporting information are largely similar to previous submissions to support earlier JRs. The data suggest that the discard rate and volume of unwanted catches of sole that would be discarded under this exemption are low in comparison to the overall catches of sole in the relevant fisheries. Therefore, the risk to the stock as a whole from this exemption is likely to be low. However, the arguments to support the case are inferred rather than based on dedicated studies. It is assumed that the selectivity of static nets for sole is high. Additionally, most of the supporting information provided relates to survivability, of which only one study relates to static net fisheries. While, it is not clear from the JR, EWG 23-04 assumes that the rationale for providing this information is to show that sole survivability is high, therefore discarding unwanted catches has no impact on the stock. This may be correct, but there is only limited information provided to support this assumption. If it is the case, then it may be better to re-configure this into a high survivability exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for alfonsinos (Beryx spp.), up to a maximum of 5 %, of the total annual catches of those species by vessels using hooks and lines in ICES subarea 10. Article 14.1.d of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR indicates that the exemption is required due to a lack of quota for alfonsino, which makes it a potential choke species for Portuguese longline fisheries.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data is provided for Portugal. No other Member State is involved in this fishery.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and	The catch data provided indicates a discard rate of 13% in the fishery with the volume of unwanted catch reported as 19 tonnes. A supporting annex

absolute terms (volume of unwanted catches)?	from the Azores reports unwanted catches of 1.4 tonnes of Alfonsino. It is assumed that the 1.4 tonnes is included in the 19 tonnes.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	No information is provided.
Supporting Information	
What supporting information/literature reviews has been provided?	No supporting information is provided. There are references to Alfonsino bycatch in a supporting Annex provided on the Azores Autonomous Region and some limited catch data.
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No information is provided.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No information is provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There is not enough information provided to make any evaluation. The limited catch data provided indicates that the volume of unwanted catch is greater than the projected volumes under the exemption.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The previous justification and supporting information are not referenced in the JR. Other than limited catch data and generic arguments concerning the need for the exemption, no information is provided. The discard rate and volume of unwanted catches of Alfonsino that would be discarded under this exemption would be less than the current level of unwanted catches reported by Portugal. There is no indication of how the residual unwanted catches will be dealt with. While, it is not clear from the JR, EWG 23-04 assumes that the rationale for the exemption remains the same as in 2018. The previous *de minimis* request was made on the grounds that longlines are selective gears, so improving selectivity is difficult. Additionally, socio-economic issues were indicated. These relate to the fishery being in one of the outermost regions, where the economy is based on the activity of this fleet and there are distance and market obstacles to overcome. These may be correct, but there is only limited information provided to support these assertions.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for horse mackerel (*Trachurus spp*.), up to a maximum of 5 % of the total annual catches of horse mackerel by vessels using beam trawls, bottom trawls, and seines in ICES subareas 8 and 9. Article 14.1.e of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for horse mackerel. c) The low level of the TAC makes horse mackerel a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation. e) It provides a stopgap whilst further research into optimizing selectivity (also by unwanted catch avoidance) is carried out.
Supporting Data	

Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet information has been provided by France, Spain and Portugal but in different formats.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> Three metiers are identified as relevant to this exemption: • Bottom trawls targeting crustaceans, Norway lobster in the Bay of Biscay, involving 183 vessels. The discard rate of horse mackerel in 2021 was 2.8% of total catches by the metier. • Bottom trawl targeting demersal and cephalopods in the Bay of Biscay, involving 375 vessels. The discard rate of horse mackerel in 2021 was 1.6% of total catches. • Demersal seines targeting demersal or cephalopod species in 8a to 8d, involving 13 vessels. The discard rate for horse mackerel in 2021 was 3% of total catches. • Total unwanted catches of horse mackerel by these three metiers were 603 tonnes in 2022. <u>Portugal</u> Portugal identified 82 vessels operating in subarea 9 fishing for mackerel, chub mackerel and blue whiting that use this exemption. No absolute estimate of unwanted catches is provided. The JR indicates discarding is "negligible". <u>Spain</u> Spain provided conflicting information provided. Unwanted catches of 6 tonnes are reported but the JR also indicates a total of 750 tonnes of unwanted horse mackerel catches. It is not clear which is the correct figure.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Portugal, and Spain are using this exemption. There is no indication on the level of unwanted recorded and reported by the Member States against the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France referenced a selectivity study- REDRESSE - from 2017. During this project a range of selectivity devices and gear modifications were tested including T90 mesh, separator sheets, square mesh panels on beam trawls, bottom trawls and seine nets. The results suggest that there are selectivity improvements possible but at a cost due to commercial losses. On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The

	study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. France also provided a 2019 study into the sanitary status of horse mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that horse mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days. Spanish research (SELCTLUGO project) shows that there are improvements possible, but more time is needed to do research on technical characteristics of the gear in order to avoid losses of marketable catch of the target fisheries. Research into split codends to improve species selectivity was carried out. No supporting information was provided by Portugal.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Most information is taken from the relevant fisheries. One study is based on inferences from other areas (EODE). The Spanish increased cost study from 2019 shows results for the French fleet. The disproportionate cost study is from NWW. The sanitary study was conducted in Bretagne.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in the fishery or in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials would seem representative given these similarities (with the exception of the 2016 EODE study).
Improvements in selectivity	

Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The French and Spanish selectivity trials indicate that it is possible to improve selectivity. However, uptake of any of the gear modifications or selectivity devices tested is restricted due to the corresponding losses of marketable catch. There is limited information specific to horse mackerel in the studies presented.
Is this based on pilot studies or trials?	Selectivity trials
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	According to the information provided, without the exemption, the French OTB_OTT_CRU_VIII would lose €796,433 of income as a result of having to handle and store unwanted catches on board. This is not specific to horse mackerel. Similarly, the French OTB_OTT_DEF_CEP_VIII would lose €1,277,103 of income if the exemption was removed.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There are two horse mackerel stocks relevant to the exemption - Southern horse mackerel (hom.27.9a) and a widely distributed stock (hom.27.2a4a5b6a7acek8). The status of the stocks is very different. The Southern stock is fished sustainably with SSB being well above MSY Btrigger and fishing mortality below Fmsy. It has a catch advice following the MSY approach of 165,173t for 2023. For the widely distributed horse mackerel stock ICES advises zero catch for 2023 following MSY approach. The stock is below Blim with F being over Fmsy. A bycatch TAC has been set for 2023.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No

New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Four new projects are referenced: • CASEP which aims to investigate study the selectivity in the Danish Seine fleet, in the Bay of Biscay. • CASELEM which aims to investigate improvements in selectivity through the use of T90 mesh and other gear changes. The work will be carried out in 2023. • SEL-LO aims to create prediction maps and validation of results for commercial trawlers in Bay of Biscay. The work will be carried out in 2023. • EVERYFISH which follows from an EU project SMARTFISH and aims to look into digital catch monitoring. The projects DESCARSEL, TIPES and REDIPESCA are also referenced but would seem to have limited relevance to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous exemption requests that have been assessed by STECF EWGs. Therefore, the previous conclusions remain relevant. However, EWG 23-04 highlights that this exemption is difficult to assess as it covers two stocks with differing scientific advice. One stock (hom.27.9a) is fished sustainably, while the other (hom.27.2a4a5b6a7acek8) is subject to zero catch advice as the stock is below Blim. As the exemption covers both stocks without differentiation, care needs to be taken to not aggravate the situation by this exemption and increase mortality on the western horse mackerel stock. Additionally, as the only partial catch information has been provided by Member States, no assessment of the impact of the exemption on the stock can be made. The actual level of unwanted catches is unclear from the JR, and it would be prudent to consider this exemption with other exemptions for horse mackerel. Aside from the stock status, the exemption proposal presents a range of supporting evidence that increasing selectivity without reducing yield is very difficult. In particular the Spanish are working on several studies to achieve this. This exemption is seen as a measure to breach the gap before improvements can be implemented but this has been the case since 2018, when the exemption was first proposed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	De minimis exemption for horse mackerel (*Trachurus spp*.), up to a maximum of 3 % of the total annual catches of horse mackerel by vessels using gillnets in ICES subareas 8, 9 and 10 and CECAF zones 34.1.1, 34.1.2, 34.2.0. Article 14.1.f of delegated Regulation (EU) 2020/2015.
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for horse mackerel in static net fisheries. c) The low level of the TAC makes horse mackerel a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France, Spain and Portugal have provided limited catch and fleet data. Belgian vessels do not fish with static gears in the areas relevant to this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> France reports that it has 499 vessels under 15m and 77 vessels over 15m using static gears that this exemption is relevant. Discard rates for horse mackerel for these two fleets ranged from 1.5% to 3.2% of total catches in 2021. Specifically, for trammel nets, the discard rate was 0.5% in 2020. No horse mackerel catches were reported in 2021. The JR indicates total unwanted catches in 2022 of 18.9 tonnes. It is unclear whether this is only horse mackerel. <u>Spain</u> Spain references two different fleets -the Volanta fleet of 36 vessels operating in northern Spanish waters; and the Rasco fleet comprising 6 vessels operating in northern Iberian waters (6 vessels). For both fleets, the unwanted catch is reported as zero. <u>Portugal</u> Portugal did not provide any information on fleet composition and reports negligible unwanted horse mackerel catches in their static net fisheries.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Spain and Portugal indicate this exemption is relevant to their vessels using static nets. However, only France indicates any unwanted catches. Belgium does not use this exemption as they have no static net fisheries. No indication is provided on the level of unwanted catch recorded and reported against the exemption.
Supporting Information	

What supporting information/literature reviews has been provided?	On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. France also provided a 2019 study into the sanitary status of horse mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that horse mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days.
Is this information taken from the actual fishery/fisheries relating to the exemption?	One study is based on inferences from other areas (EODE). It also primarily considers the costs associated with trawling, rather static nets. The increased cost study from 2019 was based on static net vessels. The sanitary study was conducted in Bretagne.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials would seem representative given these similarities (with the exception of the 2016 EODE study).
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No arguments have been put forward which go beyond stating that it is difficult to improve the selectivity in static net fisheries.
Is this based on pilot studies or trials?	N/A

Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	According to the JR, without the exemption the French fishers using static nets would suffer a net loss equal to €91,147 Euro. Whether this is by fleet or vessel is not specified. As the same values are presented in the exemption for mackerel in the same area, it seems that this is with regards to all landing obligation exemptions and not only specific to this one.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the very limited catch information provided, no assessment of the impact of the exemption can be made. However, the data that has been provided would suggest, unwanted catches are extremely low and in the case of Spain are reported as zero. It is important to note there are two horse mackerel stocks relevant to the exemption - Southern horse mackerel (hom.27.9a) and a widely distributed stock (hom.27.2a4a5b6a7acek8). The status of the stocks is very different. The Southern stock is fished sustainably with SSB being well above MSY Btrigger and fishing mortality below Fmsy. It has a catch advice following the MSY approach of 165,173t for 2023. For the widely distributed horse mackerel stock ICES advises zero catch for 2023 following MSY approach. The stock is below Blim with F being over Fmsy. A bycatch TAC has been set for 2023.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No research or studies planned.

EWG 23-04 Conclusions
The justification and supporting information provided is similar to that submitted to support previous exemption requests that have been assessed by STECF EWGs. Therefore, the previous conclusions remain relevant. However, EWG 23-04 highlights that this exemption is difficult to assess as it covers two stocks with differing scientific advice. One stock (hom.27.9a) is fished sustainably, while the other (hom.27.2a4a5b6a7acek8) is subject to zero catch advice as the stock is below Blim. As the exemption covers both stocks without differentiation, care needs to be taken to not aggravate the situation by this exemption and increase mortality on the western horse mackerel stock. Additionally, as the only partial catch information has been provided by Member States, no assessment of the impact of the exemption on the stock can be made. The actual level of unwanted catches is unclear from the JR but would seem to be very low. Spain and Portugal report negligible catches. If this is the case, it is not clear why the exemption is needed.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for mackerel (*Scomber scombrus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Article 14.1.g of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for mackerel. c) Low level of the TAC makes mackerel a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation. e) Food safety issues due to deterioration of mackerel on board. f) Maintain consistency between NWW and SWW.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data has been provided by France, Portugal and Spain. Belgium does not use this exemption.

What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France Three metiers are identified as relevant to this exemption: • Bottom trawls targeting crustaceans, Norway lobster in the Bay of Biscay, involving 183 vessels. No unwanted catches of mackerel were reported in 2021. • Bottom trawl targeting demersal and cephalopods in the Bay of Biscay, involving 375 vessels. The discard rate of mackerel in 2021 was 1.8% of total catches. • Demersal seines targeting demersal or cephalopod species in 8a to 8d, involving 13 vessels. The discard rate for mackerel in 2021 was 5.4% of total catches. • Total unwanted catches of mackerel by these three metiers were 317 tonnes in 2022 from total catches of 1207 tonnes, as discard rate of 26%. Portugal Portugal identified 25 vessels operating in subareas 8 and 9 fishing for demersal species that use this exemption. The Portuguese data shows catches of 4,749 tonnes (in 2020: 4,876 tonnes) and total unwanted catches of 200 tonnes in 2021 (185 tonnes in 2020). Unwanted catches of mackerel are reported as being negligible. Spain A detailed description of the Spanish fleet to metier level was provided. According to the JR, Spanish otter trawl fleets discarded 390 tonnes of mackerel in 2022. The largest volume of discards came from OTB_DEF_>70 with unwanted catches of 288 tonnes of mackerel.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Portugal, and Spain use this exemption. There is no indication of the level of unwanted catch recorded and reported against the exemption. Belgium, report they do not use this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France referenced a selectivity study- REDRESSE - from 2017. During this project a range of selectivity devices and gear modifications were tested including T90 mesh, separator sheets, square mesh panels on beam trawls, bottom trawls and seine nets. The results suggest that there are selectivity improvements possible but at a cost due to commercial losses. On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling

	costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. France also provided a 2019 study into the sanitary status of horse mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that horse mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days. Spanish research (SELCTLUGO project) shows that there are improvements possible, but more time is needed to do research on technical characteristics of the gear in order to avoid losses of marketable catch of the target fisheries. Research into split codends to improve species selectivity was carried out. No supporting information was provided by Portugal.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Most information is taken from the relevant fisheries. One study is based on inferences from other areas (EODE). The Spanish increased cost study from 2019 shows results for the French fleet. The disproportionate cost study is from NWW. The sanitary study was conducted in Bretagne.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in the fishery or in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials would seem representative given these similarities (with the exception of the 2016 EODE study).
Improvements in selectivity	

Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The French and Spanish selectivity trials indicate that it is possible to improve selectivity. However, uptake of any of the gear modifications or selectivity devices tested is restricted due to the corresponding losses of marketable catch. There is limited information specific to mackerel in the studies presented.
Is this based on pilot studies or trials?	Selectivity trials
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The provided data indicate that the losses are between 0.27% and 7.95%. Spanish fleet: 0.99% - 7.95% French fleet: 1.36%-1.68% Portugal: 0.27% - 4.97% It is unclear whether these are directly related to mackerel.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The levels of unwanted catches of mackerel under this exemption are currently at low levels. The reported total discards are: Spain (2022): 288 tonnes France (2022): 316 tonnes (possible total unknown) Portugal (2022): Negligible. However, as there is no data on the total catches in the relevant fisheries, it is not possible to make a full assessment of the impact of this exemption. Based on the fact that the North-east Atlantic mackerel is a large stock, it is reasonable to assume that the impacts will be low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For the western horse mackerel stock, fishing pressure on the stock is above FMSY and between Fpa and Flim; spawning-stock size is below MSY

	Btrigger, Bpa, and Blim. ICES advised zero catch of this stock in 2023.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Four new projects are referenced: • CASEP which aims to investigate study the selectivity in the Danish Seine fleet, in the Bay of Biscay. • CASELEM which aims to investigate improvements in selectivity through the use of T90 mesh and other gear changes. The work will be carried out in 2023. • SEL-LO aims to create prediction maps and validation of results for commercial trawlers in Bay of Biscay. The work will be carried out in 2023. • EVERYFISH which follows from an EU project SMARTFISH and aims to look into digital catch monitoring. The projects DESCARSEL, TIPES and REDIPESCA are also referenced but would seem to have limited relevance to this exemption.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous exemption requests that have been assessed by STECF EWGs. Therefore, the previous conclusions remain relevant. Additionally, as the only partial catch information has been provided by Member States, no assessment of the impact of the exemption on the stock can be made. The actual level of unwanted catches would seem to be low, and therefore the impact of the exemption is likely to be low on the stock. Aside from the stock status, the exemption proposal presents a range of supporting evidence that increasing selectivity without reducing yield is very difficult. In particular the Spanish are working on several studies to achieve this. This exemption is seen as a measure to bridge the gap before improvements can be implemented but this has been the case since 2018, when the exemption was first proposed. EWG 23-04 also highlights that the ICES advice for the western horse mackerel stock is for zero catch. Mackerel have a close association with horse mackerel, so it is important catches are monitored closely if the exemption is renewed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for mackerel (*Scomber scombrus*), up to a maximum of 3 % of the total annual catches of that species by vessels using gillnets in ICES subareas 8 and 9 and CECAF zones 34.1.1, 34.1.2, 34.2.0. Article 14.1.h of Delegated Regulation (EU) 2020/2015.
Description of the Problem	

Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for mackerel in static net fisheries. c) Low level of the TAC makes mackerel a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation. e) Food safety issues due to deterioration of mackerel on board. e) Maintain consistency between NWW and SWW.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France and Spain have provided limited catch and fleet data. Belgian vessels do not fish with static gears in the areas relevant to this exemption. Portugal did not provide any catch or fleet data, so it is assumed they do not use this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> France reports that it has 499 vessels under 15m and 77 vessels over 15m using static gears that this exemption is relevant. Discard rates for mackerel for these two fleets ranged from 3.2% to 4.7% of total catches in 2021. Specifically, for trammel nets, the discard rate ranged from 1.2% to 4.9% in 2021. The JR indicates total unwanted catches in 2022 of 38.5 tonnes. It is unclear whether this is only mackerel. <u>Spain</u> Spain references two different fleets -the Volanta fleet of 36 vessels operating in northern Spanish waters; and the Rasco fleet comprising 6 vessels operating in northern Iberian waters (6 vessels). For both fleets, the unwanted catch is reported as zero.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain use this exemption. No indication is provided by either Member State as to the level of unwanted catch recorded and reported against this exemption. Belgium and Portugal do not use this exemption.
Supporting Information	

What supporting information/literature reviews has been provided?	On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. France also provided a 2019 study into the sanitary status of mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days.
Is this information taken from the actual fishery/fisheries relating to the exemption?	One study is based on inferences from other areas (EODE). It also primarily considers the costs associated with trawling, rather static nets. The increased cost study from 2019 was based on static net vessels. The sanitary study was conducted in Bretagne.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials would seem representative given these similarities (except for the 2016 EODE study).
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No arguments have been put forward which go beyond stating that it is difficult to improve the selectivity in static net fisheries.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	According to the JR, without the exemption the French fishers using static nets would suffer a net loss equal to €91,147 Euro. Whether this is by fleet or vessel is not specified. As the same values are presented in the exemption for horse mackerel in the same area, it seems that this is with regards to all landing obligation exemptions and not only specific to this one.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Given the limited catch information provided, no assessment of the impact of the exemption can be made. However, the data that has been provided would suggest, unwanted catches are extremely low and in the case of Spain are reported as zero.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	For the western horse mackerel stock, fishing pressure on the stock is above FMSY and between Fpa and Flim; spawning-stock size is below MSY Btrigger, Bpa, and Blim. ICES advised zero catch of this stock in 2023.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The justification and supporting information provided is similar to that submitted to support previous exemption requests that have been assessed by STECF EWGs. Therefore, the previous conclusions remain relevant. Additionally, as the only partial catch information has been provided by Member States, no assessment of the impact of the exemption on the stock can be made. The actual level of unwanted catches is unclear from the JR but would seem to be very low. Spain reports zero unwanted catches, and the French unwanted landings are less than 40 tonnes. If this is the case, it is not clear why the exemption is needed. Aside from the stock status, the exemption proposal presents a range of supporting evidence that increasing selectivity without reducing yield is very difficult. In particular the Spanish are working on several studies to achieve this. This exemption is seen as a measure to bridge the	

gap before improvements can be implemented but this has been the case since 2018, when the exemption was first proposed. EWG 23-04 also highlights that the ICES advice for the western horse mackerel stock is for zero catch. Mackerel have a close association with horse mackerel, so it is important catches are monitored closely if the exemption is renewed.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for megrim (*Lepidorhombus* spp.), up to a maximum of 5 % of the total annual catches of megrim by vessels using beam trawls, bottom trawls and seines in ICES subareas 8 and 9 Article 14.1.k of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for megrim. c) Megrim is caught in mixed fisheries so has the potential to be a choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation. e) Maintain consistency between NWW and SWW.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Partial catch and fleet data has been provided by Spain, France, Portugal and Belgium. The catch data is provided in different formats and with a different level of detail. It is not clear that the protocol used by Portugal to estimate unwanted catches is the same used by France and Spain. For example, Portugal does not estimate unwanted catches for the entire fleet, only for the sampled métier. When the frequency of occurrence of the individual species in the unwanted catches of the sampled hauls is <30%, no estimates are provided by Portugal because of the very low precision obtained under this protocol.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> Three metiers are identified as relevant to this exemption: • Bottom trawls targeting crustaceans, Norway lobster in the Bay of Biscay, involving 183

	vessels. A discard rate of 56% is reported for 2020. Almost 50% of individuals discarded (in weight) are undersized. • Bottom trawl targeting demersal and cephalopods in the Bay of Biscay, involving 375 vessels. The discard rate in 2020 was 30% of total catches with 10% undersized. • Demersal seines targeting demersal or cephalopod species in 8a to 8d, involving 13 vessels. No catch of megrim was reported. • The JR indicates that megrim represented less than 5% of catches, and discards represented 0.8% and 1.9% of total catch. Total unwanted catches of megrim by these three metiers were 24 tonnes in 2022 from total catches of 1100 tonnes, a discard rate of 2%. <u>Spain</u> Spain indicates four métiers are relevant to this exemption in subareas 8abd, 8c and 9a: • Otter bottom trawl (OTB_>70) comprising 8 vessels, targeting hake and demersal species in the Bay of Biscay (ICES 8abd). These vessels landed 239 tonnes of megrim with 15 tonnes of unwanted catch. • Otter Bottom Trawl (OTB_DEF_>=55_0_0) comprising 39 vessels, targeting demersal spp (ICES 8c and 9a). These vessels landed 767 tonnes of megrim (both species) with 155 tonnes of unwanted catch. • Otter Bottom Trawl (OTB_MPD_>=55_0_0) comprising 40 vessels targeting pelagic & demersal spp. (ICES 8c and 9a. These vessels landed 40 tonnes of megrim (both species) with 1.5 tonnes of unwanted catc. • Pair Bottom Trawl (PTB_DEF_>=55_0_0) comprising 25 vessels targeting demersal spp. (ICES 8c and 9a). These vessels landed 1.5 tonnes of megrim with 0.5 tonnes of unwanted catch. • In 2022, total unwanted catches of 172 tonnes are reported from the four metiers from a total catch of 1,047 tonnes. This is a discard rate of 16.7%. <u>Portugal</u> The fleet involved in this fishery comprises 82 vessels fishing with bottom otter trawl in subarea 9. Catch data for 2020 and 2021 reports negligible discard rates for megrim in these fisheries. <u>Belgium</u> In 2021, there were 6 Belgian vessels fishing with beam trawls in the Bay of Biscay. The JR indicates that this metier had a discard rate of 22%, with

	approximately 11 tonnes of unwanted catch from a total megrim catch of ~ 51 tonnes. Overall annual discards of trawl fishery in SWW for all countries (as of 2021) shows that the total discard volumes of the two megrim species caught by trawls of all countries in SWW are estimated at 180 tonnes from total catches of 2489 tonnes in subarea 8 and 9, a discard rate of 7%.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Member States having an interest in this exemption are Belgium, Portugal, Spain and France. Spain provides an indication of the estimated volume of unwanted catch that could be potentially discarded by their fleets but there is no indication of the level of unwanted catch recorded and reported against the exemption. No other Member State provides any information.
Supporting Information	
What supporting information/literature reviews has been provided?	Spain provided a summary of all selectivity trials made by IEO and AZTI: the SEL-LO project (predictive maps will be implemented in 2023), CASELEM project, the SAMPARFISH project, and the SELECTLUGO2022 (for metier OTB_DEF_>=55) devoted to improving size and species selectivity in the bottom trawl fisheries in the Bay of Biscay. Results presented indicate that increased selectivity is not easily achievable in the short term, especially for this mixed fishery. Selectivity apparently can be improved but an optimal solution has still to be developed and further research is needed to develop appropriate gear modifications or other avoidance measures. France referenced a study carried out in 2016 – EODE – on the additional handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled, and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the

	landing obligation. Previous STECF EWGs have evaluated this study. Data on disproportionate costs from French fisheries in the Celtic Sea and the Channel in NWW waters is also provided. No information was submitted by Belgium or Portugal.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, apparent for the EODE study and the other costs provided on disproportionate costs.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The two French studies were carried out in mixed demersal fisheries in the southern North Sea and eastern Channel. Not enough information is provided to make any judgement as to whether they are representative of the fisheries relevant to this exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	EWG 21-05 and EWG 22-05 highlighted that reducing the discard rates through improvements in selectivity is difficult in these fisheries given many are mixed fisheries and notes the results from the Spanish studies carried out in these fisheries which show quite high losses of commercial catch. Reducing the discard rates through improvements in selectivity is difficult given that many are mixed fisheries. This is particularly the case for anglerfish given its morphology which makes improving selectivity specifically for anglerfish impractical. New studies are undergoing, which hopefully will shed light on this problem. Selectivity apparently can be improved but an optimal solution has still to be developed and further research is needed to develop appropriate gear modifications or other avoidance measures.
Is this based on pilot studies or trials?	Pilot studies.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The EDOE study estimated that the fishermen of the <18 m trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would lead to an increase of sorting time on board of around 30% to 60%, depending on vessel size. Similar results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour) Spain refers to a study carried out in 2019, which assessed the economic impact in terms of time and economic value, showing up to 8% economic impact for Spanish trawls operating in the Gulf of Biscay and north -western Cantabrian Sea, up to 2% economic impact for some French trawls, up to 5% loss for

	Portuguese trawlers and up to 1% for Belgian trawlers. For France, the opportunity cost for the exemption on megrim is around one million euros. Overall, for the SWW fleets, the contribution of this exemption to the opportunity cost accounts for ca 8%. This supporting information on economic impacts was already provided in 2021 and 2022. EWG 21-05 re-examined the Spanish study, and comments on the approach and methodology were provided. EWG 21-05 observed that the economic information provided on impacts of not granting the exemption indicates a comparatively high level of losses for the vessels involved in this fishery. However, EWG 21-05 requested more information on the methodology of the calculation and the data used as the opportunity costs cannot be put into context of the overall economic performance of the fleet segments. No additional information on the methodology and data was provided to EWG 22-05 and EWG 23-04.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The information provided is generic and does not allow any assessment of the disproportionate costs related to the fishery in relative terms compared to the value fo landings.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of megrim from the trawl fisheries is difficult to estimate but is in region of 180 tonnes from total catches of 2,500 tonnes. In some French fisheries, the discard rate are high (56% in the case of bottom trawls targeting Norway lobster in the Bay of Biscay and 30% in bottom trawls targeting demersal species and cephalopods in the Bay of Biscay). However, the absolute volumes are quite small. Based on the information provided, it is likely that the unwanted catches are greater than the total volume of megrim that could be discarded under this exemption. Other than land these residual discards, no measures are indicated to reduce these unwanted catches.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	New projects are being carried out in 2023 by Spain (e.g., SEL-LO, CASELEM, SMARTFISH, DESCARSEL, TIPES, REDIPESCA) and France (e.g., CASEP) in ICES subarea 8. There is no information for ICES subarea 9.

EWG 23-04 Conclusions
The supporting information provided is quite extensive although despite numerous selectivity experiments by Spain, no solutions have been found and no substantive changes to the gears used in the different fisheries have been implemented. Detailed catch information has been provided at a fleet and metier level by Spain and to a certain extent from France. This data shows very variable discard rates and volumes by metier. For some, the level of unwanted catches is quite low, while for others it can be upwards of 50%. This makes any evaluation of the likely impact of the exemption in its totality difficult. Combining all of the unwanted catches reported in the JR would suggest that there are significant amounts of unwanted catches of megrim, and these are in excess of the projected volume of catch that could be discarded under this exemption. It is not clear whether the intention is to attempt to reduce the level of unwanted catches or land these catches.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for megrim (*Lepidorhombus* spp.), up to a maximum of 4 % of the total annual catches of megrim by vessels using gillnets in ICES subareas 8 and 9. Article 14.1.k of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for megrim in static net fisheries. c) Megrim is caught in mixed fisheries and is a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data for 2021 was provided by France and Spain on landings, total catch and discard rates of megrim caught by different types of gillnets in ICES subareas 8 and 9. Belgium does not have any gillnet fisheries in subarea 8 and 9. Portugal did not provide any catch information.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard	<u>France</u> France reports that it has 499 vessels under 15m and 77 vessels over 15m using static gears that this

rates) and absolute terms (volume of unwanted catches)?	exemption is relevant. The discard rates (calculated as discards of total megrim catch) and total unwanted catch is negligible (0.04 tonnes representing <1% of the total catch). Megrim constitutes <1% of the total catch of vessels >15m targeting hake, which makes the bulk of this fishery. For vessels < 15 meters no megrim catches were registered in 2019, 2020 and 2021. <u>Spain</u> Spain references two different fleets in 8abd -the Volanta fleet of 36 vessels operating in northern Spanish waters; and the Rasco fleet comprising 6 vessels operating in northern Iberian waters (6 vessels). For both fleets, the unwanted catch is reported as zero. Spain also references two metiers operating in subdivision 8c and 9a: • Gillnet targeting hake (GNS_DEF_80-99_0_0) comprising 36 vessels. There is a small bycatch of megrim in this fishery of 2 tonnes. Unwanted catch is reported as zero. • Gillnet targeting angler (GNS_DEF_>=100_0_0) comprising 19 vessels. Total catches of anglerfish in this fishery are reported as 8 tonnes. Unwnated catches are not reported. <u>Portugal</u> Portugal indicates that 150 vessels fish with gillnets in subarea 9a. Portugal reports that discards of anglerfish are negligible.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain use this exemption. No indication is provided by either Member State as to the level of unwanted catch recorded and reported against this exemption. Belgium do not use this exemption. Portugal report that there are occasional discards of anglerfish with low commercial value or where they are caught in excess of national catch composition rules. Both of these reasons would seem contrary to the landing obligation.
Supporting Information	
What supporting information/literature reviews has been provided?	On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased

	(6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The Spanish cost study is from the relevant fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The EODE study was caried out in the southern North Sea and eastern Channel. It was carried out on bottom trawlers not static net vessels, so is not considered representative.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No arguments have been put forward which go beyond stating that it is difficult to improve the selectivity in static net fisheries.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	According to the JR, without the exemption the French fishers using static nets would suffer a net loss equal to €91,147 Euro. Whether this is by fleet or vessel is not specified. As the same values are presented in the exemption for horse mackerel in the same area, it seems that this is with regards to all

	landing obligation exemptions and not only specific to this one.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of megrim from the gillnetters is negligible (< 5 tonnes). Therefore, the risk associated with the exemption is negligible. However, this cannot be validated as only partial information has been provided.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research and studies are planned.
EWG 23-04 Conclusions	
The justification and supporting information are largely similar to previous submissions to support earlier JRs. The data suggest that the discard rate and volume of unwanted catches of megrim that would be discarded under this exemption are low. Therefore, the risk to the stock as a whole from this exemption is likely to be low. However, the arguments to support the case are inferred rather than based on dedicated studies. It is assumed that the selectivity of static nets for megrim is high and that the costs for handling the very small volumes of megrim are significant. Given the level of unwanted catches Is reported to be zero for Spain and very small for France, it is not clear why this exemption is needed.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for anglerfish (*Lophiidae*), up to a maximum of 5 % of the total annual catches of anglerfish by vessels using pelagic trawls, beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Article 14.1.k of Delegated Regulation (EU) 2020/2015
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for megrim. c) Megrim is caught in mixed fisheries so has the potential to be a choke species.

	d) Fishermen require flexibility offered by this exemption to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Partial catch and fleet data has been provided by Spain, France, Portugal, and Belgium. The catch data is provided in different formats and with a different level of detail. It is not clear that the protocol used by Portugal to estimate unwanted catches is the same used by France and Spain. For example, Portugal does not estimate unwanted catches for the entire fleet - only for the sampled métier. When the frequency of occurrence of the individual species in the unwanted catches of the sampled hauls is <30%, no estimates are provided by Portugal because of the very low precision obtained under this protocol.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> Six metiers are identified as relevant to this exemption: • Bottom trawls targeting crustaceans, Norway lobster in the Bay of Biscay, involving 183 vessels. A discard rate of 7% for white anglerfish and 0.7% for black-bellied anglerfish is reported for 2021. Almost 100% of individuals discarded (in weight) are undersized. It is not clear what undersized refers to in this case, as there is no MCRS for anglerfish. • Bottom trawl targeting demersal and cephalopods in the Bay of Biscay, involving 375 vessels. A discard rate of 0.2% for white anglerfish and 1% for black-bellied anglerfish is reported for 2021, with 98% undersized. • Demersal seines targeting demersal or cephalopod species in 8a to 8d, involving 13 vessels. No catch of anglerfish was reported. • Pelagic trawl targeting small pelagic fish using a pelagic trawl or a pelagic pair trawl involving 31 vessels. Very small catch of anglerfish with no unwanted catch reported. • Pelagic trawls targeting demersal species using an otter trawl or a pair trawl involving 36 vessels. No catch of anglerfish was reported. • Mid-water pair trawl targeting large pelagics and especially tuna in the Atlantic, involving 47 vessels. No catch of anglerfish was reported. • The JR indicates that total unwanted catches of anglerfish by these three metiers were 44

	tonnes in 2022 from total catches of 2,368 tonnes, a discard rate of 1.9%. Spain Spain indicates four métiers are relevant to this exemption in ICES subareas 8abd, 8c and 9a: • Otter bottom trawl (OTB_>70) comprising 8 vessels, targeting hake and demersal species in the Bay of Biscay (ICES 8abd). These vessels landed 416 tonnes of anglerfish with 7 tonnes of unwanted catch. • Otter Bottom Trawl (OTB_DEF_>=55_0_0) comprising 39 vessels, targeting demersal spp (ICES 8c and 9a). These vessels landed 336 tonnes of anglerfish (both species) with 3 tonnes of unwanted catch. • Otter Bottom Trawl (OTB_MPD_>=55_0_0) comprising 40 vessels targeting pelagic & demersal spp. (ICES 8c and 9a. These vessels landed 35 tonnes of anglerfish (both species) with no unwanted catches reported. • Pair Bottom Trawl (PTB_DEF_>=55_0_0) comprising 25 vessels targeting demersal spp. (ICES 8c and 9a). These vessels landed 9 tonnes of anglerfish with no unwanted catches reported. • In 2022, total unwanted catches of 10 tonnes are reported from the four metiers, from a total catch of 818 tonnes. This equates to a discard rate of 1.2%. Portugal The fleet involved in this fishery comprises 82 vessels fishing with bottom otter trawl in subarea 9. Catch data for 2020 and 2021 indicates negligible discard rates for anglerfish in these fisheries. Belgium In 2021, there were 6 Belgian vessels fishing with beam trawls in the Bay of Biscay. The JR indicates that this metier had a discard rate of 18% for white anglerfish and 56% for black-bellied anglerfish, with approximately 37 tonnes of unwanted catch from a total megrim catch of ~ 88 tonnes. It is not possible to calculate the total unwanted catches of anglerfish because the catch data is provided in different formats and only partially for some Member States.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Member States having an interest in this exemption are Belgium, Portugal, Spain and France. Spain provides an indication of the estimated volume of unwanted catch that could be potentially discarded by their fleets but there is no indication of the level of unwanted catch recorded and reported against the exemption. No other Member State provides any information.

Supporting Information	
What supporting information/literature reviews has been provided?	Spain provided a summary of all selectivity trials made by IEO and AZTI: the SEL-LO project (predictive maps will be implemented in 2023), CASELEM project, the SAMPARFISH project, and the SELECTLUGO2022 (for metier OTB_DEF_>=55) devoted to improving size and species selectivity in the bottom trawl fisheries in the bay of Biscay. Results presented indicate that increased selectivity is not easily achievable in the short term, especially for this mixed fishery. Selectivity apparently can be improved but an optimal solution has still to be developed and further research is needed to develop appropriate gear modifications or other avoidance measures. France provided a summary of selectivity experiments carried relevant to anglerfish using grids. France referenced a study carried out in 2016 – EODE – on the additional handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. Data on disproportionate costs from French fisheries in the Celtic Sea and the Channel in NWW waters is also provided. No information was submitted by Belgium or Portugal.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, apart for the EODE study and the other costs provided on disproportionate costs.

If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The two French studies were carried out in mixed demersal fisheries in the southern North Sea and eastern Channel. Not enough information is provided to make any judgement as to whether they are representative of the fisheries relevant to this exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	EWG 21-05 and EWG 22-05 highlighted that reducing the discard rates through improvements in selectivity is difficult in these fisheries given many are mixed fisheries and notes the results from the Spanish studies carried out in these fisheries which show quite high losses of commercial catch. Reducing the discard rates through improvements in selectivity is difficult given that many are mixed fisheries. This is particularly the case for anglerfish given its morphology which makes improving selectivity specifically for anglerfish impractical. New studies are undergoing, which hopefully will shed light on this problem. Selectivity apparently can be improved but an optimal solution has still to be developed and further research is needed to develop appropriate gear modifications or other avoidance measures.
Is this based on pilot studies or trials?	Selectivity trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The EDOE study estimated that the fishermen of the <18 m trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would lead to an increase of sorting time on board of around 30% to 60%, depending on vessel size. Similar results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour) Spain refers to a study carried out in 2019, which assessed the economic impact in terms of time and economic value, showing up to 8% economic impact for Spanish trawls operating in the Gulf of Biscay and north -western Cantabrian Sea, up to 2% economic impact for some French trawls, up to 5% loss for Portuguese trawlers and up to 1% for Belgian trawlers. For France, the opportunity cost for the exemption on megrim is around one million euros. Overall, for the SWW fleets, the contribution of this exemption to the opportunity cost accounts for ca 8%. This supporting information on economic impacts was already provided in 2021 and 2022. EWG 21-05 re-examined the Spanish study, and comments on

	the approach and methodology were provided. EWG 21-05 observed that the economic information provided on impacts of not granting the exemption indicates a comparatively high level of losses for the vessels involved in this fishery. However, EWG 21-05 requested more information on the methodology of the calculation and the data used as the opportunity costs cannot be put into context of the overall economic performance of the fleet segments. No additional information on the methodology and data was provided to EWG 22-05 and EWG 23-04.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The information provided is generic and does not allow any assessment of the disproportionate costs related to the fishery in relative terms compared to the value fo landings.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of anglerfish from the trawl fisheries is difficult to estimate but is not negligible. In some cases, the discard rate and the volumes can be important (for example, for Belgian bottom trawls, beam trawls and seines TBB_DEF_70-99, the discard rate of Black-bellied anglerfish can reach up to 56% amounting to 33 tonnes. In other fisheries the discard rate is less than 2%.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	New projects are being carried out in 2023 particularly by Spain (e.g., SEL-LO, CASELEM, SMARTFISH, DESCARSEL, TIPES, REDIPESCA) France (e.g., CASEP) in ICES subarea 8. There is no information for ICES subarea 9.
EWG 23-04 Conclusions	
Limited new information has been provided by SWW countries on catches, fleets, discards and selectivity trials. The information is provided in different formats and for different time periods. Therefore, an assessment of the impact of this exemption cannot be fully completed and the observations made by previous EWGs remain relevant. The discard rate and the total amount discarded is very variable according to gear, metier, year, and country but unwanted catches in some fisheries may be 30-40 tonnes. It is not clear why seines and pelagic trawls are included under the exemption as there is no reported catch of anglerfish using these gears. EWG 21-05 and EWG 22-05 highlighted that reducing the discard rates through improvements in selectivity is difficult in these fisheries given many are mixed fisheries and notes the results from the Spanish studies carried out in these fisheries which show quite high losses of commercial catch. This is particularly the case for anglerfish given its morphology which make improving	

selectivity specifically for anglerfish impractical. EWG 23-04 reiterates these observations which remain relevant for this exemption.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for anglerfish (*Lophiidae*), up to a maximum of 4 % of the total annual catches of anglerfish by vessels using gillnets in ICES subareas 8 and 9. Article 14.1.k of Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for anglerfish in static net fisheries. c) Anglerfish is caught in mixed fisheries and is a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data for 2021 was provided by France and Spain on landings, total catch and discard rates of megrim caught by different types of gillnets in ICES subareas 8 and 9. Portugal provided limited information on the gillnet fleet but no catch data. Belgium does not have any gillnet fisheries in subarea 8 and 9.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> France reports that it has 499 vessels under 15m and 77 vessels over 15m using static gears that this exemption is relevant. The discard rates (calculated as discards of total anglerfish catch) and total unwanted catch is negligible (~2 tonnes representing <1% of the total catch of anglerfish caught in gillnet fisheries, which amounts to 842 tonnes). Angler fish constitutes <6% of the total catch of vessels <15m targeting demersal fish, cephalopods, and crustaceans, and < 4% for vessels > 15 meters targeting sole or hake. However, the discard rates can reach ~ 30% in the case of vessels > 15m using trammel nets to target sole in 8a.

	The proportion of undersized fish (no MCRS exists in legislation), varies between 2-100% depending on the métier. Spain Spain references two different fleets -the Volanta fleet of 36 vessels operating in northern Spanish waters; and the Rasco fleet comprising 6 vessels operating in northern Iberian waters (6 vessels). For both fleets, the unwanted catch is reported as zero. Spain also references two metiers operating in subdivision 8c and 9a: • Gillnet targeting hake (GNS_DEF_80-99_0_0) comprising 36 vessels. There is a small bycatch of anglerfish in this fishery of 12 tonnes. Unwanted catch is reported as zero. • Gillnet targeting angler (GNS_DEF_>=100_0_0) comprising 19vessels. Total catches of anglerfish in this fishery are reported as 84 tonnes, with 1 tonne of unwanted catch. Portugal Portugal indicates that 150 vessels fish with gillnets in subarea 9a. Portugal reports that discards of anglerfish are negligible.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France and Spain use this exemption. No indication is provided by either Member State as to the level of unwanted catch recorded and reported against this exemption. Belgium do not use this exemption. Portugal report that there are occasional discards of anglerfish with low commercial value or where they are caught in excess of national catch composition rules. Both of these reasons would seem contrary to the landing obligation.
Supporting Information	
What supporting information/literature reviews has been provided?	On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an

	increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled, and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The Spanish cost study is from the relevant fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The EODE study was caried out in the southern North Sea and eastern Channel. It was carried out on bottom trawlers not static net vessels, so is not considered representative.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No arguments have been put forward which go beyond stating that it is difficult to improve the selectivity in static net fisheries.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	According to the JR, without the exemption the French fishers using static nets would suffer a net loss equal to €91,147 Euro. Whether this is by fleet or vessel is not specified. As the same values are presented in the exemption for horse mackerel in the same area, it seems that this is with regards to all landing obligation exemptions and not only specific to this one.

Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of anglerfish from the gillnetters is negligible (< 5 tonnes). Therefore, the risk associated with the exemption is negligible. However, this cannot be validated as only partial information has been provided.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The justification and supporting information are largely similar to previous submissions to support earlier JRs. The data suggest that the discard rate and volume of unwanted catches of anglerfish that would be discarded under this exemption are low. Therefore, the risk to the stock as a whole from this exemption is likely to be low. However, the arguments to support the case are inferred rather than based on dedicated studies. It is assumed that the selectivity of static nets for anglerfish cannot be improved due to the morphology of the species and that the costs for handling the very small volumes of anglerfish are significant. Given the level of unwanted catches is reported to be negligible for Spain and very small for France, it is not clear why this exemption is needed. Portugal has indicated anglerfish are discarded when they have low commercial value or when they exceed national catch composition rules. Both of these reasons seem contrary to the landing obligation.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting (*Merlangius merlangus*), up to a maximum of 5 % of the total annual catches of that species by vessels using pelagic trawls, beam trawls, bottom trawls and seines in ICES subarea 8. Article 14.1.m of Delegated Regulation (EU)2020/2015, which added pelagic trawls to the scope of the exemption. This exemption was granted until the 31 Dec 2022 under the last consolidated version of the discard plan (post-amendment by Regulation (EU) 2022/2290). The SWW group has requested the reintroduction of this *de minimis* in the new discard plan.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the exemption is required due to the mixed nature of the fisheries in the Bay of Biscay. Whiting is a bycatch in the fishery and according to the JR it is difficult to increase selectivity without significant economic losses of

	other species. The risk of whiting being a choke species in the relevant fisheries is highlighted. Belgium and France also justify the exemption based on disproportionate costs for handling unwanted catches of sorting and storing unwanted catches of whiting on board.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data is provided for France along with catch composition information by metier for 2021 in some cases and 2022 in others. This shows the proportion of whiting in catches in these metiers fishing in ICES divisions 8a and 8b in comparison to the total catch. Belgium provided limited catch data for the beam trawl fleet. No data is provided for Spain, and it is assumed they have no catches of sole in ICES divisions 8a and 8b. The JR indicates that Portugal do not use this exemption as they have no relevant fisheries in 8a and 8b.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France has provided summary tables of catches, landings and discards by the different French fisheries in 2019 and 2020. The data indicates that discarding in the relevant fisheries is very high both in terms of the discard rate and the volumes being discarded for all species combined. For three of the four metiers discarding is in the range of 34-54% with volumes between 2920-9631 tonnes discarded in 2020. Data on the level of unwanted catches of whiting is only partially provided and it is not possible to make any inference based on the information in the JR. No information on the level of whiting unwanted catches is available from the FDI database that could inform the evaluation. The limited data provided by Belgium suggests the catches of whiting are low in the beal trawl fishery in ICES 8a and 8b. No information is provided on unwanted catches.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The JR indicates that French, Belgium and Spanish vessels use the exemption, although no catch information is provided for Spain. Portugal has no vessels participating in the relevant fisheries associated with this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	Most of the supporting information provided comes from France and is largely the same information provided previously. The information is split into studies relating to selectivity and analyses of disproportionate costs. On improving selectivity, France references worked carried out in 2017 and 2018 under the REDRESSE

	and OPTISEL projects. The REDRESSE project investigated improvement of the selectivity of different fishing gears in the Bay of Biscay were tested, including acoustic tests, separator sheets, square mesh panels and T90 were tested in bottom trawl, Mid-water trawl, Danish seines and static net fisheries. Information on whiting were reported in previous STECF evaluations that showed that while whiting selectivity could be improved by certain gear modifications, these resulted in losses of marketable catches. This has meant there has been no uptake. The OPTISEL project focused on improving selectivity for *Nephrops* using grids is not relevant to whiting. In relation to disproportionate costs, France references a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). The JR references a detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board Spanish vessels (General Secretariat for Fisheries, in cooperation with: Tragsatec, the University of Santiago de Compostela and AZTI Tecnalia, November 2019) - the economic viability of managing unintentional catches according to the regulations and affected by the Landing Obligation). This study determined the cost of losing various exemptions in areas 8 and 9 used by bottom trawlers and gillnetters. The exemptions concern: anglerfish, anchovy, hake, horse mackerel, megrim and mackerel but not whiting.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The selectivity work has been carried out in the actual fisheries relating to the fisheries, although in one of the study the focus has been on *Nephrops* selectivity and not for whiting. The Spanish disproportionate cost analysis relates to Areas 8 and 9 and includes some of the relevant fisheries but is not specific to whiting. The French study was carried out in the Eastern Channel and Southern North Sea.

If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The information tends to be generic of the issues relating to the implementation of the landing obligation rather than specific to this exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No substantive arguments are put forward in the JR over and above those provided in previous JRs, evaluated by STECF. In general, the discard rate in the French mixed demersal fisheries, other those using pelagic trawls to target demersal fish seem high at between 34-54%. The volumes discarded are also significant. Specifically for whiting, EWG 23-04 points to the conclusions of EWG 22-05 that improving the selectivity of whiting in towed gears has been shown to be technically possible through the use of square mesh panels or other selectivity devices. Therefore, implementing effective gear modifications to reduce unwanted catches of whiting should be the priority.
Is this based on pilot studies or trials?	Directly and indirectly through trials but much of the information provided does not relate to whiting.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The French EDOE is not specific to the fisheries/metiers covered by this exemption and also date back to 2016 and from a different area. It is not clear how representative they are of the situation in 8a and 8b or specifically for bottom trawlers catching sole. This study provides a generic assessment of the costs, time and manpower considerations associated with the landing obligation. Similarly, a second study provides information on the disproportionate costs associated with implementing the landing obligation in Areas 8 and 9 does not provide specific information relating to this exemption.
Is this based on pilot studies or economic model simulations?	Directly and indirectly through studies and economic evaluations.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	With the data and information provided, this cannot be evaluated. Any estimates of disproportionate costs provided are in relation to the costs associated with implementing the landing obligation rather than specific to this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in	From the information provided it is not possible to evaluate this fully. It appears that the level of unwanted catches of whiting are low in the pelagic

the context of the fishery and the fishing gears used?	fisheries targeting demersal species. However, only partial data is provided for the demersal bottom trawl and seine fisheries with only limited data specifically for whiting. It would appear from the catch composition information provided by France that whiting make up only a small proportion of the overall catches but given the high volumes of discards in these fisheries, even a small percentage would relate to several hundreds of tonnes of whiting catches potentially discarded against this exemption. No data is provided for the Belgium beam trawl fleet operating in Areas 8a and 8b.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Two new French studies are indicated as follows: ACOST - This collaborative project aims to improve the biological, genetic and exploitation knowledge of 4 stocks in the Bay of Biscay classified as "data limited stock": pollack, meagre, red mullet and whiting. For whiting, the objectives are to collect stock monitoring indicators and to produce biomass assessments in order to propose management measures adapted to the stocks in a sustainable manner, as well as to develop innovative tools for data acquisition by the profession and modern stock assessment methods. It is planned to run for a period of 5 years. CASEP - This project is a continuation of previous projects, to maintain a support unit to allow the development and adaption of selective gears through dedicated sea trials with scientific support provided by IFREMER.
EWG 23-04 Conclusions	
The justification and supporting information is largely the same in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. Much of the information provided does not specifically relate to whiting and the justification for the exemption is based on the fact that whiting makes up only a small proportion of the total catch in the fisheries covered by the exemption. The catch data provided has only been partially updated and therefore it is not possible to carry out an evaluation of the impact of the exemption. The JR indicates that whiting catches make up only a relatively small proportion of the catches in the fisheries relevant to this exemption. However, EWG 23-04 notes that the French data indicates that discarding in the relevant fisheries is very high, both in terms of the discard rate and the volumes being discarded for all species combined. For three of the four metiers discarding is in the range of 34-54% with volumes between 2920-9631 tonnes discarded in 2020. Even if whiting represents a small proportion of these discards, it will still equate to several hundreds of tonnes of whiting combined across the different metiers. Based on the total landings of whiting of 1256 tonnes reported in the FDI database for 2021, this would represent an estimated *de minimis* volume of 63 tonnes. However,	

it is likely the volume of unwanted catches far exceeds this and therefore improving selectivity in the relevant fisheries should remain a priority to reduce the level of unwanted catches.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for whiting (*Merlangius merlangus*), up to a maximum of 4 % of the total annual catches of that species by vessels using gillnets in ICES subarea 8. Article 14.1.n of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the exemption is required due to the low level of unwanted catches of sole and the risk of whiting being a choke species in other fisheries due to the low quota. Additionally, the JR states that the exemption is required as an increase in mesh size in the relevant fisheries would result in major economic losses for these fisheries, which comprises two metiers, one targeting demersal species and crustaceans: the other targeting sole. There is also reference to the gillnet fishery for hake, where whiting is a small bycatch.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France has provided catch and fleet data for 2022 for whiting caught in gillnet and trammel net fisheries. France also has provided catch composition data, showing the proportion of whiting in the total catch for the relevant metiers.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Catch data from France shows that only a small volume of unwanted catches of whiting of 10 tonnes are reported in the JR with a discard rate of 5% is reported. The catch composition information shows whiting to make up a small proportion of the overall catches and discards between 0.6%-11%. There is no information on whiting catches in the FDI database under this exemption. No catch information is provided by other Member States.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The JR indicates that both France and Spain use this exemption, although no data or information is provided by Spain. There is no indication of the level of unwanted catches reported against this exemption.
Supporting Information	

What supporting information/literature reviews has been provided?	France references one selectivity study – REDRESSE. The REDRESSE project does not provide selectivity data relating to whiting caught in static nets. The JR that several options were discussed with fishermen operating in the static net fishery for sole to improve selectivity, but no trials were ever carried out as fishermen advised that many different gear modifications had been tested unsuccessfully in the past. Belgium has provided information on the costs and additional time/manpower required for handling unwanted catches of sole on board Belgian beam trawl vessels. The information provided indicates that sorting unwanted catches of sole (<25 cm) would mean 5.89 extra working days each sea trip. Considering the average number of days at sea per trip is within the same range, this means that 1 additional crew member would be needed on board. France references three survivability studies in French trawl and static net fisheries relating to sole carried out between 2018-2021 – ENSURE, SURSOLE and SUMO. Additionally, France references one selectivity study – REDRESSE. The REDRESSE project does not provide data relating to sole. France also references a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. However, as this study was carried out in ICES 7d and 4b, c on board trawlers, it has no relevance to this exemption. Additionally, the JR references a detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board Spanish vessels (General Secretariat for Fisheries, in cooperation with: Tragsatec, the University of Santiago de Compostela and AZTI Tecnalia, November 2019) - the economic viability of managing unintentional catches according to the regulations and affected by the Landing Obligation). This study determined the cost of losing various exemptions in areas 8 and 9 used by bottom trawlers and gillnetters. The exemptions concern: anglerfish, anchovy, hake, horse mackerel, megrim and mackerel but not whiting.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are generic and do not relate directly to the relevant fisheries involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The supporting information is only indirectly related to the specific fisheries involved.

Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No substantive arguments are put forward in the JR over and above those provided in previous JRs, evaluated by STECF.
Is this based on pilot studies or trials?	No
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The French EDOE is not specific to the fisheries/metiers covered by this exemption and also date back to 2016 and from a different area. This study provides a generic assessment of the costs, time and manpower considerations associated with the landing obligation but seems to have no relevance to this exemption. Similarly, the Spanish study provides information on the disproportionate costs associated with implementing the landing obligation in Areas 8 and 9 does not provide specific information relating to this exemption.
Is this based on pilot studies or economic model simulations?	No
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the catch data provided there are indications that the level of unwanted catches in the relevant fisheries is low, with estimates of 10 tonnes and a discard rate of 5%. On this basis, the risk from this exemption is negligible.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	A new French study - ACOST – is referenced in the JR. This collaborative project aims to improve the biological, genetic and exploitation knowledge of 4 stocks in the Bay of Biscay classified as "data limited stock": pollack, meagre, red mullet and whiting. For whiting, the objectives are to collect stock monitoring indicators and to produce biomass assessments in order to propose management measures adapted to the stocks in a sustainable manner, as well as to develop innovative tools for data acquisition by the profession and modern stock

	assessment methods. It is planned to run for a period of 5 years.
EWG 23-04 Conclusions	
The justification and supporting information is largely the same as in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. Much of the information provided does not specifically relate to whiting and the justification for the exemption is based on the fact that whiting makes up only a small proportion of the total catch in the fisheries covered by the exemption. The catch data provided suggests that the level of unwanted catches in the relevant fisheries is low and, in this regard, the mpact of the exemption is likely to be low.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for anchovy (*Engraulis encrasicolus*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines in ICES subareas 8 and 9. Article 14.1.o of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification is based on the low volumes of anchovy caught and the associated costs of handling such catches. Additionally, the JR indicates that in mixed fisheries, it is impossible to avoid small bycatches. It is argued that it is very difficult to improve selectivity for anchovy without causing significant commercial losses.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated information for 2021 and/or 2022 on catch, unwanted catch and fleet was provided by France. No other Member States submitted data.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France identified relevant to this exemption: • Bottom trawls targeting crustaceans, Norway lobster in the Bay of Biscay, involving 183 vessels. • Bottom trawl targeting demersal and cephalopods in the Bay of Biscay, involving 375 vessels. • Demersal seines targeting demersal or cephalopod species in 8a to 8d, involving 13 vessels. • No catches of anchovy were reported in 2019, 2020 and 2021 from these metiers.

	• France reports in 2022 that nearly 4 tonnes of anchovy were caught, with 97% discarded. France also states that the total catch for anchovy in Area 8 for all gears was 248 tonnes in 2022.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Only France has an interest in this exemption. There is no indication as to the level of unwanted catch recorded and reported against the exemption. Spanish, Belgian, Portuguese vessels are not likely to use this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The supporting information provided comes from France and is largely the same information provided previously. In relation to disproportionate costs, France references a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). The JR references a detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board Spanish vessels (General Secretariat for Fisheries, in cooperation with: Tragsatec, the University of Santiago de Compostela and AZTI Tecnalia, November 2019) - the economic viability of managing unintentional catches according to the regulations and affected by the Landing Obligation). This study determined the cost of losing various exemptions in areas 8 and 9 used by bottom trawlers and gillnetters. The exemptions concern: anglerfish, anchovy, hake, horse mackerel, megrim and mackerel.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are generic and do not relate directly to the relevant fisheries involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how	The supporting information is only indirectly related to the specific fisheries involved.

representative is it of the fishery/fisheries covered by the exemption?	
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No information provided.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The French EDOE is not specific to the fisheries/metiers covered by this exemption and also date back to 2016 and from a different area. It is not clear how representative they are of the situation in 8a and 8b or specifically for bottom trawlers catch may have a bycatch of anchovy. This study provides a generic assessment of the costs, time and manpower considerations associated with the landing obligation. Similarly, a second study provides information on the disproportionate costs associated with implementing the landing obligation in Areas 8 and 9 does not provide specific information relating to this exemption.
Is this based on pilot studies or economic model simulations?	Directly and indirectly through studies and economic evaluations.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	With the data and information provided, this cannot be evaluated. Any estimates of disproportionate costs provided are in relation to the costs associated with implementing the landing obligation rather than specific to this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of anchovy are low. Therefore, the risk associated with the exemption is not negligible. However, this cannot be verified from the information provided.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	CASEP - This project is a continuation of previous projects, to maintain a support unit to allow the development and adaption of selective gears through dedicated sea trials with scientific support

	provided by IFREMER. This study seems to have limited relevance for this exemption.

EWG 23-04 Conclusions
The justification and supporting information is largely the same as in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. Much of the information provided does not specifically relate to anchovy and the justification for the exemption is based on the fact that anchovy makes up only a small proportion of the total catch in the fisheries covered by the exemption. The catch data provided suggests that the level of unwanted catches in the relevant fisheries is low and, in this regard, the impact of the exemption is likely to be low. Given the low levels of unwanted catch it is not clear why the exemption is needed.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for red seabream (*Pagellus bogaraveo*), up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawls, bottom trawls and seines in the Gulf of Cadiz part of ICES subarea 9a. Article 14.1.p of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	While not directly stated, EWG 23-04 assumes that the justification for the exemption is the same as assessed by STECF 22-05 and STECF 21-05 and based on the detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated information for 2022 is provided by Spain. No other Member State uses this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Spain indicates one metier - Otter Bottom Trawl targeting mollusc, crustaceans, and demersal spp. (OTB_MCD_>=55_0_0) – is relevant for this exemption. This metier comprises 131 trawlers. The JR indicates total catches were 6 tonnes in 2022. No unwanted catches were reported in 2018, 2019, 2020, 2021 and 2022. Overall, the total discard volumes of sole reported is zero.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Only Spain has an interest in this exemption. No indication is provided on the level of unwanted catch reported and recorded against the exemption. In fact, unwanted catches seem to be close to zero. French, Belgium, Portuguese vessels are not likely to use this exemption.
Supporting Information	

What supporting information/literature reviews has been provided?	No information provided.
Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No information provided.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	No information provided.
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches and % discarded of seabream is very low. Therefore, the risk associated with the exemption seems negligible.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	ICES (2022) cannot assess the stock and exploitation status relative to MSY and precautionary approach reference points because the reference points are undefined. ICES advice for 2023 and 2024 is to undertake a precautionary approach corresponding to a catch of <114 tonnes
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
Very limited new information has been provided so no evaluation can be made and the conclusions of EWG 22-05 and EWG 21-05 are still relevant. The volume of unwanted catches and % discarded of seabream is very low. Therefore, the risk associated with the exemption seems negligible. It is not clear why this exemption is needed given the unwanted catches are reported as being zero since 2018.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for sole (*Solea spp*.) up to a maximum of 1 % of the total annual catches of sole by vessels using beam trawls, bottom trawls and seines in the Gulf of Cadiz part of ICES subarea 9a. Article 14.1.q of Delegated *Regulation* (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	While not directly stated, EWG 23-04 assumes that the justification for the exemption is the same as assessed by STECF 22-05 and STECF 21-05 and based on the detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated information has been provided by Spain for 2022. No other Member State uses this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Unwanted catches of sole are very low (nil in 2022, 2020 and 2019; 3% in 2021 of the total 22 tonnes caught, and 1.4% in 2018 of the total 26 tonnes caught) Overall, the total discard volumes of sole are negligible (ca 0.5 tonnes in the overall period 2018-2022).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as to the level of unwanted catch recorded and reported by the Member State against the exemption?	Only Spain has an interest in this exemption. French, Belgium, Portuguese vessels are not likely to use this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	N/A

Is this information taken from the actual fishery/fisheries relating to the exemption?	N/A
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	N/A
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	N/A
Is this based on pilot studies or economic model simulations?	N/A
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	N/A
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches and % discarded of sole is very low. Therefore, the risk associated with the exemption seems negligible. However, this cannot be verified.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	N/A
EWG 23-04 Conclusions	
Very limited new information has been provided so no evaluation can be made and the conclusions of EWG 22-05 and EWG 21-05 are still relevant. The volume of unwanted catches and % discarded of sole would appear to be zero. Therefore, the risk associated with the	

exemption seems negligible. It is not clear why this exemption is needed given the unwanted catches are reported as being zero since 2018.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for blue whiting (*Micromesistius poutassou*) up to a maximum of 5 % of the total annual catches in the industrial pelagic trawler fishery, which targets blue whiting in ICES subarea 8 using midwater trawls and midwater pair trawls and processes that species on board to obtain surimi base. Article 14.1.r of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification for this exemption is the same as assessed by STECF previously (EWG 18-06, 19-08, 20-04). It relates to food security issues from damaged or undersized blue whiting that cannot be processed on board and must be discarded. The cost of landing and handling damaged blue whiting is estimated to be uneconomically disproportionate. The JR also states that there is no way to increase the selectivity of the fishery to avoid unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	The exemption involves one French factory trawler. Catch data has been provided by France in respect of the vessel involved.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data indicates a total unwanted catch of blue whiting of 110 tonnes out of a total catch in the fishery of 5386 tonnes, a discard rate of about 2%. It is not clear where these figures originate and there is no information in the FDI database to compare against.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The exemption relates to one French vessel. No other Member State uses this exemption. There is no indication of the volume of unwanted catch recorded against this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The main supporting information is in the form of a description of the process on board this vessel. While the information presented is largely qualitative, it describes the problem in detail and provides a justification for the exemption from several perspectives relating to the disproportionate costs of handling damaged and undersized blue whiting on board. As the vessel does not usually

	return to port until fully loaded, retaining such catch on board would shorten the duration of each fishing trip by at least 15%. The vessel would have to make 5 fishing trips in a year instead of 4 to land the same total catch. The additional time at sea, estimated that 12 days of extra route would create an extra cost of roughly €180,000 with additional unspecified costs for handling such unwanted catches.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, the information provided relates to the specific fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	There is a statement in the JR to the effect that there is no way to increase the selectivity of the fishery to avoid unwanted catches. The French vessel uses a 50 mm mesh in the codend, which is more than the legal minimum mesh size. Using a mesh size larger than 50 mm would result in significant losses of blue whiting, which are not likely to survive the escapement process.
Is this based on pilot studies or trials?	No.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A description is provided of the processing carried out on board and provides costings and impacts of not granting the exemption on the basis of having to handle the undersized blue whiting separately.
Is this based on pilot studies or economic model simulations?	Operational information and economic assumptions.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. However, no assessment as to whether the losses indicated are disproportionate or not is possible, having little information on total income or other indicators on the vessel economics.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Limited new catch information specific to catches from ICES subarea 8 has been provided and therefore, full assessment of the impact of this exemption is not possible. However, it is noted that the volume of unwanted catch of blue whiting

	compared to the total catch for 2022 by the industrial vessel availing of this exemption is relatively small (110 tonnes) and would have not have any impact on the overall blue whiting stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No
EWG 23-04 Conclusions	
Similar exemptions in NWW and the North Sea. The justification and supporting information is largely the same as in previous years, based on both arguments around improvements in selectivity being very difficult to achieve and disproportionate costs. No dedicated studies are provided, and the supporting information largely is based on a description of the onboard processing and the costs associated with handling unwanted catches of undersized blue whiting. The limited new catch information does not allow a full assessment of the impact of this exemption, and it is not clear where the figures provided originate from (i.e., logbook or observer data). However, it is noted that the volume of unwanted catch of blue whiting compared to the total catch for the industrial vessel availing of this exemption is relatively small and would have not have any impact on the overall blue whiting stock.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for albacore tuna (Thunnus alalunga) up to a maximum of 5 % of the total annual catches in the albacore tuna directed fisheries using midwater pair trawls (PTM) and midwater trawls (OTM) in ICES subarea 8. Article 14.1.s of EU regulation 2020/2015
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The JR highlights three reasons for the discarding of albacore in the relevant fishery: · Undersized individuals · Poor quality of fish · Low quota. The JR states that the exemption is required to offer more flexibility to fishermen in carrying out their activity. Additionally, the JR indicates that much work has been done on the selectivity of pelagic trawls, and the disproportionate costs of losing an exemption would make this fishery uneconomic. Finally, as a similar exemption is in place in NWW and the vessels of this fleet are likely to work in these two areas, the exemption is needed to ensure consistency between sea basins.

Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data has been provided for France. Catch composition information by metier for 2020 is also provided. This shows the proportion of albacore in catches in the relevant metier fishing in ICES subarea 8 in comparison to the total catch.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data indicates a total unwanted catch of albacore of 19.8 tonnes out of a total catch in the fishery of 4326 tonnes in 2022. It is not clear whether this is the total catch by French vessels only or in the fishery as a whole. The discard rate is marked as unknown in the JR. In discussing disproportionate costs, the JR also cites a figure of approximately 316 tonnes of albacore with an average discard per vessel is 6.72 tonnes/vessel and disard rate of 6.9%. It is not clear where these figures originate. The FDI data base indicates a total catch by French and Irish vessels in subarea 8 of 4,940 tonnes in 2021. No information of the level of unwanted catches is provided in the FDI database. The catch composition data shows the fishery is a targeted fishery for albacore, which make up more than 95% of the total catch. Albacore tuna make up 6.6% of unwanted catches in the fishery.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	This exemption is used by French vessels only. There is no indication of the volume of unwanted catch recorded against this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	The JR references two studies: The REDRESSE project from 2018 which tested Improvement of the selectivity of different fishing gears in the Bay of Biscay. Acoustic tests, separator sheets, square mesh panels and T90 were tested on: bottom trawl, Mid-water trawl, Danish seine and static nets. During this project square mesh panel trials on bluefin tuna selectivity were carried out, with the objective of letting bluefin tuna under 30kg escape. Albacore tuna would not be sensitive to this device and would be caught regardless of size. No results from this study are presented. An economic study carried out by IFREMER in 2015 which estimated the variation in revenue (damaged catches taking the place of commercial catches) considering hold space as a constraint (saturated hold capacity before landing obligation). The study compares the value of commercial catches against the projected value of undersized catch. According to the analysis, the latter are sold for the production

	of animal meal. For whiting and albacore, the price is about 150€/tonne. The JR also provides cost estimates for handling and landings of unwanted catches in the albacore fishery. This analysis indicates that if this exemption was not in force, vessels would have to make an extra round trip to cover their costs.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Directly and indirectly. The cost estimates are taken from the fishery based on information provided by the Producer Organisations.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	It is not clear from the information provided.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Limited information is provided on a study carried out in 2018. However, this study considered gear modifications to release undersized bluefin tuna, not albacore. No results are presented.
Is this based on pilot studies or trials?	Not clear from the JR.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The arguments provided relating to the 2015 IFREMER analysis on the reduction of revenue associated with the handling and landing of undersized fish is generic. The costs estimates provided based on information from the Producer Organisations indicate without this exemption, the vessels would be in deficit of their sales, if they were obliged to bring the damaged albacore ashore. It is not possible to evaluate whether this is correct or not based on the information provided.
Is this based on pilot studies or economic model simulations?	Cost and price information.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	No assessment as to whether the losses indicated are disproportionate or not is possible, having little information on total income or other indicators on the vessel economics.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Limited new catch information specific to albacore has been provided and therefore, full assessment of the impact of this exemption is not possible. It is noted that the volume of unwanted catch of albacore compared to the total catch for 2022 by the vessels operating in the fishery (French and

	Irish) is relatively small (110 tonnes) and would not appear to have an impact on the overall albacore stock. However, the JR indicates a discard rate of 6.9% that would be in excess of the 5% *de minimis* exemption requested. It is not clear what would happen to these residual catches
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No
EWG 23-04 Conclusions	
The justification for the exemption has not changed and is based, primarily on the fact that the level of unwanted albacore catches is low and the economics on handling and storing such catches on board make it uneconomic. Limited new supporting information has been provided in the current JR to support the exemption over and above what has been provided previously in 2014. The information provided does not objectively demonstrate the JRs suggested losses to the fleet in the case of the repeal of the *de minimis* exemption. The new catch information does not allow a full assessment of the impact of this exemption, and it is not clear where the figures provided originate from (i.e., logbook or observer data). However, it is noted that the volume of unwanted catch of albacore compared to the total catch for vessels availing of this exemption is relatively small and, in all probabilities, would have little impact on the overall northern albacore stock. There does appear a mismatch between the discard rate in the fishery of 7%, compared to the *de minimis* exemption of 5%. There is no indication in the JR as the impact of having to land these residual unwanted catches.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for anchovy (*Engraulis encrasicolus*), mackerel (*Scomber scombrus*) and horse mackerel (*Trachurus spp*.) up to a maximum of 4 % in of the total annual catches in the pelagic trawl fishery which targets anchovy, mackerel, and horse mackerel in ICES subarea 8 using pelagic trawls. Article 14.1.t of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for horse mackerel.

	c) Low level of the TAC makes horse mackerel a potential choke species. d) Fishermen require flexibility offered by this exemption to implement the landing obligation. e) It provides a stopgap whilst further research into optimizing selectivity (also by unwanted catch avoidance) is carried out. The JR also highlights avoidance strategies are being followed: • Avoidance of areas. • Adapting fishing periods to minimise discards. • Adapting the fishing strategy to reduce discards
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data is provided by France. No other Member State uses this exemption.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> France identifies two metiers relevant to this this exemption as follows: • Pelagic trawlers targeting small pelagics in the Bay of Biscay, comprising 31 vessels using pelagic trawls or pelagic pair trawls. Discard rates reported for anchovy was 8.1%, 6.2% for horse mackerel and zero for mackerel based on 2021 data. • Pelagic trawlers targeting demersal species in the Bay of Biscay, comprising 47 vessels using otter trawls or a pair trawls. Discard rates reported were 3.2% for horse mackerel and 2% for mackerel based on 2021 data. No catches of anchovy are reported. • The total unwanted catches were reported as 52.8 tonnes of discards for all three species, with a discard rate of 4.5%.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France is the only Member State using this exemption. No indication on the level of unwanted catch recorded and reported by against the exemption is provided.
Supporting Information	
What supporting information/literature reviews has been provided?	France referenced a selectivity study- REDRESSE - from 2017. During this project a range of selectivity devices and gear modifications were tested including T90 mesh, separator sheets, square mesh

	panels on beam trawls, bottom trawls and seine nets. The results suggest that there are selectivity improvements possible but at a cost due to commercial losses. On disproportionate costs, France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). Additionally, France summarised the results from a Spanish study that developed estimates of the economic impact per metier. The JR contends that the landing obligation implies that the catches that were previously discarded are now to be retained, handled, and stored on board. The study estimates the additional effort and workload in terms of time and economic value associated with implementing the landing obligation. Previous STECF EWGs have evaluated this study. France also provided a 2019 study into the sanitary status of mackerel and horse mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that mackerel and horse mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Most information is taken from the relevant fisheries. One study is based on inferences from other areas (EODE). The Spanish increased cost study from 2019 shows results for the French fleet. The disproportionate cost study is from NWW. The sanitary study was conducted in Bretagne.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in the fishery or in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials would seem representative given these similarities (with the exception of the 2016 EODE study).
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in	The French and Spanish selectivity trials indicate that it is possible to improve selectivity. However, uptake of any of the gear modifications or selectivity

the relevant fishery/fisheries is very difficult to achieve?	devices tested is restricted due to the corresponding losses of marketable catch. There is limited information specific to pelagic species in the studies presented.
Is this based on pilot studies or trials?	Selectivity trials
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The EODE study suggests increased working time due to sorting, is on average 2.75 hours per 23-hour trip depending on vessel size. However, this is based on information from different fisheries. There is not enough information presented to assess the representativeness of this study to the relevant fisheries covered by this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There is not enough information provided to assess the impact of this exemption on the relevant stocks. However, for the widely distributed horse mackerel stock ICES advises zero catch for 2023 following MSY approach. The stock is below Blim with F being over Fmsy. A bycatch TAC has been set for 2023 and any unaccounted mortality would have a negative impact on the stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new research or studies are planned.
EWG 23-04 Conclusions	
The limited justification and supporting information provided is similar to that submitted to support the original request for this exemption in 2010. Therefore, the previous conclusions remain relevant. Only partial catch data has been provided and without absolute discard values, no assessment of the impact of the exemption can be made. EWG 23-04 also highlights that the	

western horse mackerel stock is subject to zero catch advice for 2023 as the stock is below Blim. Care needs to be taken to not aggravate the situation by this exemption and increase mortality on this stock. It would be prudent to consider this exemption with other exemptions that include the western horse mackerel stock. Aside from the stock status, the exemption proposal presents limited supporting evidence that increasing selectivity without reducing yield is very difficult. This exemption is seen as a measure to breach the gap before improvements can be implemented but this has been the case since 2014, when the exemption was first proposed. The supporting information provided relating to disproportionate costs is generic, with limited relevance to the fisheries covered by this exemption.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	*De minimis* exemption for horse mackerel (*Trachurus spp.)* and mackerel (*Scomber scombrus)* up to a maximum of 4 % of the total annual catches and for anchovy (*Engraulis encrasicolus*) up to a maximum of 1 % of the total annual catches using purse seines in ICES subareas 8, 9 and 10 and CECAF divisions 34.1.1, 34.1.2, 34.2.0. Article 14.1.u of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The justification of the exemption is based on the following: a) A small proportion of catch and keeping them on board would increase costs disproportionately. b) Selectivity cannot easily be improved for purse seine fisheries. c) The vessel may not have quota for all species caught in the fishery. d) The proportion of low value species in the catch is too high. e) The species caught is not the species being targeted. f) The catch includes species for which the quota is already caught. The JR also highlights avoidance strategies are being followed: • Avoidance of areas. • Adapting fishing periods to minimise discards. • Adapting the fishing strategy to reduce discards
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet information was provided by France, Spain and Portugal.

	Belgium has no purse seine vessels.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	<u>France</u> France had a fleet of 34 Purse seiners in 2021. The discard rate for anchovy was 4.2%, 0.1% for horse mackerel. No unwanted catches of mackerel were reported. No absolute values are provided. <u>Portugal</u> Portugal had a fleet of 172 purse seiners in 2021. Discards were reported as 12 tonnes for horse mackerel and 45 tonnes of anchovy. No catch data is provided for mackerel. <u>Spain</u> Spain had a fleet of 80 purse seiners in 2022. For this fleet, only 4 tonnes of unwanted catches of mackerel were reported.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Portugal and Spain are using this exemption. There is no indication as to the level of unwanted catch recorded and reported by any Member State against the exemption. Belgium does not use this exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France referenced a study carried out in 2016 – EODE – on the handling costs associated with the landing obligation. This study was carried out in ICES 7d and 4b, c. The study estimated that the fishermen of the <18 meters trawlers would spend 2 additional hours and 45 minutes per fishing trip (23 hours on average) to sort theses catches. The total landing obligation enforcement would cause a workable time increase, on board of around 30% to 60%, depending on vessel size. With the landing obligation, the catch sorting time would be increased (6h54 con 4h06 without), along with the stowage time. The same results were observed for > 18m trawlers, with an increase of the catch sorting time (from 7h36 to 10h) and the stowage time (one hour). France also provided a 2019 study into the sanitary status of mackerel and horse mackerel throughout a fishing trip (day caught until day caught + 10days). The tests performed and showed that mackerel and horse mackerel older than 5 days are not fit for human consumption. The study does not show data between 2 days and 6 days.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Most information is taken from the relevant fisheries. One study is based on inferences from other areas (EODE). The sanitary study was conducted in Bretagne.

If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in different fisheries with different gears. None of the studies are relevant to this exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No information is provided.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. The study is generic and not specific to this exemption, and whether this is credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for catch sorting along stowage time.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The EODE study suggests increased working time due to sorting, is on average 2.75 hours per 23-hour trip depending on vessel size. However, this is based on information from different fisheries. There is not enough information presented to assess the representativeness of this study to the relevant fisheries covered by this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There is not enough information provided to assess the impact of this exemption on the relevant stocks. However, for the widely distributed horse mackerel stock ICES advises zero catch for 2023 following MSY approach. The stock is below Blim with F being over Fmsy. A bycatch TAC has been set for 2023 and any unaccounted mortality would have a negative impact on the stock.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	France references one new project - CASEP project – which aims to study the selectivity of the Danish Seine, in the Bay of Biscay. This study would seem to have little relevance to this exemption.
EWG 23-04 Conclusions	
The limited justification and supporting information provided is similar to that submitted to support the original request for this exemption in 2010. Therefore, the previous conclusions remain relevant. Only partial catch data has been provided and without absolute discard values, no assessment of the impact of the exemption can be made. EWG 23-04 also highlights that the western horse mackerel stock is subject to zero catch advice for 2023 as the stock is below Blim. Care needs to be taken to not aggravate the situation by this exemption and increase mortality on this stock. It would be prudent to consider this exemption with other exemptions that include the western horse mackerel stock. Aside from the stock status, the exemption proposal presents limited supporting evidence that increasing selectivity without reducing yield is very difficult. This exemption is seen as a measure to breach the gap before improvements can be implemented but this has been the case since 2014, when the exemption was first proposed. The supporting information provided relating to disproportionate costs is generic, with limited relevance to the fisheries covered by this exemption	

6.2 Proposals for high survivability exemptions

A summary of the proposed high survivability exemptions is given in Table 6.2.1.

Table 6.2.1. Summary of high survivability submitted as part of the SWW Joint Recommendations

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for Norway lobster caught in ICES subareas 8 and 9 with bottom trawls. Article 9 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	In either target or mixed species bottom-trawl fisheries discards of *Nephrops* are generated: • When individuals are undersized, damaged and of low market value. • Due to a lack of quota. • Due to high grading given extra constraints in the Portuguese legislation.
Supporting Data	
Have survivability estimates been provided?	No new survival estimates have been provided. The estimates provided to previous EWGs remain relevant as follows: In the French SUTRINE study (reviewed by EWG 17-03), the derived survival rates were calculated as 36.9% (20.9-52.9%) for individuals with the "standard" sorting process and 51.2% (30.9-71.5%) for individuals sorted with the "chute system". These survival estimates should be interpreted as the minimum discard survival

	estimates that do not account for induced experimental mortality and exclude marine predation. In Spanish fisheries, the operational conditions (depth, large catch volumes, with crushing and abrasion inside the codend) may contribute to reduced survival rates. These have never been quantified for the Spanish fishery. No new evidence from Portugal was submitted other than referring to a study by Castro et al. (2003) with overall survival estimated at 35%.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Studies of the post-release survival of *Nephrops* included captive observations as well as tagging programmes have been provided previously. EWG 17-03 concluded that the SUTRINE study provided robust scientific estimates on the survival of discarded *Nephrops.* There was a difference in the survival rates between the two sorting methods, whereby using the new chute system improves the survival chances of *Nephrops* by around 15%. The chute sorting system is now mandatory for the French fleet. From the Spanish tagging programme, almost none were recaptured indicating low survival probability.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	French otter trawlers catch an unreported total amount of *Nephrops* of which 35% are being discarded. Marketable *Nephrops* are kept alive onboard for live sale. Spanish mixed demersal otter trawlers caught between 6925 and 13828 tonnes of *Nephrops* in 2022. No information is provided on levels of unwanted catch. Portuguese and Spanish trawlers discard very small quantities (around 1% discard rate) but no absolute estimates are provided in the JR. A key issue for *Nephrops* discard survival is the location where the discarding occurs. *Nephrops* associate with specific seabed habitats of mud and sandy mud into which they construct burrows. Therefore, *Nephrops* must be discarded back to suitable habitats in order to survive. No information is provided to describe the potential extent of displacement, on where the discarding occurs, or how extensive and homogenous the suitable seabed type is where discarding occurs.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant	No evidence was located from SWW fisheries that illustrate adaptations to make gear more selective.

fisheries to reduce the level of unwanted catches discarded under this exemption?	
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	In France, on-board some otter-trawlers where there is enough space sorting tables and chutes are used for a quick release back into the water. The JR indicates that the chute system does not work for Spanish trawlers.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	With incomplete catch and discard data, the projected impact on the stock is difficult to assees. In FU 25, ICES gives zero catch advice indicating a declining biomass. There is some indication that discard survival in Spanish operations may be much lower (due to trawling in deep-sea habitat and crushing in filled nets). However, unbiased discard estimates are lacking for this fleet.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There are no new studies.
EWG 23-04 Conclusions	
Following EWG 17-03, it is concluded that the French study provided robust scientific estimates of discard survival, but that caveats exist about total amount of catches and discards per metier and member state. Further, the provided survival estimates do not account for induced experimental mortality, exclude marine predation, and do not consider displacement of discarded individuals. The different characteristics do not allow for transferability of discard survival rates across fleets given that discard chutes cannot be installed on-board Spanish vessels that proved efficient in reducing discard mortality among French vessels. Incomplete catch and discard data do not allow for a projection of impacts on the stock. ICES issued zero catch advice for Norway lobster in FU 25, therefore caution is needed not to aggravate the situation by this exemption and increase mortality on this stock.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Skates and rays caught by all gears in ICES subareas 8 and 9. Article 10 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required to prevent skate and ray species becoming choke species in multiple fisheries where they are caught as a bycatch. Improving selectivity or implementing avoidance measures are not options given the morphology and wide distribution. In Portugal some high grading may take place due to extra national

	restrictions. High grading would seem contrary to the landing obligation.
Supporting Data	
Have survivability estimates been provided?	New survival evidence for skates and rays has been provided by the Southwestern Waters Member States Group including a study of discarded ray species from trammel net fisheries in Portugal (Castelo, 2021; PPCENTRO project) and some new observations of the French SURF project. Previous survival estimates are also referenced in the JR: A study from FROM NORD was carried out in the English Channel on-board a French Danish seine vessel or concerned other species than rays (i.e. DISCARDLIFE from Spain) or were done on-board research vessels and were thus, not relevant here. The new study referenced was a captive holding experiment (Castelo, 2021), where 49 blonde ray (*Raja brachyura*) and 27 spotted ray (*R. montagui*) were vitality assessed and 21 and 14 rays, respectively monitored for any fisheries-related mortality in captivity for at least 21 days. Survival rates were 76% and 54% for trammel-net-caught-and-discarded blonde and spotted ray, respectively. It is unclear whether the selection of rays to be monitored in captivity occurred at random which otherwise could have biased estimates if for example only skates in excellent condition were monitored for survival. Together with the previous estimates of skates and ray survival (Tagging, captive and vitality studies) as assessed by STECF (EWG 20-04, EWG 21-05, EWG 22-05 and references therein) remain the best available for the SWW set net and trawl fisheries. These can be summarised as: Previous evidence from Portugal in area 9 for thornback, spotted, blonde and undulate rays was evaluated in EWG 19-08, based on vitality data that do not constitute discard survival estimates but indicate survival potential, and tagged undulate rays caught by trammel nets with a return rate of 11%. Previous evidence was evaluated by EWG 18-06 for rays discarded from Spanish otter trawls and trammel net s in ICES areas 8c and 9a. Survival of thornback ray (after 1 month of captive observation) was estimated at 17% (10-27%, 95% CI) when discarded from otter trawls. The observations from trammel nets were not reported by species (projects: DESCARSEL0917: Study on survivability of rays (*Raja clavata*, *Raja montagui*) in otter-trawl fisheries at Iberian waters ICES 8c and 9a; DESCARSEL0318: Study on survivability

	of thornback ray (*Raja clavata*) in otter-trawl fisheries at Iberian waters ICES 9a). Previous evidence was provided from Spain (EWG 20-04) provided for thornback ray in area 9a with bottom otter trawl. Estimated survival of thornback ray at medium term was 58% (47.7%-69.9%). The study did not use control individuals, and there was no observation to asymptote (up to 48h), therefore survival may have been overestimated. Also, there was no mention of the number of individuals assessed. The study did not find an effect of air exposure (30 and 60 min). Vitality evidence from two scientific trawls surveys was evaluated by EWG 19-08. Most of rays were found in Excellent or Good conditions (60-72%), however, these data are not representative of commercial fishing conditions due to the short tow duration of 30 mins. ENSURE project (ICES division 8a): undulate rays (144n) tagging study using acoustic tags and released from small single rig otter trawlers (under 12m). At least 49% of the rays survived the first 14 days after being released. Survival evidence was relevant for the French small otter trawl fishery, which contribute to 29% of the French discards in area 8a for undulate ray (of concern given high discard rate in coastal fisheries for the areas of interest) (Morfin et al., 2019). SURF project (Cuckoo ray): SURF project aimed at estimating the survival rate to discarding of skates and rays caught in zones 7 and 8 by French bottom trawlers. The average survival rate of skates fished with bottom trawls in zones 7 and 8 was estimated at between 12% (for vessel 1 in winter) and 22% (for vessels 5 and 2 in spring and summer respectively). The overall survival probability for cuckoo ray across seasons and vessels between 14-23% (95%CI). There was some indication of captivity related effects (20% of controls died in the summer, and up to 80% in the winter). The observations from winter were therefore not used for estimating the relationship between vitality index and long-term survival. A slightly lower survival rate was observed during winter but variability between vessels was larger than between seasons. The most important factor identified to affect survival rate was haul duration but also wave height, fishing depth, air temperature and duration of air exposure displayed significant effects. Discard data for cuckoo ray from France reports a discard rate of 27% is reported for the particular fishery. This is concern given the observed low survival estimates observed in the French trials. SUMARIS project also mentioned in JR. However, the SUMARIS study was not conducted ICES areas

	8 or 9: Blonde, thornback, undulate and spotted ray species caught using otter trawls, beam trawls and nets in the English Channel and NNW.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Some studies provided empirical observations, others were based on a proxy, using relationships from other studies between health condition and survival probability.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The provided information for fisheries catches is difficult to put into context with the survivability evidence, because either catches are lumped across species, fisheries, or areas, or both. Some detailed and useful fishing effort statistics were provided by France, Spain and Portugal. Belgian catch and discard data were lacking from the Bay of Biscay. For some countries (i.e., Spain) the catch and discard information provided was incomplete. Filling the gaps in catch data for ray species should be prioritised to allow for a full assessment of this exemption on the relevant species. Discard rates of 8% were reported for rays in French fisheries; for Spanish otter trawls discard rates of 16-31% are reported for thornback rays. For Cuckoo ray, reported discard rates range between 27 and 39%. If DCF observers cover fishing operations of these fleets, it would be necessary to routinely collect information about the frequency of occurrence of slipping events, an estimate of the quantity (e.g., drone image) and the parameters that can contribute to crowding, the level of equipment on board; crew support size; catch size; weather conditions.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	Evidence to improve selectivity was not provided or not explicitly highlighted. Although recently a webinar by the Dutch Elasmobranch Society featured talks about 'Advances in selectivity and avoidance of sharks and rays in mixed fisheries', including net and operational gear adaptations to improve selectivity.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	Best practice guidelines were disseminated to fishers in Spain to mitigate any deleterious impacts from sorting and handling catches on-board and to facilitate a swift release. An identification sheet for skates and rays caught was prepared by National Museum of Natural History and the French National Committee for Fisheries and Marine Aquaculture to improve species identification.

	In Belgium, an Android iStore app has been developed to facilitate the species identification of 6 rays species using computer vision technology. Other self-reported smartphone applications, such as Mofi (from Anchorlab) allow for a geo-tagged registration of endangered, protected, and threatened species catches and can contribute to global biodiversity databases.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	With reported, relatively low discard survival rates and unknown, but potentially substantial volume of unwanted catches of cuckoo ray (with reported discard rates between 27 and 39%), this discard intensity could equate to high levels of discard mortality associated with this exemption. For the other rays and skate species, the provided evidence from species-specific catch and discard rates is too scant to be able to make a conclusive statement about the potential impact.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is an ongoing study by FROM Nord. Some new survival data has been presented by Portugal (see Castelo, 2021; PPCENTRO project) and additional data from the French SURF project. Survival data provided from previous projects is valuable but commented on by EWG in previous years. The study by FROM Nord concludes in 2023. This will entail a survivability study of thornback rays caught with Danish seines. It is a 9- month project carried out by the FROM Nord, a French Producer Organisations, as part of its 2022 production and marketing plan (PPC). In the context of supporting the exemption of skates and rays from the landing obligation, this study will also provide additional elements to the SUMARiS project, which did not examine the Danish seine. This extension of the SURF project is intended to increase scientific knowledge about survival of cuckoo ray. It will take place at the junction between the Bay of Biscay and the Celtic Sea and will be led by IFREMER. The first results will be available in 2023. The Portuguese roadmap noted that in the near future, the plan for skates and ray survivability experiments needs to be revised and is dependent on availability of adequate facilities for these research experiments. Further work is required to increase knowledge of discard survival for skates and rays in each fishery at various times during the year.
EWG 23-04 Conclusions	

Given the relatively low discard survival of cuckoo ray, and potential substantial discarding of this species, its continued discarding may affect its stock. For the other rays and skate species, the provided evidence from species-specific catch and discard rates is too scant to be able to make a conclusive statement about the potential impact. Discarded quantities by Belgian vessels which are covered by DCF observer trips should be provided for a complete picture. For some vessels to which this exemption would be applied, no additional data are provided. There are some indications that impacts vary by gear types and species with passive gears such as trammel nets indicating higher survival than demersal otter trawls.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Red seabream caught by vessels using the artisanal gear *voracera* in ICES division 9a and with hooks and lines in ICES subareas 8 and 10 and ICES division 9a. Article 11(1) of Regulation (EU) No 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption is required to prevent an increase in overall fishing mortality by landing of undersized individuals which otherwise would have had a chance to survive.
Supporting Data	
Have survivability estimates been provided?	Two survival studies were located as scientific evidence to support this exemption. One included a roadmap of Portuguese survival studies which was previously reviewed by STECF. This roadmap referred to the results from survival experiments detailed in a report dated May 2019 ("Blackspot seabream (*Pagellus bogaraveo*) in Portugal mainland (ICES Division 27.9.a): fisheries characterization and survivability experiments". Most of the specimens were found to be in Excellent (85-89%) or Good (8-12%) conditions, and the at-vessel-mortality observed in the sampled trips was 0.6-2.6%. The observed survival rate in captive conditions after 36 hours was 86%. This study was reviewed by EWG 19-08 and limitations in the methodology, particularly in the short monitoring period were identified, which were considered likely to have overestimated survival. Another study was located which described experiments from the Spanish voracera fishery off the coast of Gibraltar in approx. 400 m deep water (Ruiz-Jarabo et al. 2021). Sub-lethal, physiological effects were observed of captive-bred fish that were chased for 10 min in the tanks. On-board survival of hooked-and-released individuals was assessed at 5 hours after capture at 91%. Without having accounted for any protracted mortality

	events and having monitored until the survival curve levels off (at asymptote), survival was overestimated, and from an unspecified, but possibly small sample size. Vitality observations of 283 and 168 blackspot seabream were collected from individuals caught from deep-water bottom longlines and handlines, respectively around the Azores in 2021 (Annex 3). At-vessel mortality was 28% and 30% for bottom longlines and handlines, respectively. As part of a long-running acoustic and satellite tagging programme around the Azores since 2001, 155 blackspot sea bream were tagged and of which 105 survived at least 8 days (Annex 3).
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Provided survival estimates are from both field and laboratory studies and include tagging as well as captive observations. The Portuguese study is used to justify similar survival rates from the French hook-and-line fishery off the coast in the Gulf of Biscay based on the argument that fishing activities between these two fleets is similar. Results from the Azores come from deepwater hook-and-line up to 2000 m in depth vs coastal fishers in France operating in 50 m deep water. EWG 19-08 concluded that the Portuguese study was not robust by possibly having overestimated delayed survival and that further studies are needed to generate robust survival estimates. Another scientific study on acoustic telemetry suggested the effects of capture from deepwater hook-and-line fisheries can have sub-lethal or lethal effects on deepwater physoclist teleost fishes such as red seabream due to barotrauma and decompression disease when being hauled up and from the time spent at the surface (Afonso et al., 2012). Afonso et al. 2012 suggested that such an effect can be exacerbated among larger individuals. None of the reviewed studies, neither from the tagging programmes nor the captive holding trials provide estimates representative for the fishery, and by reporting on survival after relatively short periods potentially overestimate survival.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	Based on the catch statistics provided from France, Spain and Portugal reported landings of 10, 16-86 and 30-570 t per year, respectively. Discarded amounts were either not available or considered negligible. Discarding of blackspot seabream decreased around the Azores in 2020-22 compared to an earlier period 2000-14 from 20% to 2% as a consequence of fishing with smaller hooks (Annex 3). STECF are not aware of the basis for it, considering that normally a reduction in hook size leads to an increase in smaller-sized

	individuals. Without certainty in discard survival estimates and discarded amounts, it is difficult to evaluate potential impact.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	In the Azores, in January 2020 a new conservation management measure was put forward by the Regional Government consisting in hook size reduction for fishing gears like bottom longline and handlines (Annex 3).
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	Limited evidence was found or highlighted how survival can be improved. In the study by Ruiz-Jarabo et al. (2021) it was suggested to cover the eyes of fish before discarding to improve their welfare.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Blackspot seabream are a slow-growing species, occurring around seamounts in deep-water habitats up to 900 m and IUCN listed as vulnerable. It is a data-limited ICES category 5 stock, for which no reference points exist given its data-limited stock assessment status. According to the ICES stock annex, no discard data were available to the Working Group, but for this species this could be considered minor. Landings have declined significantly over the last four years and may be considered as a substantial reduction in exploitable biomass. Given the uncertainty around discard survival estimates and unknown discard amounts but the decline in landings and life history of the species, an impact of unaccounted, cryptic mortality from discarding is possible.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Additional survivability experiments with blackspot seabream caught by demersal longlines are planned to be conducted under the project PPCENTRO. Those experiments aim to estimate the survival rates based on captive observations and during a longer observation period.
EWG 23-04 Conclusions	
Limited new information has been provided to address issues raised by STECF EWG 22-05. New experiments are needed to estimate the survival rates based on captive observations or tagging from fish that were caught from representative, commercial operations and during a longer observation period in line with recommendations from ICES WKMEDS. Current estimates may overestimate survival by having monitored fish for relatively short time periods. Contradictory, there are indications that discard rates can be reduced by using smaller hooks in the Azores.	

Given the uncertainty around discard survival estimates and unknown discard amounts coupled with a decline in landings and the life history of the species, an impact of unaccounted mortality from discarding is possible.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	Survivability exemption for anchovy, horse mackerel and mackerel in purse seine fisheries. Article 12 of Delegated Regulation (EU) 2020/2015.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The exemption involves pelagic fisheries targeting sardines, anchovy, mackerel and horse mackerel by France, Spain and Portugal to allow slipping: • When catches are either too big to be landed and processed, • Are of poor quality, • Mixed with species for which quota or catch rules are restricted, • Are below <MCRS. Some vessels do not have quota or allowance to catch certain species which could choke a fishery. Discarding unwanted bycatch would allow them to continue to fish.
Supporting Data	
Have survivability estimates been provided?	A summary of recent studies assessing the survivability of anchovy, horse mackerel and mackerel caught with purse seine in Spanish South-western Waters has been provided. Earlier reviewed results (by EWG 20-04) showed the following survival rates for the three species: anchovy >80%, horse mackerel >75%, and mackerel >60%. During survival experiments, fish were transferred from the bunt of the purse seine to the tanks on board by a pump, representing an additional source of stress for the fish. On this basis, it is reasonable that the survival rates would be higher in a commercial slipping operation (e.g., net not fully taken on board) than in the survival experiment. This summary reported partial details on the methodology of the study, so the ICES critical review could not be applied, and the robustness of the survival estimates cannot be determined. A study on slipping of mackerel in SWW was provided to STECF in 2020 without providing a reference. This study demonstrated a survival rate for mackerel of 91.61% between 0-5min crowding time and 76.2% between 5-10min crowding time. In another study which was mentioned without a

	reference, compared the effect of crowding times (0-5 / 5-10 min) on the survival of anchovy (98% / 94%), horse mackerel (>99%) and mackerel (>95% / 87%). In Portugal, as part of the SARDINHA2020 project, slipping survival experiments are being conducted on purse seine catches in Division 27.9a to quantify survival of discarded sardine, mackerel and horse mackerel. In 2021, two additional experiments were done in the southern Portuguese waters to evaluate the survival rate of sardine. Due to high control mortalities, potentially an artefact from research-related handling and/or adverse weather conditions caused cumulative stress (67% and 80% in the spring and summer, respectively), results were inconclusive. There was some evidence that sardines were more susceptible to capture and on-board handling than other species, such as chub mackerel and jack mackerel. In the summer experiment, juvenile jack mackerel *(Trachurus picturatus)* were accidentally introduced in the net pens (62 and 130 individuals in the control and treatment, respectively) jointly with sardine. Survival rates were 95.0% (control) and 72.5% (slipping) indicating both a high resistance to fishing and experimental procedure and a reasonable resistance to the slipping manoeuvre. A report of the results is being finalised but was not available for review yet (in prep Dias et al.). In Portugal, Marçalo et al. (2009, 2010, 2013) carried out several studies focusing on sardine mortality in laboratory conditions. As these are not representative of commercial operations, these cannot be considered here.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Crowding time and density of fish within the net bunt are the most determinant factors for survival. The provided document showed that survival rates apparently for all three species strongly decreased after a crowding time >20 min. However, under real fishing condition the crowding time related to slipping procedure are not collected nor reported routinely. The provided evidence showed that survival of slipped sardine can be >50% when crowding times and densities are minimised. The evidence reviewed by EWG 20-04 showed that survival rates for anchovy, horse mackerel and mackerel strongly decreased after a crowding time >20 min. However, under real fishing condition the crowding time related to slipping procedure was stated to be less than 5 min. Under these conditions, the survival rates observed further increased to >91% for anchovy, >94% for horse mackerel, and >91% for mackerel.

	A specific survival study which was reviewed earlier (Arregi et al., 2014; PLEN-14-02) in which "slipping" (releasing fish before the net is fully taken on board if the catch is unwanted by the skipper) is simulated and survival rates of anchovy, horse mackerel, jack mackerel and mackerel are estimated. The survival rates provided by this study vary in relation to the species as well as the crowding time and total catch (density). The survival rates for the different species obtained in the study are mackerel 3%-100%; horse mackerel 89.7% - 100%; anchovy 54.2%-97.8%; sardine 83.9% - 100%and chub mackerel 100%). As stated in the study, survival rates depend crucially on the crowding time and the density of fish within the net which is in keeping with findings of other published studies, which is also referred to in the JR. According to Arregi et al (2014), crowding time related to slipping, under real fishing conditions, is estimated to be less than 5 minutes in duration. Without detailed empirical information on the frequency of occurrence of slipping events and estimates of crowding densities and crowding duration during slipping events, it is difficult judge how representative the experimental estimates are of conventional fishing conditions. Some published descriptions of purse seine activities in Portugal describe nets are then hauled, first mechanically and, towards the end, manually by all crew members. Fishing operations (shooting, closing, and hauling the net and fish transfer onboard) can take about 1.5–2 h depending on the size of the net and mechanical equipment onboard (Feijó et al. 2018). It has been estimated that in Portugal, it takes about 35-60 min to haul a seine (from closing the purse rope till 'drying' the catch – when it surfaces). Slipping catches over the headline takes then 10-15 min. In a Spanish fishery, it has been estimated that when slipping crowding density has to be kept under about 80 kg of fish per cubic metre to avoid abrasion and crushing of the catch (Marcalo et al., 2019). In some countries rules were communicated about how far the net must be hauled in. It has not been mentioned whether such rules would work in these fisheries and how they can be monitored for compliance.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	In France, the estimated catch of sardines is 15795-19876 tonnes of sardines in purse seines and a discard rate of 10%. Chub mackerel, horse mackerel, mackerel, and anchovy are by-caught in small quantities compared to the total catch (based on provided percentages, but no absolute

	numbers are provided in the JR). Of those, 97% of unwanted anchovies are discarded. Spanish vessels caught a combined 58 963 tonnes of anchovy, Jack and horse mackerels, and mackerel of which an unknown percentage were discarded. Survival estimates for Spanish fisheries were not provided. Detailed catch statistics were provided by Portugal per year, species and area. In 2020-21, between 38-28.000 tonnes jack and horse mackerel, 6040-10078 tonnes anchovy were caught. Discard rates were not provided except for jack and horse mackerels with an estimated rate of 0.1-4%.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	In Portugal seasonal closures and a minimum distance from shore are adopted as measures to avoid aggregations of juveniles and/or the catch of unwanted catches.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	In Portugal manipulative studies were done that tested treatment effects of weighing down the float-line of purse seines to allow for an early and quick release of slipped catches before crowding densities were too high. This treatment was compared to the conventional method of rolling the fish over the float-line and a control (non-slipped and non-crowded sardines). All treated and control fish were monitored in onshore aquaria for 28 days. Survival of sardine from the conventional slipping method was low (12.8%; 8.9–15.2 at 95% CI). The modified slipping procedure did significantly improve survival (44.7%; 39.3–50.1% at 95% CI), which was comparable to the control fish (43.6%; 38-0–49.3 at 95% CI), in the three replicates (Marçalo et al. 2018, 2019). In earlier evaluations of exemptions for NWW fleets (PLEN-14-02), an 80% rule was suggested, referring to the degree the seine is closed to leave enough room to avoid crowding densities >20 kg m^{-3}.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Spawning stock biomass of horse mackerel (in Subarea 8 and divisions 2.a, 4.a, 5.b, 6.a, 7.a–c, and 7.e–k; the Northeast Atlantic) has been declining is now at Blim since 2015. These pelagic stocks are being assessed as widely distributed species. Without knowing how often slipping events take place, the order of magnitude that is being discarded, and whether or not

	crowding thresholds were exceeded, it is difficult to project any impacts on the stocks.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is an ongoing study on discard survival of chub-mackerel and sardine in Portugal.
EWG 23-04 Conclusions	
Given the lack of species-and-fisheries specific catch and discard quantities, and given the variability in survival estimates, and inconclusive results (high mortality among some control fish, i.e., of sardines in Portugal), there are potential risks to overexploit pelagic species by slipping large quantities of highly sensitive, soft-bodied fish under unregistered circumstances. Mortality would likely increase in high crowding densities and >10 min durations. Without knowledge on the frequency of occurrence of slipping events, their order of magnitude and characteristics (how long catches were crowded for and at what densities), the impact of the exemption cannot be assessed. Empirical data on crowding time and fish density during slipping events from relevant vessels would enable an assessment of the representativeness of the survival estimates. Some of the stocks and fisheries (i.e., French purse seiners) may be more suitable for a *de minimis* exemption than a high survival. EWG 23-04 notes that such a *de minimis* exemption in similar fisheries in SWW. Having both exemptions in place runs the risk of significant unaccounted mortality on the relevant stocks.	

7 MEDITERRANEAN – OVERVIEW OF JOINT RECOMMENDATIONS

Commission Delegated Regulation (EU) 2022/2288 and Commission Delegated Regulation (EU) 2022/2564 amended Delegated Regulation (EU) 2021/2066 and Delegated Regulation (EU) 2021/2064, respectively, which established discard plans for Mediterranean demersal fisheries, including *de minimis* exemptions to the landing obligation for certain demersal fisheries in the Western Mediterranean, south-eastern Mediterranean, and Adriatic Sea, and high survivability exemptions to tha landing obligation for certain demersal fisheries in the Western Mediterranean. All these exemprions remain valid until 31 December 2023. Given their expiry date, the Member States Regional Groups (PESCAMED, SUDESTMED and ADRIATICA) submitted updated data and information to support the continuation of these exemptions.

Commission Delegated Regulation (EU) 2020/2012 amended Commission Delegated Regulation (EU) 2018/161, which established a discard plan for Mediterranean small pelagic fisheries. These exemptions are valid until 31 December 2023. Given their expiry date, the Member States Regional Groups (PESCAMED, SUDESTMED and ADRIATICA) submitted updated data and information to support the continuation of these exemptions.

The main elements of the 2023 JR's are summarised in table 7.1.

Table 7.1 Main elements of the Joint Recommendations submitted for the Mediterranean Sea

Elements	***Pelagic or Demersal***	***Relevant Article in current discard plan***	***Assessments by STECF***
De minimis			
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 5% of the total catches of those species by vessels using	Demersal	Article 4(a) Comm. Del. Reg. (EU) 2021/2066, amended by Comm. Del. Reg. (EU) 2022/2288	EWG 18-06 EWG 21-05

bottom trawls in Western Mediterranean Sea			
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 1% of the total catches of those species by vessels using gillnets and trammel nets in Western Mediterranean Sea	Demersal	Article 4(b) Comm. Del. Reg. (EU) 2021/2066, amended by Comm. Del. Reg. (EU) 2022/2288	EWG 18-06 EWG 21-05
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), twobanded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), common sole (Solea solea), gilthead seabream (Sparus aurata) and deep-water rose shrimp (Parapenaeus longirostris), up to a maximum of 5% of the total annual catches of those species caught by vessels using bottom trawls in the western Mediterranean	Demersal	Article 4(c) Comm. Del. Reg. (EU) 2021/2066, amended by Comm. Del. Reg. (EU) 2022/2288	EWG 18-06 EWG 21-05
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream	Demersal	Article 4(d) Comm. Del. Reg. (EU) 2021/2066, amended by Comm. Del. Reg. (EU) 2022/2288	EWG 18-06 EWG 21-05

(Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), common sole (Solea solea) and gilthead seabream (Sparus aurata), up to a maximum of 3% of the total annual catches of those species caught by vessels using gillnets and trammel nets in the western Mediterranean			
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), common sole (Solea solea) and gilthead seabream (Sparus aurata), up to a maximum of 1% of the total annual catches of those species caught by vessels using hooks and lines in the western Mediterranean	Demersal	Article 4(e) Comm. Del. Reg. (EU) 2021/2066, amended by Comm. Del. Reg. (EU) 2022/2288	EWG 18-06 EWG 21-05

Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 5% of the total annual catches of those species by vessels using pelagic mid-water trawls in the Western Mediterranean	Pelagic	Article 3.1 Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012.	EWG 20-04
Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 5% of the total annual catches of those species by vessels using purse seines in the Western Mediterranean	Pelagic	Article 3.1 Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012.	EWG 20-04
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 5% of the total annual catches of those species by vessels using bottom trawls in South-Eastern Mediterranean	Demersal	Article 3, point 1.b(i) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 1% of the total annual catches of those species by vessels using gillnets and trammel nets in South-Eastern Mediterranean Sea	Demersal	Article 3, point 1.b(ii) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Deep-water rose shrimp (Parapenaeus longirostris), up to a maximum of 5% of the total annual catches of those species by vessels using bottom trawls in South-Eastern Mediterranean Sea	Demersal	Article 3, point 1.b(iii) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
European seabass (Dicentrarchus labrax),	Demersal	Article 3, point 1.b(iv) Comm. Del. Reg. (EU)	EWG 18-06

annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus) gilthead seabream (Sparus aurata), Norway Lobster (Nephrops norvegicus) and common sole (Solea solea), up to a maximum of 5% of the total annual catches of those species by vessels using bottom trawls in South-Eastern Mediterranean Sea		2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 21-05
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), gilthead seabream (Sparus aurata), common sole (Solea solea), lobster	Demersal	Article 3, point 1.b(v) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05

(Homarus gammarus) and crawfish (Palinuridae), up to a maximum of 3% of the total annual catches of those species by vessels using gillnets and trammel nets in South-Eastern Mediterranean Sea			
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), red seabream (Pagellus bogaraveo), Spanish seabream (Pagellus acarne), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), hake (Merluccius merluccius) and gilthead seabream (Sparus aurata), up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines in South-Eastern Mediterranean Sea	Demersal	Article 3, point 1.b(vi) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 5 % of the total annual catches of those species caught by vessels using pelagic mid-water trawls in the South-Eastern Mediterranean	Pelagic	Article 3, point 1 of Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012	EWG 20-04

Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 3 % of the total annual catches of those species caught by vessels using purse seines in the South-Eastern Mediterranean	Pelagic	Article 3, point 2 of Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012	EWG 20-04
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 5 % of the total annual catches of those species caught by vessels using bottom trawls in the Adriatic Sea	Demersal	Article 3, point 1.a(i) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 1 % of the total annual catches of those species caught by vessels using gillnets and trammel nets in the Adriatic Sea	Demersal	Article 3, point 1.a(ii) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Hake (Merluccius merluccius) and red mullets (Mullus spp.), up to a maximum of 1 % of the total annual catches of those species caught by vessels using rapido trawl in the Adriatic Sea	Demersal	Article 3, point 1.a(iii) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Common sole (Solea solea), up to a maximum of 3 % of the total annual catches of this species caught by vessels using bottom trawls in the Adriatic Sea	Demersal	Article 3, point 1.a(iv) Comm. Del. Reg. (EU) 2021/2064, amended by Comm. Del. Reg. (EU) 2022/2564	EWG 18-06 EWG 21-05
Norway lobster (Nephrops norvegicus), up to a maximum of 1 % of the total annual catches of this species caught by vessels using pots and traps in the Adriatic Sea	Demersal	New exemption	

European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), gilthead seabream (Sparus aurata) and deep-water rose shrimp (Parapenaeus longirostris), up to a maximum of 5 % of the total annual catches of those species caught by vessels using bottom trawls in the Adriatic sea	Demersal	Article 3, point 1a(v) of the Comm. Deleg. Reg. (EU) 2021/2064, amended by Del. Reg. 2022/2564	EWG 18-06 EWG 21-05
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), common sole (Solea solea) and	Demersal	Article 3, point 1a(vi) of the Comm. Deleg. Reg. (EU) 2021/2064, amended by Del. Reg. 2022/2564	EWG 18-06 EWG 21-05

gilthead seabream (Sparus aurata), up to a maximum of 3 % of the total annual catches of those species caught by vessels using gillnets and trammel nets in the Adriatic Sea			
European seabass (Dicentrarchus labrax), annular seabream (Diplodus annularis), sharpsnout seabream (Diplodus puntazzo), white seabream (Diplodus sargus), two-banded seabream (Diplodus vulgaris), groupers (Epinephelus spp.), striped seabream (Lithognathus mormyrus), Spanish seabream (Pagellus acarne), red seabream (Pagellus bogaraveo), common pandora (Pagellus erythrinus), common seabream (Pagrus pagrus), wreckfish (Polyprion americanus), common sole (Solea solea) and gilthead seabream (Sparus aurata), up to a maximum of 1 % of the total annual catches of those species caught by vessels using hooks and lines in the Adriatic Sea	Demersal	Article 3, point 1a(vii) of the Comm. Deleg. Reg. (EU) 2021/2064, amended by Del. Reg. 2022/2564	EWG 18-06 EWG 21-05
Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 5 % of the total annual bycatches of those species caught by vessels using bottom trawls in the Adriatic Sea	Pelagic	Article 3, point 1a(viii) of the Comm. Deleg. Reg. (EU) 2021/2064, amended by Del. Reg. 2022/2564	EWG 22-05
Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel	Pelagic	Article 3, point 1 of Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012	EWG 20-04

(Trachurus spp.), up to a maximum of 5 % of the total annual catches of those species caught by vessels using pelagic mid-water trawls in the Adriatic Sea			
Anchovy (Engraulis encrasicolus), sardine (Sardina pilchardus), mackerel (Scomber spp.) and horse mackerel (Trachurus spp.), up to a maximum of 5 % of the total annual catches of those species caught by vessels using purse seines in the Adriatic Sea	Pelagic	Article 3, point 1 of Comm. Del. Reg. (EU) 2018/161, amended by Comm. Del. Reg. (EU) 2020/2012	EWG 20-04
High Survivability			
Scallop (Pecten jacobaeus) and Carpet clams (Venerupis spp.), below the minimum conservation reference size caught with mechanised dredges in the Western Mediterranean	Demersal	Article 3, point 1.a and 1.b of Comm. Del. Reg. (EU) 2021/2066, amended by Del. Reg. (EU) 2022/2288.	EWG 22-05
Red seabream (Pagellus bogaraveo) below the minimum conservation reference size caught with hooks and lines in the Western Mediterranean	Demersal	Article 3, point 1.f of Comm. Del. Reg. (EU) 2021/2066, amended by Del. Reg. (EU) 2022/2288.	EWG 18-06
Lobster (Homarus gammarus) and crawfish (Palinuridae) caught with nets (GNS, GN, GND, GNC, GTN, GTR, GEN) and with pots and traps (FPO, FIX) in the Western Mediterranean	Demersal	Article 3, points 1.g and 1.h of Comm. Del. Reg. (EU) 2021/2066, amended by Del. Reg. (EU) 2022/2288	EWG 18-06

7.1 Proposals for *de minimis* exemptions

A summary of the information provided to support the *de minimis* exemptions for demersal species in the Western Mediterranean, South-Eastern Mediterranean and Adriatic Sea is provided in tables 8.1.1.1, 8.1.2.1 and 8.1.3.1, respectively.

7.1.1 Western Mediterranean Sea

The summary of *de minimis* exemptions submitted for the Western Mediterranean exemptions relating to demersal species is presented in the following tables.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of **5%** of the total catches of those species by vessels using **bottom trawls** in Western Mediterranean Sea, Article 4 point a of Commission Delegated Regulation (EU) 2021/2066, amended by Commission Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	France: The justification is based on the multi-species nature of the fishery which makes the process of selectivity difficult to implement and therefore it is necessary, in order to avoid great economic loss, to be allowed to discard a limited quantity of the species subject to the landing obligation in the Mediterranean Sea. Italy: The justification is that most of the vessels are of medium size, and much of the fleet operates daily trips, so the time for sorting unwanted catches is very limited. Also, due to the vessels' length, many vessels have limited on board facilities for sorting, managing, and storing the possible discards, separately. Spain: The justification is that in order to land catches above the *de minimis* values, the economic losses that this measure would imply would have to be considered, due to the lack of infrastructure in small ports to process these catches. There is no discard processing industry, and, in many cases, no refrigerated storage facilities are available in ports, as sales are made fresh on a daily basis. Transporting catches obtained in small quantities and in small ports, separated by long distances, would involve a disproportionate expense.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information was provided by the PESCAMED HLG Member States.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France: According to the JR, the number of vessels involved in the fishery were 64, 64 and 63 in 2020, 2021 and 2022, respectively. According to the Obsmer data, hake represented 9.5%, 9 and 4.9% of the catches in 2018, 2019 and 2020, respectively. The discard rate was 3.9%, 1.6% and 5% for 2018, 2019 and 2020, respectively.

	According to the Obsmer data, red mullets amounted to 3%, 3.4% and 5.6% of the catches in 2018, 2019 and 2020, respectively. The discard rate was 4.3%, 17% and 5.6%, for 2018, 2019 and 2020, respectively. According to FDI data, total landings of bottom trawls were 730.68 tonnes, 776.76 tonnes and 1054.15 tonnes in 2020, 2021 and 2022, respectively. The total unwanted catch was unknown. Italy: According to the JR, the number of vessels involved in the fishery were 221, 189 and 117 in GSAs 9, 10 and 11, respectively. Total landings of bottom trawls were 410.311 tonnes, 207.4 tonnes and 274.9 for GSAs 9, 10 and 11, respectively. Discard rates of hake were 28.7%, 1% and 13.2% for GSAs 9, 10 and 11, respectively. For all mullets combined, total landings were 801.466 tonnes, 269.6 tonnes and 236.7 for GSAs 9, 10 and 11, respectively. Discard rates where from 0.1 to 3.7 in the areas concerned. Spain: According to the JR, the number of vessels involved in the fishery were 586 and 576 in 2020 and 2023, respectively. According to FDI data, total landings of bottom trawls were 2013.8 tonnes on average for the 2018-2021 period. The total unwanted catch for hake was 153.4 tonnes with a discard rate of 7.1%. Considering red mullets, total landings were 1707.1 tonnes on average for the 2018-2021 period. The total unwanted catch for 16.9 tonnes with a discard rate of 1%.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	All MSs report that they use the exception. Italy has a high percentage of discard rate of hake and this discarding affected mainly undersized specimens. Considering Spain, in the case of hake the percentage of discard rate is 7.1% for trawl gear. Although these values are higher than those established by the *de minimis* exemption, the MS mentions that unwanted catches of this species are highly conditioned by its annual recruitment, so that years of high recruitment mean that the percentage of unwanted catches may be higher than expected. Furthermore, for the calculation of the average, years prior to the implementation of the multiannual plan for demersal fisheries in the Western Mediterranean and by which significant reductions in fishing effort have been applied, as well as the establishment of time-area closures for fishing with the aim of reducing catches of juvenile hake by 20%, are included.
Supporting Information	

What supporting information/literature reviews has been provided?	France: The MS presented a summary of GALION project. One of the main conclusions was that the implementation of a selective grid, or a change in the mesh size or shape, would generate commercial losses between 5% and 26%, depending on the species considered. Among the deliverables of the GALION project, a report dealt with the modelling of hake management scenarios in the Gulf of Lion, by using all the work and studies carried out in this area. However, the data (mainly the fleet and their fishing areas) must be updated to allow an optimum use of this management tool. Moreover, France has implemented a significant effort reduction for vessels targeting demersal species. Italy: The MS presented some results from the MedBLand project. One of the results of the project was that discarding is affected by a variety of factors, including environmental patterns and processes (bathymetric preferences, local productivity, inter-annual recruitment), as well as operational factors and fishing tactics, that should be considered for a more effective management of discarding. Additionally, spatial and seasonal closures are in place to protect juveniles and young individuals and therefore a positive effect on the unwanted catches is expected. Moreover, Italy has implemented a significant effort reduction for vessels targeting demersal species since 2020. Spain: The MS provided some information of the Discardless project. The results show that the absolute values of biomass of unwanted catch per year are relatively low and, in order to land catches above the *de minimis* values, the economic losses that this measure would imply would have to be considered, due to the lack of infrastructure in small ports to process these catches. Moreover, additional closure areas and fishing effort reductions have been established.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting documents are for bottom trawls.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The mixed nature of the demersal trawl fisheries, especially in the Mediterranean, poses problems when technical measures related to the cod-end mesh size opening are considered. STECF 21-13 analysed the issue of the gear selectivity in terms of mesh size opening, highlighting that a 50 mm

	square-mesh in the cod-end would imply an increased size at first capture of European hake, reaching about 18-19 cm, and thus getting close but still not reaching the MCRS for this species. On the other side, the size at first capture of red mullet would be well above the size at first maturity and so the capture losses of this species would be remarkable and likely not compensated by the expected increase in biomass in the medium term. Italy presented some results from the IMPLEMED project showing that for the same grid used there was no substantial improvement of the size selectivity of European hake, whereas for red mullet it was proved to be the most size selective net, but this was associated with a significant loss (-33% in biomass and -38% in number) of individuals above 11 cm TL, the MCRS of this species.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	France: Landing harbours for French trawlers are spread along the Mediterranean coast, which is known for its multitude of landing places, making it difficult to implement any structure of transformation due to insufficient and irregular material flow. Moreover, the Covid pandemic has prevented many professionals from going to sea. Also, the increase in the price of fuel was mentioned as affecting the costs. Italy: Most vessels are medium sized, operating daily trips and the time for sorting unwanted catches is very limited. Even if the amounts of discards seem low, the full implementation of the LO implies additional costs. Interviews from the MedBLand project highlighted difficulties represented by logistic limitations onboard for the sorting and storage of discards. MINOUW and Discardless demonstrated the need of additional work on board to handle the discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination. Moreover, fuel prices increased dramatically in 2022, and there was a reduction in economic fleet performance due to the Covid pandemic. The main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points and the lack of interest of industrial companies in the processing of small and dispersed quantities of discards. Lastly, according to the Italian legislation fishing products shall be considered as special waste and therefore destroyed following a specific procedure. The direct costs, which vary

	considerably, must be added to the other costs and will further decrease the profits. Spain: The MS mentions that several trials and projects on improving selectivity have been developed, although the economic losses for the fleet must be also taken into consideration, to find an adequate balance between improving selectivity and the socioeconomic outcomes for the fishermen.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption show disproportionate costs to handle unwanted catches when handling and storing them or when landed. A deliverable by Discardless project mentions that the economic costs of landing and handling discards and the lack of storage and processing infrastructure is a major barrier for the industry, particularly in small ports. MEDAC advice mentions that it is neither technically nor economically feasible to create handling stations for the storage, freezing and trade of undersized specimens in order to sell them to industries with a potential commercial interest. There is also lack of areas (ports or landing sites), increased management costs etc. and disposal as special waste (incineration) is clearly unsustainable. France provided costs justifications already in the JR from 2018. Italy presented some results from the MINOUW project. Spain reported that several trials and projects onn improving selectivity have been developed, not mentioning them though.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	France: Based on the information provided, the stock of the red mullet, is now close to MSY. Also, due to the implementation of the area closures, juvenile catches have been reduced by more than 50%, even though the objective was to reduce the catches by 20%. Italy: Based on the information provided, discard ratios are decreasing and L50s are increasing for species included in the Western Mediterranean MAP. According to the last available assessment, the situation of many priority stocks has improved positively, and some of them are very close to the MSY. According to the provision established in the MAP of Western Mediterranean, the Italian government was tasked with the introduction of specific area closures, in order to pursue the objective of reducing catches of juveniles of hake.

	Spain: Based on the information provided, the additional closed areas and fishing effort reductions that have been established, are expected to reduce the percentages of unwanted catches.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Hake stocks in the western Mediterranean are considered as depleted.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	France: The MS is implementing the GOLDYS project. The aim of the project is to answer certain issues about the ecological functioning of the Gulf of Lion and the seasonal dynamics of the species exploited by the trawler fleets. Italy: The IMPLEMED project tried to improve the size selectivity of different species or catch categories, explore alternative selective devices, such as grids, and implement them in some Mediterranean fisheries. However, the results of the project were controversial. The H2020 EcoeFISHent Project will test devices aimed at improving the exploitation pattern and reducing discard rates in the trawl fisheries in the Ligurian Sea. No new research or studies planned were presented by Spain.
EWG 23-06 Conclusions	
An evaluation of the impact of the exemption has been undertaken. Unwanted catches have been reduced and the quality and reliability of fishery-dependent catch data have been recorded. Relevant fishery-specific data were provided and efforts for appropriate fishery monitoring and data collection were made by MS. However, the same justification has been used for the JR, mostly based on the multi-species nature of the fishery (e.g., difficult to improve selectivity) and disproportionate costs, therefore the conclusions of the previous EWGs remain relevant.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of 1% of the total catches of those species by vessels using **gillnets and trammel nets** in Western Mediterranean Sea Article 4 point b of Commission Delegated Regulation (EU) 2021/2066, amended by Commission Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	France: The justification is based on the multi-species nature of the fishery which makes the process of selectivity difficult to implement and therefore it is necessary, in order to avoid great

	economic loss, to be allowed to discard a limited quantity of the species subject to the landing obligation in the Mediterranean Sea. Italy: The justification is that most of the vessels are of medium size, and much of the fleet operates daily trips, so the time for sorting unwanted catches is very limited. Also, due to the vessels' length, many vessels have limited on board facilities for sorting, managing, and storing the possible discards separately. Spain: The justification is that in order to land catches above the *de minimis* values, the economic losses that this measure would imply would have to be considered, due to the lack of infrastructure in small ports to process these catches. There is no discard processing industry, and, in many cases, no refrigerated storage facilities are available in ports, as sales are made fresh on a daily basis. Transporting catches obtained in small quantities and in small ports, separated by long distances, would involve a disproportionate expense.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information was provided by the PESCAMED HLG Member States.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France: The MS reported catch data for exclusive and multi-purpose gillnetters. According to the JR, the number of exclusive gillnetters involved in the fishery was 340, 326 and 313 in 2019, 2020 and 2021, respectively. The number of multi-purpose gillnetters involved in the fishery was 269, 250 and 253 in 2019, 2020 and 2021, respectively. According to FDI data, total landings of hake and red mullets combined from gillnets and trammel nets were 152.32, 134.19 and 124.5 t in 2020, 2021 and 2022, respectively. The total unwanted catch was unknown. Italy: According to the JR, the number of vessels involved in the fishery were 384, 1799 and 1132 in GSAs 9, 10 and 11, respectively. Total landings for hake of the gear concerned were 163.688, 283.9 and 20.7 t for GSAs 9, 10 and 11, respectively. Discard rates of hake were 0% for GSA 9, and NA for GSAs 10 and 11. For red mullets combined (*M. barbatus* and *M. surmuletus*), total landings were 14.416, 42.9 and 41.8 t for GSAs 9, 10 and 11, respectively. Discard rates of red mullets were 0% for GSA 9, and NA for GSAs 10 and 11. Spain: According to FDI data, total landings of gillnets and trammel nets were 293.8 tonnes on average for the 2018-2021 period. The total

	unwanted catch for hake and red mullets was 0 tonnes with a discard rate of 0%.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	There is currently no indication whether MS use this exemption. Discard rates are either zero or unknown.
Supporting Information	
What supporting information/literature reviews has been provided?	France: The MS presented a summary of L'Intégration de l'Obligation de débarquement en Méditerranée study from 2019, which states that the economic loss of a full implementation of LO would be too great, because the different ports are too far apart to be able to set up an efficient treatment system, the quantity of unwanted catches is too small to allow any recovery, and for a possible sector creation, too high an investment would be necessary for storage without this investment being amortized in the short or medium term. In addition, France presented a bibliographical report on the various fishing gears. Summary of the selectivity of nets is that they had little impact on ecosystems. Italy: The MS presented some results from the MedBLand project, but these mostly concerned bottom trawls. Spain: The MS provided some information of the Discardless project, but these mostly concerned bottom trawls.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Data on landings and discards for the species and gears concerned are scarce and scattered. The supporting arguments presented by France in the supporting documents concern all species under LO in the Mediterranean Sea. The arguments presented in the supporting document by Italy and Spain are mostly for bottom trawl and do not relate directly to the relevant fishery.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption for Italy and Spain is based on the results of trials carried out using different gears but in the same sea basin. The results of the trials cannot be considered valid to make assumptions for the concerned gear.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The supporting information provided is mostly dealing with bottom trawl fisheries.

Is this based on pilot studies or trials?	Yes, but not for the interested fisheries and gears (mostly OTB).
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	There is no onshore sector for the collection and processing of unwanted catches and the layout of the various landing sites does not allow for the creation of an economically sustainable sector. Furthermore, the sector is suffering from a succession of crisis, whether it be the COVID crisis which has prevented vessels from going to sea, or the fuel crisis which has seen the costs increase (fuel prices, storing unwanted catches on board price). The loss of such an exemption (which offers professionals flexibility in their métier) would be an additional crisis for this sector. The arguments for the exemption show disproportionate costs to handle unwanted catches when handling and storing them or when landed. MEDAC advice mentions that it is not technically nor economically feasible to create handling stations for the storage, freezing and trade of undersized specimens. There is also lack of areas, increased management costs etc and disposal as special waste. France provided costs justifications already in the JR from 2018. Italy presented some results from the MINOUW project. Spain reported that several trials and projects in improving selectivity have been developed, not mentioning them though. The results from the study "L'Intégration de l'Obligation de débarquement en Méditerranée", provided by France, show that the economic loss of a full implementation of LO would be significant, because the ports are far from each other to allow to set up an efficient collection system, and the quantity of unwanted catches is small to support a sector.
Is this based on pilot studies or economic model simulations?	All the above arguments referred to bottom trawls. Considering the nature of the Mediterranean fisheries it is possible that some of these arguments apply also to gillnets and trammel nets.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate is mostly qualitative. Therefore, it is not possible to evaluate them against landings value.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The information on discards is very scattered therefore it is hard to evaluate possible risks to the stocks.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The hake stocks in the Western Mediterranean are considered as depleted.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	France is implementing the GOLDYS project, but it involves trawls. In 2023, the Gulf of Lion's gillnetters will be included in the observations of the Obsmer programme. This will make the catch and discard data, as well as the description of the fleets, more accurate next year. Italy: The H2020 EcoeFISHent Project deals with the processing of discards for possible use in the industry (e.g., cosmetics, etc.). It could provide insights to see possible uses of landed unwanted catches. No new research or studies planned were presented by Spain.
EWG 23-04 Conclusions	
Limited new information has been provided other than information on catches and fleets. Therefore, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **twobanded seabream** (*Diplodus vulgaris*), **groupers** (Epinephelus spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **common sole** (*Solea solea*), **gilthead seabream** (*Sparus aurata*) and **deep-water rose shrimp** (*Parapenaeus longirostris*), up to a maximum of **5%** of the total annual catches of those species caught by vessels using **bottom trawls** in the western Mediterranean Article 4 point c of Commission Delegated Regulation (EU) 2021/2066, amended by Commission Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This exemption is requested in the context of the Mediterranean fisheries, which are mixed fisheries making the process of selectivity difficult to implement.

	The *de minimis* exemption was requested due to disproportionate costs for hazards linked to the full load of holds of limited capacity and the absence of infrastructures to handle unwanted catches once landed.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Information provided by France has been made on a case by case basis for each request, while the justification and data provided by Italy and Spain are based on a common explanation. (documents: *PESCAMED HLG_Elements to justify discards exemptions_02.05.2023_final* and *1. Table_de_minimis_LO_2023_PESCAMED_DEMERSAL_IT.* For France, catch composition in percentage is provided only for 2018. However, for the species under the request of derogation, data are very limited. For Italy, number of vessels by GSA and by gear was presented in a single file together with Estimated Discards, Estimated Catch, Discard Rate (Annex_C) and estimates *de minimis* volumes. Spain provided average values (2018-2021) of marketed catches, unwanted catches and total catches (in tonnes) and percentages that unwanted catches represent in relation to the total catch, by species and gear. Also number of vessels were provided.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data provided by France does not permit to evaluate the subject of unwanted catches for the species concerned. Italy: In some cases, there are no discard data because the metier was not selected for discard sampling under the Italian Work Plan for data collection in the fisheries and aquaculture sectors, or because species is not present in the biological samples for the metier. However, the contribution of the species to total landings is very low. Only *Pagellus erythrinus* (PAC) presents high discards rate. According to the JR the vessels involved in the fishery was 221 vessels in GSA 9 and 117 in GSA 11. The estimated catches were 145.16 and 15.34 tonnes respectively, while the estimates of unwanted catches were 80.145 tonnes with a discard rate of 55.2% in GSA 9 and 3.4 tonnes with a discards rate of 22.3% in GSA 11. Spain: discards rate for the fleet is very low, ranging from 0 to 1%. Only *Pagellus bogaraveo* (SBR) exhibits high discard rates. The estimated catches were 30.6 tonnes, while the estimates of unwanted catches were 10.6 tonnes with a discard rate of 34.7%.

Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Italy and Spain are using the exemption.
Supporting Information	
What supporting information/ literature reviews has been provided?	For all three MSs, several initiatives of area closures are ongoing in the western Mediterranean under the Multi Annual Management Plan (MAP). In addition, a reduction of fishing effort and sesonal closures are enforced. France: A review of two projects already presented in the past was provided. Study from 2019 (1) shows the economic loss of full implementation of LO in the Mediterranean (handling cost, treatment of unwanted catches on land, transport at sea and on land, price of equipment for storage). Selectivity trials have been carried out in France namely in GSA 7 and GSA 8 (project GALION(2) (2015-2018; http://www.amop.fr/le-projet-galion/). This study aimed at analysing the economic impacts of selectivity devices for bottom trawl fisheries. One of the main conclusions is that the implementation of a selective grid, or a change in the mesh size or shape, would generate commercial losses between 5% and 26%, depending on the species considered. Italy: Results from two different projects, MEDBLAND and IMPLEMED, were provided. Results from the MedBLand project (Spedicato et al., 2021[3]) highlighted that most of the different identified measures to contrast the catch of undersized fish were related with spatial and temporal measures to promote a better selectivity of the catches. Results of IMPLEMED project (Sbrana et al., 2022[4]) show how the attempt to improve the size selectivity of different species or catch categories, using alternative devices such as grids and a T90 configuration panel in the extension piece. However, the results of the project were controversial. Spain: No additional documents or review provided.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are related to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the	N/A

fishery/fisheries covered by the exemption?	
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The arguments presented in the supporting document are related directly to the relevant fishery involved. The main conclusion is that the implementation of a selective grid, or a change in the mesh size or shape, would generate commercial losses.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by MS.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	MS emphasise that, due to the large number of landing places and coastal configuration, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs in the absence of infrastructure to handle unwanted catches once landed. Results from the interviews from the MedBLand project (Spedicato et al., 2021) highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated holds.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided by MSs, the volume of unwanted catches of species covered by the exemption are low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	European hake is the only species subjected to stock assessment that is in a depleted state and exploited together with some of the species included in this exemption.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	France: GOLDYS project has been implemented using the same protocols and observation gears as in MEDITS and PELMED campaigns. This project will be concluded at the end of June 2023. Italy: New projects will be implemented on gear

	selectivity in the coming years, with the support of the EMPFAF. In the framework of Horizon 2020 – Innovative action, the EcoeFISHent Project already started in October 2021. The project has a proper focus on valorisation of the related waste, for pre-treatment and extraction of bio-active components and for recycling end-of-life fishing gear from aquaculture and fisheries, to supply the food, automotive, cosmetic, and packaging industries and to provide fertilizers and biodiesel for agricultural applications as well.
EWG 23-06 Conclusions	
PESCAMED High Level Group provided new data to EWG23-06 even though in some cases the information was partial. The reasons given by PESCAMED High Level Group for the *de minimis* exemption are the same presented in the previous EWGs. The studies conducted indicating the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **common sole** (*Solea solea*) and **gilthead seabream** (*Sparus aurata*), up to a maximum of **3%** of the total annual catches of those species caught by vessels using **gillnets and trammel nets** in the western Mediterranean. Article 4 point d of Commission Delegated Regulation (EU) 2021/2066, amended by Commission Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This exemption is requested in the context of multi-species fisheries making the process of increasing selectivity difficult to implement. The *de minimis* exemption was requested due to disproportionate costs for hazards linked to the full load of holds of limited capacity and the absence of

	infrastructure to handle unwanted catches once landed.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Information provided by France has been made on a case by case basis for each request, meanwhile the justification and data provided by Italy and Spain are based on a common explanation. (documents: *PESCAMED HLG_Elements to justify discards exemptions_02.05.2023_final* and *1. Table_de_minimis_LO_2023_PESCAMED_DEMERSAL_IT.* For France, catch composition in percentage is provided only for 2018 to 2121. However, for the species under object of request of derogation, data are very limited. For Italy, number of vessels by GSA and by gear was presented in a single file together with Estimated Discards, Estimated Catch, Discard Rate (Annex_C) and estimates *de minimis* volumes. Spain provided average values (2018-2021) of marketed catches, unwanted catches and total catches (in tonnes) and percentages that unwanted catches represent in relation to the total catch, by species and gear. Number of vessels was not provided.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data provided by France does not permit to evaluate the subject of unwanted catches for the species under object of request. Italy: In some cases, there is no discard data because the metier was not selected for discard sampling (Italian Work Plan for data collection in the fisheries and aquaculture sectors), or because species is not present in the biological samples for the metier, or because not discarded. Spain: according to the data provided, there are no discards.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	France, Italy and Spain are using the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	France: Gillnetters and more precisely bottom set gillnetters are subject to the GFCM FRA set in the Gulf of Lion to protect hake juveniles and spawning areas. The review of two projects already presented in the past was provided.

	1: Study from 2019 [(1)], shows the economic loss of full implementation of LO in the Mediterranean (handling cost, treatment of unwanted catches on land, transport at sea and on land, price of equipment for storage). 2: Bibliographical report on the various fishing gears [(2)]. Summary of the selectivity of nets, which have little impact on ecosystems. Study from 2019 shows that the full implementation of LO in the Mediterranean (handling cost, treatment of unwanted catches on land, transport at sea and on land, price of equipment for storage states) will produce a great economic loss. Italy: Results from two different projects, MedBLand and IMPLEMED, were provided. Results from the MedBLand project (Spedicato et al., 2021) highlighted that most of the different identified measures to hinder the catch of undersized fish were related with spatial and temporal measures to promote a better selectivity of the fisheries. Such results regard the main causes of discard, but EWG 23-06 does not have sufficient information to identify if the results are related to all fishing gears or only to trawling. Italy has also provided a detailed description of the management measures (reduction of fishing effort, temporal and spatial closures) implemented to reduce catches of juveniles, however also in this case the information is general and, in most cases, related to trawling. IMPLEMED project is related to the selectivity of trawl nets. Spain: No additional documents or review provided.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Data provided are from the fisheries relating to the exemption. However, some supporting information is related to other Mediterranean fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Some supporting information is related to other Mediterranean fisheries.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The arguments presented in the supporting document are not always related directly to the relevant fishery.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by Member States.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Member States emphasise that, due to the large number of landing places and coastal configuration, Landing Obligation would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	France: this métier was not analysed in the study on disproportionate costs provided in 2018 however the same issues can be assessed for gillnetters and trawlers. In fact, there is no onshore sector for the treatment of unwanted catches, and as described in the study, the layout of the various landing sites does not allow for the creation of an economically sustainable sector Italy: The arguments for the exemption are based on a study that shows disproportionate costs in the absence of infrastructure to handle unwanted catches once landed. Results from the interviews from the MedBLand project (Spedicato et al., 2021) highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated holds.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided by MS, the volume of unwanted catches of species covered by the exemption is low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	European hake is the only species subjected to stock assessment that is in a depleted state and exploited together with some of the species included in this exemption.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	France: In 2023, the observations of the Obsmer programme, a programme of on-board observers from IFREMER (French Research Institute for Exploitation of the Sea) will include the Gulf of Lion's gillnetters. Italy: New projects will be implemented on gear selectivity in the coming years, with the support of the EMPFAF. In the framework of Horizon 2020 – Innovative action, the EcoeFISHent Project already started in

	October 2021. The project has a proper focus on valorisation of the related waste, for pre-treatment and extraction of bio-active components and for recycling end-of-life fishing gear from aquaculture and fisheries, to supply the food, automotive, cosmetic, and packaging industries and to provide fertilizers and biodiesel for agricultural applications as well.
EWG 23-06 Conclusions	
PESCAMED High Level Group provided new data to EWG 23-06 even though in some cases the information is partial. The reasons given by PESCAMED High Level Group for the *de minimis* exemption are the same presented in the previous EWGs. The studies conducted indicating the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **common sole** (*Solea solea*) and **gilthead seabream** (*Sparus aurata*), up to a maximum of **1%** of the total annual catches of those species caught by vessels using **hooks and lines** in the western Mediterranean. Article 4 point e of Commission Delegated Regulation (EU) 2021/2066, amended by Commission Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The main reasons advocated by the MS for the *de* minimis exemption are: the difficulty to implement the selectivity without a great economic loss for the fishery; the disproportioned costs related to the handling of the unwanted cacthes on board and their transport from the landing sites spread along the coast to the final destination; and the worthlessness of developping a new industry based on the processing of unwanted catches considering that the LO objective is to reduce discard quantities.
Supporting Data	

Has detailed catch and fleet data been provided for the stock and for the fishery?	France provided a description of fleet and composition of the longlines (LX) catches in the document PESCAMED HLG_Elements to justify discards exemptions_02.05.2023_final, where France also included a table reporting the aggregated landing and catch data for all species over 3 years (2020-2022). However, the data do not allow a clear comprehension of the quantitative composition of landings and catches. Data on unwanted catches are not reported. Italy has reported fleet, catch and landing data per species and gear (LLS, LHP, and LLD) related only to one year (without specifying the year). Discard data are not reported. Spain has not provided any data on the LX fishery.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Due to the lack of discard data, the EWG 23-06 is unable to evaluate the extent of unwanted catches in the fishery.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	In the absence of data on discards, the EWG 23-06 is not able to estimate this.
Supporting Information	
What supporting information/literature reviews has been provided?	Supporting information is based on projects and studies carried out in the West Med and dealing with technological improvement of longline selectivity, e.g. IFREMER SELPAL (https://www.argos-system.org/the-selpal-project) and REPAST projects; adoption of temporal and spatial measures to promote better selectivity of the catches and facilitate controls (MedBLand, Spedicato et al. 2021); and with the economic impact of a full implementation of LO in the Mediterranean in terms of handling costs, treatment of unwanted catches on land, transport at sea and on land, price of equipment for storage (L'Intégration de l'Obligation de débarquement en Méditerranée, 2019).
Is this information taken from the actual fishery/fisheries relating to the exemption?	Some arguments presented in the supporting document are generic while others are related directly to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	

Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The SELPAL study on the impact of longline fishery in the Mediterranean Sea, and reduction of by-catches, shows that this gear can be considered as highly selective. However, some bycatches seem unavoidable.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by MS within the framework of the projects mentioned above.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	MSs emphasise that, due to the large number of landing places and coastal configuration, LO would lead to disproportionate costs for collecting the landed discards and related transport. In the case of France, the exemption is not based on disproportionate costs, but mainly on the improvement of selectivity which would cause large economic losses. In addition, there is no onshore sector for the treatment of unwanted catches; as for trawlers and gillnetters, the layout of the various landing sites does not allow the creation of an economically sustainable sector.
Is this based on pilot studies or economic model simulations?	The arguments provided by MSs are based on economic studies (e.g., L' Intégration de l'Obligation de débarquement en Méditerranée, 2019).
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	In the absence of data on discards, the EWG 23-06 is not able to estimate this economic aspect.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	In the absence of data on discard, the EWG 23-06 is not able to estimate the impact of the exemption on the stocks.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	European hake is the only species exploited together with some of the species included in this exemption and subjected to stock assessment in the framework of DCF; the most recent assessment highlighted the depleted state of the hake stocks in the western Mediterranean.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Italy stated that new projects will be implemented on gear selectivity in the incoming years, with the support of the EMPFAF without specifying which gears will be investigated. No new projects are indicated by Spain and France.
EWG 23-06 Conclusions	

Limited new information has been provided other than partial information on catches and fleets. Therefore, an assessment of the impact of this exemption cannot be completed.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5%** of the total annual catches of those species by vessels using **pelagic mid-water trawls** in the Western Mediterranean. Article 3.1 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed as well as the difficulties to increase selectivity in gears considered already very species selective. As for the disproportionate costs and technical measures, the same arguments used in the previous request (EWG 20-04) for the mid-water trawl fleet are repeated.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France. In the documentation provided to EWG 23-06 by PESCAMED High Level Group there is no information either on the catches or on the fleet that uses this fishing gear. Italy. PESCAMED High Level Group sent to EWG 23-06 detailed data regarding landings and fleet using pelagic mid-water trawling in Italy. Regarding unwanted catches, data are not available as this type of gear is not monitored. The discard of this fishing gear is considered negligible by studies previously conducted. Spain. Pelagic mid-water trawling is not utilised in Spain.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France. No information provided by the Member State. From the analysis of the FDI data done by EWG 23-06, only 1 vessel used the pelagic mid-water trawling in the period 2019-2021. The average annual landings of the species for which exemption is requested was 951 tonnes. Unwanted catches amounted to an average of 4 tonnes in the period considered. The discard ratio is 0.44 %.

	Italy. The fleet using pelagic mid-water trawling consists of only 4 vessels operating in the GSA 9. The target species is represented by *E. encrasicolus*, with an average annual landing of 244 tonnes in the period 2019-2021. The average annual landing in the period considered is around 9 tonnes for *S. pilchardus*, while that of *Trachurus* spp. and *Scomber* spp. is negligible (0.2 and 0.4 tonnes respectively). Data on unwanted catches is not provided by the MS. In the FDI database, the unwanted catches resulted to be zero (data available for 2019-2020). Spain. Pelagic mid-water trawling is not utilised in Spain.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	While Spain declared that this exemption is not used, there is currently no indication whether France and Italy use the exemption. For Italy, it is explicitly reported that this fishing gear is not currently monitored with regards to unwanted catches. The discard rate is equal to 0.28 % putting together the French and Italian FDI data for the period 2019-2021.
Supporting Information	
What supporting information/literature reviews has been provided?	The final report of the European project "Implications of the implementation of the landing obligations provisions in small pelagic fisheries in Mediterranean (LANDMED)" has been provided. A number of scientific and technical issues were identified as having significant implications for implementation of the landing obligation and requiring further analysis. The species investigated in LANDMED were sardine, anchovy and mackerels, i.e., the small pelagic species subjected in Mediterranean to a Minimum Size (EC Reg. 1967/2006) and thus included in the Article 15 of the EU Reg. 1380/2013. The involved fishing gears were mainly purse seine and pelagic trawl. The project focused on EU Mediterranean fisheries, with definition at Country and, when possible, GSA spatial scale. The Deliverable 7.2 (Year 2 of the Landing Obligation: Key Issues in Mediterranean Fisheries) of the European project "Strategies for the gradual elimination of discards in European fisheries (DiscardLess)" is another specific supporting document provided by PESCAMED High Level Group. Although DiscardLess was carried out at the European level, Deliverable 7.2 specifically addresses the issue of LO in the Mediterranean also. The approaches followed to address the problems related to the LO in the Mediterranean were based on:

	• Interviews with a broad range of stakeholders from Commission level, through national administrators, industry and NGO reps and individual fishers. • Attendance at relevant national, regional and EU meetings. • Analysis of relevant policy statements, regulatory documents, and academic literature. • Organisation of a dedicated stakeholder workshop in Rome to discuss the Policy Brief and to ensure its collaborative finalisation. • Review of first 2 years of LO and guidelines for improved implementation over coming years. Another document cited by PESCAMED HLG is the project "Synthesis of the Landing Obligation Measures and Discard Rates for the Mediterranean and the Black Sea (MedBLand)" aimed at improving the understanding of the management measures put in place to implement the LO. In particular, Task 2 was devoted to assessing the impact of the combination of measures implemented regarding the reduction of discard rates. Task 3 was dedicated to the Identification and evaluation of the measures, structures and resources adopted by Member States' authorities to ensure control, enforcement, and inspection of all activities relevant to the LO.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting documents are directly related to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Some information contained in the documentation sent by PESCAMED HLG refers to the fisheries covered by the exemption. Other information refers to similar fisheries with similar fishing gears but in different GSAs. However, the information collected seems representative given these similarities and are therefore valid to support the case for the exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, a credible argument is provided. Pelagic mid-water trawls can be defined as highly "species-selective" fishing gears for the following reasons. The minimum mesh openings is 20 mm. The use of small meshes is mainly adopted to avoid the enmeshment and gilling during the catching processes that usually damage fish in trawl gears. It should be noted that high level of entanglement represents significant burden to fishermen as they need to invest a lot of time to cleaning it and it is avoided to the maximum extent possible.

	The use of larger meshes in the mid-water trawl codend has been tested in some areas of the Mediterranean in the past. However, the results obtained were not very promising. If large meshes are used in the codend of pelagic trawl, there is the possibility that the fish entering the codend will be gilled or enmeshed and lose its commercial value. Furthermore, being the meshes of the codend obstructed by the enmeshed fish, there is an actual risk of codend explosion due to the water pressure. Therefore, the fishing practices and the technical properties of pelagic mid-water trawling make a selectivity improvement impractical.
Is this based on pilot studies or trials?	Yes, this is based on trials carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. Results from the interviews from the MedBLand project highlighted that the implementation of the LO provisions depends also on a system that allows to manage and possibly process the discards in the circuit "not for human consumption". Literature review and consultation with stakeholders, indicated that the main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points. Further, the coasts are characterized by a large number of small-scale fishing ports which makes it unviable to collect and store smaller quantities of discards in fishing ports and generates a lack of interest of industrial companies in the processing of small and disperse quantities of discards that will produce disproportionate costs for the management of catches subject to LO.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study (MedBLand project) that shows disproportionate costs both for the handling of unwanted catches on board and once landed for in the absence of infrastructure.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information provided to support the assertion that the costs of handling unwanted catches once landed are disproportionate, provide a reasonable justification for this exemption. Although no recent data is provided, the actual level of unwanted catches is very low or zero compared to landings from fishing.
Projected impact/risk associated with the exemption	

What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the statements made in the document supporting the exemption request provided by PESCAMED High Level Group, the volume of unwanted catches of the relevant stocks in the pelagic mid-water trawling is very low. The exemption is requested for the main stocks exploited with this fishing technique. Recently, stock assessments in western Mediterranean have been carried out in some GSAs for anchovy and sardine only. Although there is a lack of information on unwanted catches, the small quantities that are discarded should not have a significant effect on the exploitation status.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	There are no depleted stocks in the western Mediterranean exploited with this type of gear.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	In the documents presented by PESCAMED High Level Group, there is no mention about future studies that may have LO implications.
EWG 23-06 Conclusions	
PESCAMED High Level Group provided limited new data to EWG 23-06. In particular, data on catches (including unwanted ones) and fishing capacity were not provided for the French fleet. The number of unwanted catches for Italy was not available. However, FDI data were analysed by EWG 23-06. The reasons given by PESCAMED High Level Group for the *de minimis* exemption are the same presented in the previous EWGs, supported by the studies carried out in the context of LANDMED, MedBLand and DiscardLess projects. The studies conducted indicating the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5%** of the total annual catches of those species by vessels using **purse seines** in the Western Mediterranean. Article 3.1 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed as well as the difficulties to increase

	selectivity in gears considered already very selective. As for the disproportionate cost and technical measures, the same arguments used in the previous request (EWG 20-04) for the purse seine fleet are repeated.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	France. In the documentation provided to EWG 23-06 by PESCAMED High Level Group there is no information either on the catches or on the fleet that uses this fishing system. Italy. PESCAMED HLG sent to EWG 23-6 detailed data regarding landings and fleet using purse seines in Italy. Regarding unwanted catches, data are not available as this type of gear is not monitored. The discard of this fishing gear is considered negligible by studies previously conducted. Spain. In the documentation provided to EWG23-06 by PESCAMED HLG, there is no information either on the catches or on the fleet that uses this fishing gear.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	France. No information provided by the Member State. From the analysis of the FDI data done by EWG 23-06, about 31 vessels used the purse seine in the period 2019-2021. The average annual landing of the species for which exemption is requested was 252 tonnes. Data on unwanted catches are not reported in the FDI database. Italy. The fleet using purse seine consists of 243 vessels operating in the GSA 9 (28 vessels), GSA10 (208) and GSA11 (6). The most important species is *E. encrasicolus*, with an average annual landing of 5680 tonnes in the period 2019-2021. The average annual landings in the period considered were around 2553 tonnes for *S. pilchardus*, while those of *Trachurus* spp. and *Scomber* spp. were 114 and 243 tonnes respectively. Data on unwanted catches were not provided by the Member State. In the FDI database, the unwanted catches resulted to be zero (data available for 2019-2020). Spain. No information provided by the Member State. From the analysis of the FDI data, about 186 vessels used the purse seine in the period 2019-2021. The average annual landings of the species for which exemption is requested was 26,286 tonnes. In the FDI database, the unwanted catches resulted to be zero.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of	There is currently no indication whether Member States use the exemption. For Italy, it is explicitly reported that this fishing system is not currently monitored as regards unwanted catches. For France

unwanted catch recorded and reported by the Member State against the exemption?	and Spain there is no information on this fraction of the catch. Data reported in LANDMED project indicate that the discard rate is very low or equal to zero both in Spain (GSA1) and in Italy (GSAs 9 and 10) and in any case always well below 5%. From FDI database, discard is zero for both Italy and Spain. The FDI database shows that in the period 2019-2021 the discard ratio of purse seiners in Italy and Spain is equal to zero.
Supporting Information	
What supporting information/literature reviews has been provided?	The final report of the European project "Implications of the implementation of the landing obligations provisions in small pelagic fisheries in Mediterranean (LANDMED)" has been provided. A number of scientific and technical issues were identified as having significant implications for implementation of the landing obligation and requiring further analysis. The species investigated in LANDMED were sardine, anchovy and mackerels, i.e. the small pelagic species subjected in Mediterranean to a Minimum Size (EC Reg. 1967/2006) and thus included in the Article 15 of the EU Reg. 1380/2013. The involved fishing gears were mainly purse seine and pelagic trawl. The project focused on EU Mediterranean fisheries, with definition at Country and, when possible, GSA spatial scale. The Deliverable 7.2 (Year 2 of the Landing Obligation: Key Issues in Mediterranean Fisheries) of the European project "Strategies for the gradual elimination of discards in European fisheries (DiscardLess)" is another specific supporting document provided by PESCAMED HLG. Although DiscardLess was carried out at the European level, Deliverable 7.2 specifically addresses the issue of LO in the Mediterranean also. The approaches followed to address the problems related to the LO in the Mediterranean were based on: • Interviews with a broad range of stakeholders from Commission level, through national administrators, industry and NGO reps and individual fishers. • Attendance at relevant national, regional and EU meetings. • Analysis of relevant policy statements, regulatory documents, and academic literature. • Organisation of a dedicated stakeholder workshop in Rome to discuss the Policy Brief and to ensure its collaborative finalisation.

	• Review of first 2 years of LO and guidelines for improved implementation over coming years. MedBLand aimed at improving the understanding the management measures put in place to implement the LO. In particular, Task 2 was devoted to assessing the impact of the combination of measures implemented regarding the reduction of discards rates. Task 3 was dedicated to the Identification and evaluation of the measures, structures and resources adopted by Member States' authorities to ensure control, enforcement, and inspection of all activities relevant to the LO.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting documents are directly related to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Some information contained in the documentation sent by PESCAMED HLG refers to the fisheries covered by the exemption. Other information refers to similar fisheries with similar fishing gears but in different GSAs. However, the information collected seems representative given these similarities and are therefore valid to support the case for the exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, a credible argument is provided. Purse seines can be defined as highly "species-selective" fishing gears for the following reason: the minimum mesh opening for purse seines is 14 mm and the use of small meshes is mainly adopted to avoid the enmeshment and gilling during the catching processes that usually damage fish. It should be noted that high level of entanglement represents significant burden to fishers as they need to invest a lot of time to cleaning it and it is avoided to the maximum possible extent. Studies on technical properties of purse seines targeting small pelagic species in the Mediterranean suggest that the discard ratio is low (Kelleher, 2005; Tsagarakis et al., 2012) because the gear is highly selective, and vessels mainly target small pelagic fish with a low diversity of species and sizes. However, the discarded portion could be affected by several factors such as quantity and composition of the catch as well as market prices (Santojanni et al., 2005). Therefore, it is reported that the fishing practices and the technical properties of purse seine make a selectivity improvement impractical.
Is this based on pilot studies or trials?	Yes, this is based on trials carried out by Member States.

Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board the vessel in the relevant fisheries is provided. Results from the interviews from the MedBLand project highlighted that the implementation of the LO provisions depends also on a system that allows to manage and possibly process the discards in the circuit "not for human consumption". Literature review and consultation with stakeholders, indicated that the main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points. Further, the costs are characterized by a large number of small-scale fishing ports which makes it unviable to collect and store smaller quantities of discards in fishing ports and generates a lack of interest of industrial companies in the processing of small and dispersed quantities of discards that will produce disproportionate costs for the management of catches subject to LO.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study (MedBLand project) that shows disproportionate costs both for the handling of unwanted catches on board and once landed in the absence of infrastructure.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information provided to support the assertion that the costs of handling unwanted catches once landed are disproportionate, provide a reasonable justification for this exemption. Although no recent data is provided, the actual level of unwanted catches is very low or zero compared to landings from fishing.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the statements made in the document supporting the exemption request provided by PESCAMED HLG, the volume of unwanted catches of the relevant stocks in the purse seine fishery is very low. The exemption is requested for the main stocks exploited with this fishing technique. Recently, stock assessments in western Mediterranean have been carried out in some GSAs for anchovy and sardine only. Although there is a lack of information on unwanted catches, the small quantities that are discarded should not have a significant effect on the exploitation status.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	There are no depleted stocks in the western Mediterranean exploited with this type of gear.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	In the documents presented by PESCAMED HLG, there is no mention about future studies that may have LO implications.
EWG 23-06 Conclusions	
PESCAMED HLG provided limited new data to EWG 23-06. In particular, data on catches (including unwanted ones) and fishing capacity were not provided for the French and Spanish fleets. The number of unwanted catches for Italy was not available. However, FDI data were analysed by EWG 23-06. The reasons given by PESCAMED HLG for the *de minimis* exemption are the same presented in the previous EWGs, supported by the studies carried out in the context of LANDMED, MedBLand and DiscardLess projects. The studies conducted indicating the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

7.1.2 South-eastern Mediterranean Sea

The summary of *de minimis* exemptions submitted for the South-eastern Mediterranean exemptions relating to demersal species is presented in the following tables.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of **5%** of the total annual catches of those species by vessels using **bottom trawls** in South-Eastern Mediterranean Sea. Article 3, point 1.b (i) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Yes, the explanation given by **Cyprus** is under the disproportionate cost and specifically: (1) lack of processing facilities to handle unwanted fish in combination with small quantities, (2) high costs for incineration and single location of incineration facility (long distance from main landing sites), (3) disproportionate costs for storing and transporting unwanted catch and (4) absence of any selectivity study that balances profits and catch of main targeted species in the Cyprus trawl fishery. The explanation given by **Greece** is under the disproportionate cost and specifically (1) lack of adequate transport means ensuring cost-profit balance, (2) low quantities of unwanted catch, (3) high and scattered number of landing ports with

	necessity to construct storage facilities and (4) absence of any selectivity study that balances profits and catch of targeted species in the Greek trawl fishery. No explanation is given by **Malta**. The explanation given by **Italy** is under the disproportionate cost and specifically: (1) logistic limitations onboard for the selection process and storage of discards, (2) increased transportation costs.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data for each of the stocks concerned and the fishery was provided by **Cyprus** for GSA 25 and GSA 21, by **Greece**, for GSA 20, GSA 22 and GSA 23, by **Malta** for GSA 15 and by **Italy** for GSA 16, GSA 19. The level of detail is sufficient for each of the stocks and GSAs concerned.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data for **Cyprus** in terms of the extent of unwanted catches (discards) in bottom trawls are presented as estimated discards both above and below MCRS for GSA 25 and GSA 15. Total estimated discards in GSA 25 is 7.5% in relative terms (discard rates) and 1.98 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 25 for hake and mullets (combined) in bottom trawls is 0.78 % in relative terms (discard rates) and 0.1 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 15 are 6.6% in relative terms (discard rates) and 8.38 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 15 for hake and red mullets (combined) in bottom trawls is 7.19% in relative terms (discard rates) and 0.48 tonnes in absolute terms (volume of unwanted catches). A high rate of discarding has been reported for hake in GSA 15 (27.5%). The data for **Greece** in terms of the extent of unwanted catches (discards) in bottom trawls are presented as estimated discards both above and below MCRS for GSAs 20, 22 and 23. Total estimated discards in GSA 20 are 5 % in relative terms (discard rates) and 26.7 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 20 for hake and mullets (combined) in bottom trawls is 2.1 % in relative terms (discard rates) and 7.89 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 22 are 54.4 % in relative terms (discard rates) and 7715.21 tonnes in absolute terms (volume of unwanted catches). Total

	estimated discards in GSA 22 for hake and mullets (combined) in bottom trawls is 4.36 % in relative terms (discard rates) and 121.1 tonnes in absolute terms (volume of unwanted catches). A rate of discarding has been reported for hake in GSA 22 reaching 6.8 %. Total estimated discards in GSA 23 are 1.6 % in relative terms (discard rates) and 2.73 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 23 for hake and red mullets (combined) in bottom trawls is 1.1 % in relative terms (discard rates) and 1.52 tonnes in absolute terms (volume of unwanted catches). The data for **Malta** in terms of the extent of unwanted catches (discards) in bottom trawls are presented as estimated discards both above and below MCRS for GSA 15. Total estimated discards in GSA 15 is 17.2 % in relative terms (discard rates) and 31.92 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 15 for hake and mullets (combined) in bottom trawls is 1.22 % in relative terms (discard rates) and 4.05 tonnes in absolute terms (volume of unwanted catches). The data for **Italy** in terms of the extent of unwanted catches (discards) in bottom trawls are presented as estimated discards both above and below MCRS for GSAs 16 and 19. Total estimated discards in GSA 16 are 1.17 % in relative terms (discard rates) and 49.1 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 16 for hake and mullets (combined) in bottom trawls is 1.68 % in relative terms (discard rates) and 16.5 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 19 are 3.44 % in relative terms (discard rates) and 53.69 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 19 for hake and mullets (combined) in bottom trawls is 2.6 % in relative terms (discard rates) and 16.9 tonnes in absolute terms (volume of unwanted catches).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Indication on the use of this exemption has been provided by **Cyprus**, **Greece**, **Malta** and **Italy**. Information on the level of unwanted catch recorded and reported by **Cyprus**, **Greece**, **Malta** and **Italy** against the exception has been provided.
Supporting Information	
What supporting information/literature reviews has been provided?	**Cyprus**, **Greece** and **Italy** have provided supporting information on the basis of three options: (1) Implement LO with no *de minimis*

	exemptions, (2) more selective gears and (3) implement *de minimis*. In addition, **Cyprus** and **Greece** have provided a multi-criteria performance matrix. **Cyprus** has provided information on studies under MINOUW project. Both studies exploring (1) the use of sorting grids (Vitale et al. 2018) and (2) modified trawl fitted with an extension piece 50mm diamond mesh mounted in T90 orientation (Sola & Maynou 2018) show that no undersized red mullets are caught. For the modified trawl, catch rates decreased for red mullets as well as the total commercial catch of the vessel. Hake is not a targeted species in this fishery. **Cyprus** has in addition provided references to six scientific publications relevant to the exemption (two of which under MINOUW project). **Greece** has provided information on seven scientific publications relevant to the exemption, reports from Discardless project and book chapters relevant to the exemption. Greece provides information but with no data on a new project 'VIOAXIOPOIO' with the aim to exploit discarded species towards the production of high added value biomolecules (HAVB). Greece also provides information on a discarded invasive tetrodotoxin-containing species, *Lagocephalus sceleratus*, banned from entering European markets due to high toxicity and lethality if consumed by humans. No data or other information of discards of this species is reported by Greece and as such cannot be evaluated. Greece has also provided information on fishery trawl prohibitions in all concerned GSAs (20, 22, 23). **Malta** has not provided any supporting information or literature reviews. **Italy** has provided information from IMPLEMED project with controversial results in terms of selectivity vs. loss of important catch parts. Italy has also provided information for MINOUW and Discardless project.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided **Cyprus** is taken from the actual fishery relating to the exemption. The information provided **Greece** is partly taken from the actual fishery relating to the exemption. **Malta** has not provided any supporting information. The information provided **Italy** is partly taken from the actual fishery relating to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Yes, information relating to similar fisheries using the same gear has been provided. The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears. The justifications for the exemption for all concerned MS are based on disproportionate costs

	and lack of balance in increased selectivity vs catch/profits for the mixed fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, and they are supported by relevant scientific publications.
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	**Cyprus**, **Greece** and **Italy** have provided arguments to support the exemption based on disproportionate costs. **Cyprus** has provided arguments with (1) estimations on additional sorting and handling costs, (2) an income loss of 10 % of the average income of 2020-2021, (3) no storage facilities in any of the designated ports, (4) insufficient quantity of unwanted catches for collection and transfer for incineration and (5) cost of incineration. **Greece** has provided arguments with (1) lack of storage facilities in many ports, (2) lack of adequate means for collection and transfer of discards, (3) insufficient quantity of unwanted catches for collection and transfer. **Italy** has provided arguments wit (1) limited time for sorting unwanted catches, (2) additional handling costs, (3) logistic limitations onboard. However, whether arguments are credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments provided by **Cyprus** and **Greece** for the exemption are based on the multicriteria performance matrix that shows disproportionate costs in the absence of infrastructure to handle unwanted catches once landed and onboard handling. The arguments provided by **Italy** for the exemption are based on a quantitative analysis that shows disproportionate costs in the absence of infrastructure to handle unwanted catches once landed together with onboard handling.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption.

	The actual level of unwanted catch of hake and red mullets in bottom trawls is very low (< 5 %), compared to the landings from the fishery), except in two cases where (1) a high rate of discarding has been reported for hake in GSA 15 (27.5 %) and (2) a rate of discarding reaching 6.8 % has been reported for hake in GSA 22. Value of landings has been reported by Greece and Cyprus for the total catch including all species caught.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of hake and mullets from the bottom trawl fisheries are at low levels for the majority of the GSA areas reported by MS, except GSA 15 where a high rate of discarding has been reported for hake (27.5 %).
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The hake and red mullet stocks in the south-eastern Mediterranean Sea are exploited together with other stocks that are in state of overfishing and reducing fishing mortality on these stocks should be a priority. Introducing a *de minimis* exemption to allow continued discarding will not lead to a reduction in fishing mortality and if not strictly monitored may lead to increased fishing mortality due to unreported discarding.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	**Cyprus** reports a permanent trawling closure of the Chrysochou Bay that will be implemented if permanent cessation of trawlers in territorial waters is not completed during the next years. Cyprus also reports new projects under EMFF 2021-2027 for improved selectivity. **Greece** reports new projects under EMFF 2021-2027 for improved selectivity. **Italy** reports new projects under EMFF 2021-2027 for improved selectivity. **Cyprus**, **Greece** and **Italy** inform on the importance of restricted areas for the protection of juveniles.
EWG 23-06 Conclusions	
In conclusion the exemptions can be supported for the relevant GSAs that data have been reported, considering that (1) a high rate of discarding has been reported for hake in GSA 15 (27.5%) and (2) a rate of discarding reaching 6.8 % has been reported for hake in GSA 22. Continuous work should be given for increasing selectivity while ensuring profits and protecting areas important for the protection of juveniles.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of 1**%** of the total annual catches of those species by vessels using **gillnets and trammel nets** in South-Eastern Mediterranean Sea. Article 3. point 1.b (ii) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Yes, the explanation given by **Cyprus** is under the disproportionate cost and specifically: (1) lack of processing facilities to handle unwanted fish in combination with small quantities, (2) high costs for incineration and single location of incineration facility (long distance from main landing sites), (3) disproportionate costs for storing and transporting unwanted catch and (4) absence of any selectivity study that balances profits and catch of main targeted species in the Cyprus trawl fishery. The explanation given by **Greece** is under the disproportionate cost and specifically (1) lack of adequate transport means ensuring cost-profit balance, (2) low quantities of unwanted catch, (3) high and scattered number of landing ports with necessity to construct storage facilities and (4) absence of any selectivity study that balances profits and catch of targeted species in the Greek trawl fishery. No explanation is given by **Malta**. The explanation given by **Italy** is under the disproportionate cost and specifically: (1) logistic limitations onboard for the selection process and storage of discards, (2) increased transportation costs.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch and fleet data for each of the stocks concerned and the fishery was provided by **Cyprus** for GSA 25, by **Greece**, for GSA 20, GSA 22 and GSA 23, by **Malta** for GSA 15 and by **Italy** for GSA 16, GSA 19. The level of detail is sufficient for each of the stocks and GSAs concerned.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data for **Cyprus** in terms of the extent of unwanted catches (discards) in gillnets and trammel nets are presented as estimated discards both above and below MCRS for GSA 25. Total estimated discards in GSA 25 is 4.95 % in relative terms (discard rates) and 2.19 tonnes in

	absolute terms (volume of unwanted catches). Total estimated discards in GSA 25 for hake and mullets (combined) in gillnets and trammel nets is 0 % in relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches). The data for **Greece** in terms of the extent of unwanted catches (discards) in gillnets and trammel nets are presented as estimated discards both above and below MCRS for GSAs 20, 22 and 23. Total estimated discards in GSA 20 are 2.5% in relative terms (discard rates) and 21.43 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 20 for hake and red mullets (combined) in gillnets and trammel nets is 1.5 % in relative terms (discard rates) and 6.91 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 22 are 8.47 % in relative terms (discard rates) and 189.5 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 22 for hake and red mullets (combined) in gillnets and trammel nets is 0.5 % in relative terms (discard rates) and 5.36 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 23 are 8 % in relative terms (discard rates) and 27.71 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 23 for hake and mullets (combined) in gillnets and trammel nets is 4.7 % in relative terms (discard rates) and 7.41 tonnes in absolute terms (volume of unwanted catches). *Mullus barbatus* is reported with a discard rate of 8.14 %. The data for **Malta** in terms of the extent of unwanted catches (discards) in gillnets and trammel nets are presented as estimated discards both above and below MCRS for GSA 15. Total estimated discards in GSA 15 are 4.13 % in relative terms (discard rates) and 0.518 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 15 for hake and mullets (combined) in gillnets and trammel nets is 0 % in relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches). The data for **Italy** in terms of the extent of unwanted catches (discards) in gillnets and trammel nets are presented as estimated discards both above and below MCRS for GSAs 16 and 19. Total estimated discards in GSA 16 are 0 % in relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 16 for hake and mullets (combined) in gillnets and trammel nets is 0 % in

	relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 19 are 0 % in relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches). Total estimated discards in GSA 19 for hake and mullets (combined) in gillnets and trammel nets is 0 % in relative terms (discard rates) and 0 tonnes in absolute terms (volume of unwanted catches).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The use of this exemption has been provided by **Greece** and **Malta**. The level of unwanted catch has been recorded and reported against the exemption by **Greece** and **Malta**
Supporting Information	
What supporting information/literature reviews has been provided?	**Cyprus**, **Greece** and **Italy** have provided supporting information on the basis of three options: (1) Implement LO with no *de minimis* exemptions, (2) more selective gears and (3) implement *de minimis*. In addition, **Cyprus** and **Greece** has provided multi-criteria performance matrices. **Cyprus** has provided information on the study by Szynaka et al. (2018) where modified, more selective nets produce a 17 % decrease in the marketed catch and 18 % reduction in the marketed value. **Greece** has provided information relevant to the exemption with reports from the Discardless project and book chapters. Greece provides information but with no data on a new project 'VIOAXIOPOIO' with the aim to exploit discarded species towards the production of high added value biomolecules (HAVB). Greece also provides information on a discarded invasive tetrodotoxin-containing species, *Lagocephalus sceleratus*, banned from entering European markets due to high toxicity and lethality if consumed by humans. No data or other information of discards of this species is reported by Greece and as such cannot be evaluated. **Malta** has not provided any supporting information or literature reviews. **Italy** has provided information from a new Horizon EcoeFISHent project.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided **Cyprus** is not taken from the actual fishery relating to the exemption. The information provided **Greece** is not taken from the actual fishery relating to the exemption. **Malta** has not provided any supporting information.

	The information provided **Italy** is not taken from the actual fishery relating to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Yes, information relating to similar fisheries using the same gear has been provided by Cyprus. The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears using a monofilament trammel net rigged with a guarding net. The justifications for the exemption for all concerned MS are based on disproportionate costs and lack of balance in increased selectivity vs catch/profits for the mixed fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	No, there is generally a lack of selectivity studies for gillnets and trammel nets, except the study by Szynaka et al. (2018).
Is this based on pilot studies or trials?	The study reported by Cyprus (Szynaka et al. 2018) is based on trials.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	**Cyprus**, **Greece** and **Italy** have provided arguments to support the exemption based on disproportionate costs. **Cyprus** has provided arguments with (1) estimations on additional sorting and handling costs, (2) income loss, (3) no storage facilities in any of the designated ports, (4) insufficient quantity of unwanted catches for collection and transfer for incineration and (5) cost of incineration. **Greece** has provided arguments with (1) lack of storage facilities in many ports, (2) lack of adequate means for collection and transfer of discards, (3) insufficient quantity of unwanted catches for collection and transfer. **Italy** has provided arguments wit (1) limited time for sorting unwanted catches, (2) additional handling costs, (3) logistic limitations onboard. However, whether arguments are credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments provided by **Cyprus**, **Greece** and **Italy** for the exemption are based on an analysis that shows disproportionate costs in the absence of infrastructure to handle unwanted catches once landed and onboard handling.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate,

	provide a reasonable justification for this exemption. The actual level of unwanted catch of hake and red mullets in gillnets and trammel nets is very low (< 1%) for the majority of the reported data, compared to the landings from the fishery). Value of landings has been reported by Greece and Cyprus for the total catch including all species caught.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of hake and red mullets from the gillnets and trammel nets fisheries are at low levels and zero for Italy and Malta for the majority of the GSA areas reported by MS.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The hake and red mullet stocks in the south-eastern Mediterranean Sea are exploited together with other stocks that are in overexloited state and reducing fishing mortality on these stocks should be a priority. Introducing a *de minimis* exemption to allow continued discarding will not lead to a reduction in fishing mortality and if not strictly monitored may lead to increased fishing mortality due to unreported discarding.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	**Cyprus** reports permanent trawling closure of the Chrysochou Bay will be implemented in case of permanent cessation of trawlers in territorial waters is not completed during the next years. Cyprus also reports new projects under EMFF 2021-2027 for improved selectivity. **Greece** reports new projects under EMFF 2021-2027 for improved selectivity. **Italy** reports new projects under EMFF 2021-2027 for improved selectivity. **Cyprus**, **Greece** and **Italy** inform on the importance of fisheries restricted areas for the protection of juveniles and continuation of efforts to support increased selectivity.
EWG 23-06 Conclusions	
Evidence to support the request based on disproportionate cost has been provided by Cyprus and Greece. Italy and Malta have provided data to support disproportionate costs but has not reported any use of the exemption.	

Description of the Exemption

Title of Exemption and relevant delegated act and article	**Deep-water rose shrimp** (*Parapenaeus longirostris*), up to a maximum of **5%** of the total annual catches of those species by vessels using **bottom trawls** in South-Eastern Mediterranean Sea. Article 3, point 1.b (iii) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	<u>Italy</u> Italy implements the reduction of the fishing effort either through the usual temporary cessation in the autumn as well as a further reduction under the National management plans. Starting from 2019, Italy has carried out an effort reduction by 20 % in the GSA 16 and almost 30 % in the GSA 19 that in turn should have decreased the chance of capturing also unwanted catches. Furthermore, the justification is based on the results from the MedBLand project (Spedicato et al., 2021[5]). Also, STECF 21-13 analysed the issue of the gear selectivity in terms of mesh size opening, highlighting that a 50 mm square-mesh in the cod-end would imply an increased size at first capture of European hake, reaching about 18-19 cm, and thus getting close but still not reaching the MCRS for this species. Similar considerations hold for deep water rose shrimp, which captures co-occur with the ones of European hake in several areas. <u>Greece</u> Greece has made significant efforts in recent years to reduce the number of vessels, in the context of a comprehensive restructuring of its fishing fleet. A management plan for fishing with bottom otter trawls approved by the European Commission, has been in force since early 2014 (Ministerial Decision 271/2576 of 9 January 2014, GG, Series I, No 58). An updated management plan for bottom otter trawls was submitted in 2021 (233 vessels), with a proposed derogation for fishing to 1 nm, in order to reduce the pressure on hake and shrimps stocks and additional temporal closures. Also evidence has been provided that meshes of 40 mm square and 50 mm diamond do not provide effective improvements for the sustainability and the protection of juveniles of *P. longirostris.* The justification is needed considering an estimated discard rate of 5.1 % in

	GSA 22. Also, for shrimp species caught by OTB is very hard to improve selectivity. Cyprus Although landings of *P. longirostris* can be considered negligible (0.29 t), in Cyprus discard rate is just above 5%. It is reported that, a 5% *de minimis* for the *Parapenaeus longirostris* would be needed to facilitate the implementation of the landing obligation. Malta Exemption from the landing obligation would aid in issues pertaining to the administration of all the discards (including species below their minimum size) that are landed. These include issues related to inspections, storage and disposal of the species that are being landed. No fouther information have been provided as motivation for an exemption request.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information was provided by Italy, Greece, Cyprus and Malta in Annex A - Description of fisheries for which *de minimis* exemptions are requested in SUDESTMED area.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Italy, Greece, Cyprus, and Malta reported both estimated catch and discard data of *P. longirostris* using bottom trawls in relative and absolute terms. Italy Italy reported 357 OTB vessels with a landings of 2605 t and a discard rate of 0.4 % in GSA 16. In GSA 19 a total of 215 OTB vessels was reported with 823.87 t of landings and a discard rate of 3.7 %. After a data check, it was spotted an inconsistency of almost 12 % (322 t) between Italian landing data reported for GSA 16 in the Annex A (2605 t) and FDI data (2283 t). Similarly, Italian estimated discards reported in the Annex A for GSA 19 are 31,48 t almost 54 % more than what reported in the FDI (16.98 t). Greece Greek's OTB fleet includes 214 vessels in GSA 22 (the main landings of *Parapenaeus longirostris*) with a total amount of landings of 2661.2 t and a discard rate of 2.64 %. The landings and discards in GSA 20 and 23 are negligible. Cyprus Cyprus reported 3 OTB vessels (only 2 in territorial waters) with a landing of 0.29 t and a discard rate of 5.7 %. Malta

	Malta reported 16 OTB vessels with landings of 3.944 tonnes and a discard rate of 0 %.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	According to the provided information, Italy, Greece and Cyprus are using the exemption. It is not clear whether Malta is using it, since they report a zero discard rate.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy MedBLand (Spedicato et al., 2021) Greece "*Selectivity of the diamond and square mesh of the trawl cod end, biological and economic consequences and fish behaviour comparative study*" (EPAL 2007-2013) Mytilineou et al. (2018) Mytilineou et al. (2020) Cyprus Vitale et al. (2018) Guijarro and Massutı (2006). Malta Malta did not provide support information.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, for Italy, Greece and Cyprus the arguments presented in the supporting document are related to the *P. longirostris* OTB fishery. Malta did not provide any supporting information.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, arguments are based on the selectivity studies mentioned above. Improving the size selectivity of fish and shrimp species can be difficult due to large differences in their morphological characteristics and so such improvements can be achieved only through the simultaneous modification of multiple trawl features (STECF 21-13). Several initiatives of closure areas are ongoing in the SUDESTMED area. These spatial measures are not specifically tailored to discard reduction, though positive effects is expected by the avoidance of the unwanted catches of juveniles.

Is this based on pilot studies or trials?	Italy This is based on MedBLand project results. Greece The summary results of two projects have been provided. Cyprus This is based on the papers by Vitale et al. (2018) and Guijarro, Massutı (2006) Malta No info on specific studies were provided.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Yes, in Annex B - Supporting evidence on the request of *de minimis* exemptions in demersal fisheries under the disproportionate costs condition. These costs are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated rooms, as well as the lack of structures for storage at land.
Is this based on pilot studies or economic model simulations?	Yes, scenarios have been analyzed. Also, Multicriteria Performance Matrices are provided for Greece and Cyprus. Moreover, for Italy the arguments for the exemption based on disproportionate costs are supported by the results of the IMPLEMED, MedBLand, Discardless and MIDOUW projects, which highlighted the difficulties represented by logistic limitations and the need of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Cyprus and Greece showed possible economic loss (up to 20 %) if the *de minimis* exemption is not granted. Many of the vessels operating demersal fisheries in Italy are of medium size, operating daily trips in order to safeguard the quality and freshness of the catches. Consequently, the time for sorting unwanted catches is very limited. Even if the amounts of discards seem low, it is reasonable to suppose that the full implementation of the landing obligation, could imply additional costs.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of *P. longirostris* from the OTB fisheries is quite low. The exemption is not expected to have major impacts on the stocks targeted by OTB fishery.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	In the SUDESTMED, there are some stock in over-exploitation status, but no stocks have been assessed as depleted.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	In Greece, a study is currently underway, the results of which will be used for the submission of an updated Management plan proposal to the Commission for the gear OTB, which will include additional temporal closures and, maybe, some technical improvements of the gear, according to the results of relevant studies, if applicable**.** It is relevant to mention that, under the EMFAF 2021-2027, Cyprus has included the measure of permanent cessation for the two trawlers operating in the territorial waters of Cyprus. A time frame of 2 years has been given for reaching the target for permanent cessation (until 2023). In case the target of permanent cessation of the two trawlers is not achieved, the diamond mesh trawl net of 50mm will be replaced at the codend by a square meshed net of 40mm, during 2024. The replacement of the net, in the case of non-permanent cessation, is expected to reduce unwanted catches.
EWG 23-06 Conclusions	
Overall, new information has been provided on catches, fleets costs related to handling unwanted catches and management measures adopted to reduce discards in SUDESTMED. Considering the high diversity of catches and their different discard rates, it is expected that the required *de minimis* exemptions for *P. longirostris* would be needed to facilitate the implementation of the LO.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (Pagellus bogaraveo), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*) **gilthead seabream** (*Sparus aurata*), **Norway Lobster** (*Nephrops norvegicus*) and **common sole** (*Solea solea*), up to a maximum of **5%** of the total annual catches of those species by vessels using **bottom trawls** in South-Eastern Mediterranean Sea.

	Article 3, point 1.b (iv) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The *de minimis* exemption is based on the difficulty to achieve (see relevant questions below) improvements in selectivity as well as the disproportionate cost of handling unwanted catches, of hazards linked to the full load of limited capacity vessels and to the absence of infrastructure to handle unwanted catches once landed. MS state that spatio-temporal closures and the planned development of new MPAs and FRAs can significantly contribute to the protection of sensitive habitats and the reduction of unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	There are supporting data regarding catch and fleet for years 2020-2021 per segment and GSA (Italy provided data for the period 2019-2021, on average). Only some minor gaps are found related to the absence of information for few species in Greece, but only for year 2021. It should be also noted that in all cases, discard rate estimates refer only to individuals below MCRS.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data show that the aggregate discard rates are already above the *de minimis* in all GSAs (except GSA 16). Among the fifteen species, only the following six have discard rate above 5%: *Pagellus acarne*, *Pagellus erythrinus*, *Pagellus* bogaraveo, *Diplodus annularis*, *Diplodus vulgaris*, *Pagrus pagrus*. In most case, discard rates of the above species are far above 5% (sometimes reach >90 %). All of the above species are bycatches (except *Pagellus erythrinus* in Greek GSAs). Regarding the volume of unwanted catches, these are not significant, especially in comparison with the total landings of the segment (the ratio between the volume of unwanted catches to volume of total catches is far below 1 % in most GSAs).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	All MS (Cyprus, Greece, Italy and Malta) uses this exemption but not for all fisheries (e.g., *Nephrops norvegicus* does not appear in Italian landings, *Diplodus* spp. and *Dicentrarchus labrax* in Maltese landings
Supporting Information	
What supporting information/literature reviews has been provided?	With the exception of Malta, all MS provide supporting information from scientific research in their arguments in favour of *de minimis* exception. This research regards the difficulties in increasing

	selectivity, the disproportionality of the costs and the importance of spatio-temporal closures for the reduction of unwanted catch and the protection of juveniles. In addition, the arguments are also including the results of various projects in the SUDESTMED area. Finally, regarding Cyprus, it should be noted that although there is a very specific analysis on the disproportionality of the cost of the LO, there is no information on how this analysis took place or if it has been published.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The justification for the exemption is largely based on the results of research in fisheries operating in the SUDESTMED area, so it could be regarded as representative (even though fisheries are not homogeneous among MS).
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The MS (except Malta) provides arguments from research articles as well as finalised and on-going research programmes More specifically: <u>Cyprus</u> In the absence of a selectivity study in the Cyprus trawl fishery, a review was made on the results of a selectivity study under MINOUW project on the use of modified trawl extension with T90 netting. According to the results of this project (see also Vitale et al., 2018 and Sola & Maynou, 2018), it is considered that the specific improvements in selectivity are not directly applicable for the Cyprus trawl fisheries in the Eastern Mediterranean and cannot increase the selectivity of any of the pool species. It should be noted, however, that in the case the two trawlers operating in GSA25 do not cease their activities through the measure of permanent cessation, the diamond meshed trawl net of 50mm will be replaced at the codend by a square meshed net of 40mm, during 2024. Following Ordines et al. (2006), the replacement of the net, in the case of non-permanent cessation, is expected to reduce unwanted catches. <u>Greece</u> The outcomes of a national project as well as studies such as Mytilineou et al. (2018, 2020) have shown that the 40 mm square mesh in the trawl codend is adequate to increase selectivity for *Nephrops norvegicus* only. Based on the above, MS states that, although not always successful, 40 mm square

	mesh in the Mediterranean trawl codend is more selective for more species than 50 mm diamond mesh in terms of juvenile protection and discards mitigation. It should also be noted that in Greece only 40S mesh size in codend is applied. The MS finally highlights that the improvement in selectivity in a multi-species fishery may affect different species in various ways and a "positive" result of the selectivity for one species is usually accompanied by significant loss of commercial individuals from other important species. <u>Italy</u> MS's arguments emphasize the fact that increase in selectivity in the mix-nature trawling fisheries will cause very significant economic losses due to the reduced catches of marketable individuals, which is likely not compensated by the expected increase in biomass in the medium term. In addition, simultaneously improving the size selectivity of fish and shrimp species can be difficult due to large differences in their morphological characteristics and so such improvements can be achieved only through the simultaneous modification of multiple trawl features (STECF 21-13; Sala et al., 2015).
Is this based on pilot studies or trials?	In all cases, the results regarding selectivity are based on research projects and scientific papers.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	There is supporting evidence that provide credible arguments for disproportionality of costs (except Malta). More specifically: <u>Cyprus</u>: It is expected that the trawl would be negatively and significantly affected from LO (30 % loss of operating profit). MS considers that mixed demersal fisheries in the Eastern Med include several important species with no MCRS, therefore it should be evaluated whether landing obligation is a measure that indeed eliminates discards of commercially exploited stocks and contributes to sustainable fishing, or whether it jeopardises the viability of small-scale local demersal fisheries. The analysis is finalized with a very detailed table that depict the expected costs with the implementation of LO without a *de minimis* exemptions for OTB fisheries. <u>Greece:</u> Based on the detailed Multicriteria Matrix, there is a profit loss of about 20 % for OTB. On the same time, there is evidence from research projects outputs that the utilization of unwanted catches is not an easy task (e.g., DiscardLess). There is a limited interest in investing in the collection and processing of unwanted catches mainly due to increased transport cost from the numerous landing sites, in

	combination with the small quantities that cannot support the viability of such investments. Some accompanied information regarding discarding is also provided. Italy: The trawlers in Italy are of medium size (usually less than 24m), operating daily trips and therefore, the time for sorting unwanted catches is very limited. Moreover, even if the amounts of discards seem low, the full implementation of the landing obligation could imply additional costs. The MINOUW and Discardless projects demonstrate the need of additional work on board to handle the discards. This in turn would shrink gross profits. The situation now is even worse, taking into consideration the energy crises that shrink even more the gross profits of the sector. Results from stakeholders' interviews (MedBLand project, see Spedicato et al., 2021) highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated rooms. Further, there is a lack of interest of industrial companies in the processing of small and disperse quantities of discards. Finally, according to the Italian legislation, fishing product shall be considered as special waste and therefore destroyed. These direct costs, which vary according to the volumes to be disposed, must be added to the other costs and will further decrease the profits.
Is this based on pilot studies or economic model simulations?	Apart from Malta, scenarios have been analyzed in an adequate detail. Multicriteria Performance Matrices are provided for Greece and Cyprus while, in the case of Italy, projections of economic losses have been applied.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The cost of LO is not always provided in numeric terms (e.g., there is no multicriteria matrix for Italy and Malta). However, it is clear from the evidence in Annex B (for all countries, except Malta) that the disproportionality holds in all cases taking into consideration the cost of handling, storage, carrying and process discards.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	From the available data, it can be inferred that in the majority of cases, we are dealing with very small amounts of bycatch, which are also reflected in low levels of discards.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No depleted stocks are in the area
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	All MS, except Malta, mention that there are ongoing studies and studies that are planned to start in the following period. For example, in Greece, the results of the project "VIOAXIOPOIO" which aims to the exploitation of fish by-products and discards (FBPD) for the production of high added value biomolecules (HAVB), has been recently presented. Those results will be considered when they will be available. Additional ways for improving the selectivity of the trawl, through changes in other parts of the trawl e.g., increase of the mesh size of the extension piece, escape frame with another mesh size on the extension piece, changes in reed or lead rope, etc., may also be investigated the next years, with the involvement of the fishers and funding by EMFAF. New projects will be also implemented in Italy on gear selectivity in the coming years, with the support of the EMPFAF. In addition, there is an ongoing Horizon project, the EcoeFISHent Project, which is focusing on valorisation of the related waste, for pre-treatment and extraction of bio-active components. One WP of this project is devoted to experimentally test devices aimed at improving the exploitation pattern and reducing discard rates in the trawl fisheries in the Ligurian Sea (FAO-GFCM Geographical Sub-Area 9, GSA9). A final evaluation of field tests will be performed considering specific inputs from participating fishers (bottom-up approach) until 2026.
EWG 23-06 Conclusions	
The arguments presented regarding technical and social barriers to improve selectivity appear plausible, and less generic than previous years. Furthermore, EWG 23-06 notes that the discard rates have a very high heterogeneity among GSAs but also among pooled species. In fact, less than half of them appeared to have high discard rates. However, it should also be noted that the combined discard rate for the pooled species is higher than the requested 5% in all cases (except GSA 16). The SUDESTMED HLG also indicates the possibility of introducing MPAs/FRAs and spatio-temporal measures to avoid unwanted catches of undersized fish. In this regard, and as the EWG 21-05 mentioned, using the *de minimis* as a "stop-gap" while the network of MPAs and FRAs is being introduced seems a reasonable approach that should lead to reductions in unwanted catches across the whole Mediterranean basin.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), white seabream (*Diplodus sargus*), **two-banded**

	seabream (*Diplodus vulgaris*), **groupers** (*Epinephelus spp.*), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus)*, **gilthead seabream** (*Sparus* aurata), **common sole** (*Solea solea*), **lobster** (*Homarus gammarus*) and **crawfish** (Palinuridae), up to a maximum of **3%** of the total annual catches of those species by vessels using **gillnets and trammel nets** in South-Eastern Mediterranean Sea. Article 3, point 1.b (v) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The *de minimis* exemption was requested due to disproportionate costs for hazards linked to the full load of holds of limited capacity and the absence of infrastructure to handle unwanted catches once landed.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Fleet and catch data are provided in Annex A - Description of fisheries for which *de minimis* exemptions are requested in SUDESTMED area. All MS concerned reported the catch and fleet data by species and gear. Cyprus presented the data aggregated for 2020-2021, Greece separately for 2020 and 2021, Malta - aggregated for 2020-2021 and Italy - aggregated for 2019-2021.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Having in mind the relative low catches, and the fact that in Cyprus a high number of important species in the catches do not have MCRS, it is considered reasonable to request for the alternative 5 % *de minimis* in the case annual landings of the relevant species of these fisheries are less than 25 % of the total landings of the fisheries.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	All MS (Cyprus, Greece, Italy and Malta) are using the exemption. Yes, discards levels are mentioned for the pool of species for GNS and GTR: Cyprus: GSA25 - discard rates ranging from 0 to 13.3 % (*D. annularis*) for 2020-2021 Greece: 2020: GSA20 - 0 to over 90 % (*D. annularis*); GSA22 - 0 to 67 % (*D. annularis*); GSA23 - 0 to 56 % (*D. annularis*)

	2021: GSA20 - 0 to 25 % (*P. erythrinus*); GSA22 – 0 to 68 % (*D. annularis*); GSA23 - 0 to 34 % (*P. acarne*) Malta: discard rates ranging from 0 to 23 % (*D. vulgaris*) for 2020-2021 Italy: 0 discards reported for 2019-2021
Supporting Information	
What supporting information/literature reviews has been provided?	Several projects and initiatives are mentioned in Annex A, but only MINOUW and MedBland refer to GNS/GTR: A technical solution proposed under MINOUW project for increasing selectivity in nets is the introduction of guarding nets (http://minouw-project.eu/policy-recommendations/). MedBland - Synthesis of the Landing Obligation Measures and Discard Rates for the Mediterranean and the Black Sea. References are provided and detailed at the end of the template.
Is this information taken from the actual fishery/fisheries relating to the exemption?	No, they are based on trials on trammel nets in other areas.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries with similar fishing gears but in a different sea basin. The results of the trials could be representative given these similarities and are therefore valid to support the case for the exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Based on the mentioned selectivity studies on nets performed under the MINOUW project, it is considered that the specific proposals for improvement in selectivity are not directly applicable for the SUDESTMED net fisheries.
Is this based on pilot studies or trials?	They are based on research in the frame of the MINOUW project for increasing selectivity in nets: a technical solution proposed under MINOUW project for increasing selectivity in nets is the introduction of guarding nets (http://minouw-project.eu/policy-recommendations/).
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Results from the interviews from the MedBLand project highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated rooms.

Is this based on pilot studies or economic model simulations?	Yes, several scenarios have been analyzed. Also, Multicriteria Performance Matrices are provided for Greece and Cyprus. Moreover, the arguments for the exemption based on disproportionate costs are supported by the results of the MedBLand and MINOUW projects, which highlighted the difficulties represented by logistic limitations and the need of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Considering the fact that the actual level of unwanted catch is quite low compared to the landings from GNS and GTR, the implementation of the LO would add unsustainable costs for storing, transferring, and incinerating landed unwanted catches.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption is not expected to have any impact on the stocks targeted by GNS and GTR fishery, as the actual discards reported are generally lower than the 3 % exemption required.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	In the area covered by SUDESTMED, there are no depleted stocks. Moreover, from the available data, it can be inferred that, in the majority of cases, there are only small amounts of by-catch, which are also reflected in low levels of discards.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Under the 2021-2027 EMFAF, Cyprus plans to perform a study during 2024 for possible improvement of the selectivity of passive fishing gears, in order to reduce unwanted catches below MCRS, considering the multispecies character of the fisheries and the high percentage of species with no MCRS in the catches. New projects will be implemented by Italy on gear selectivity in the coming years, with the support of the EMFAF.
EWG 23-06 Conclusions	
New information has been provided on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discards and improve selectivity, even though in some cases the information are partial or not directly related to GNS and GRT fishery in SUDESTMED. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus spp.*), **striped seabream** (*Lithognathus mormyrus*), **red seabream** (*Pagellus bogaraveo*), **Spanish seabream** (*Pagellus acarne*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **hake** (*Merluccius merluccius*) and **gilthead seabream** (*Sparus aurata*), up to a maximum of **1 %** of the total annual catches of those species caught by vessels using **hooks and lines** in South-Eastern Mediterranean Sea. Article 3, point 1.b (vi) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The *de minimis* exemption for hooks and lines was requested due to disproportionate costs for hazards linked to the full load of holds of limited capacity and the absence of infrastructure to handle unwanted catches once landed.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Fleet and catch data are provided in Annex A - Description of fisheries for which *de minimis* exemptions are requested in SUDESTMED area for Cyprus, Greece and Italy. No hooks and lines data were provided by Malta. In case landings of those species are less than 25 % of the total landings of the fisheries, the quantities to be discarded may be up to a maximum of 3 % of the total annual catches of those species - applicable for LLS in SUDESTMED.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Considering the high diversity of catches and their different discard rates (with relatively low estimated discards), it is expected that the required *de minimis* exemptions for the mentioned species would be needed to facilitate the implementation of the LO. Having in mind the relative low catches, and the fact that in Cyprus a high number of important species in the catches do not have MCRS, it is considered reasonable to request for the alternative 3 % *de minimis* in the case annual landings of the

	relevant species of these fisheries are less than 2 5% of the total landings of the fisheries.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Cyprus, Greece and Italy are applying for the exemption. No information on hooks and lines from Malta. Yes, discards levels are mentioned for the pool of species for hooks and lines: Cyprus: GSA 25 - 1.09 % discard rate. Greece: GSA 20 - discard rates from 0 % to 11 %, GSA 22 - discard rates ranging from 0 % to 48 %, GSA 23 - discard rates below 1 %, Italy: GSA 16 & GSA 19 – 0 % discard rate
Supporting Information	
What supporting information/literature reviews has been provided?	Some initiatives are mentioned in the context of the Case Study "Experimental fishing trials with circle hooks on longline fisheries targeting swordfish ". Results did not show any significant differences regarding catch rate of commercial or bycatch species (http://minouw-project.eu/wp-content/uploads/2017/10/CS-3.6-Results-Aegean-Sea-drifting-longlines.pdf).
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented by MS in the supporting document (Annex A) are generic and do not directly relate to the relevant pool of species considered for the hooks and lines exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	No additional information from other regions or fisheries.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The only mention is of the Case Study "Experimental fishing trials with circle hooks on longline fisheries targeting swordfish "performed in the frame of the MINOUW project, with no statistically significant results.
Is this based on pilot studies or trials?	A case study performed under the MINOUW H2020 project.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Yes, in Annex B - Supporting evidence on the request of *de minimis* exemptions in demersal fisheries under the disproportionate costs condition. In the case of Cyprus, there is an estimated 30 % loss of operating profit for passive gears (not

	specific for hooks and lines). This loss is quite similar also in the case of Greece (-23 %). In the case of Italy, the analysis is not mentioning anything specifically for hooks and lines. The analysis is focused on trawlers and there is also some general supportive evidence for the *de minimis* exemption. Moreover, Italy also provides results from the interviews from the MedBLand project (Spedicato et al., 2021) which highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated rooms. Finally, Malta does not provide any evidence to support the *de minimis* request.
Is this based on pilot studies or economic model simulations?	Yes, scenarios have been analyzed. Also, Multicriteria Performance Matrices are provided for Greece and Cyprus. Moreover, the arguments for the exemption based on disproportionate costs are supported by the results of the MedBLand and MINOUW projects, which highlighted the difficulties represented by logistic limitations and the need of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Considering the fact that the actual level of unwanted catch is quite low compared to the landings from hooks and lines, the implementation of the LO would add unsustainable costs for storing, transferring, and incinerating landed unwanted catches.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The exemption is not expected to have any impact on the stocks targeted by hooks and lines fishery, as the actual discards reported are generally lower than the 1 % exemption required.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	In the area covered by SUDESTMED, there are no depleted stocks. Moreover, from the available data, it can be inferred that, in the majority of cases, there are only small amounts of bycatch, which are also reflected in low levels of discards.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Under the 2021-2027 EMFAF, Cyprus plans to perform a study during 2024 for possible improvement of the selectivity of passive fishing gears, in order to reduce unwanted catches below MCRS, considering the multispecies character of the

	fisheries and the high percentage of species with no MCRS in the catches.
EWG 23-06 Conclusions	
New information has been provided on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discards and improve selectivity, even though in some cases the information is partial or not directly related to the hooks and lines fishery in SUDESTMED. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5 %** of the total annual catches of those species caught by vessels using bottom trawls in the South-Eastern Mediterranean. Article 3, point 1.b (vii) of Commission Delegated Regulation (EU) 2021/2064, amended by Commission Delegated Regulation (EU) 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the main justification for an extension of the exemption is based on the difficulties to avoid all unwanted catches by improving selectivity, given the causes of discards and catches composition (multi-specific). Disproportionate costs is the other argument to justify the requested exemption.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated OTB catch, discards and fishery information for Cyprus, Greece, Malta and Italy was provided by the SUDESTMED group (Annex A_Description of DF_SUDESTMED_1.5.2023). Discard data of the four small pelagic species has been provided by Italy (average of 2019-2021 data), Cyprus (2020-2021 data) and Greece (2020-2021). Malta (2020-21) did not report discards of small pelagics associated with OTB.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Data provided (Annex A_Description of DF_SUDESTMED_1.5.2023) showed that in Cyprus there are 3 OTB vessels producing bycatch of small pelagic fish in GSA25 and 1 vessel operating in GSA 15. The total amount of landings produced is 1.26 tonnes with a discard rate of 24.7 % in GSA 25 and 11.8 % in GSA 15. In Greece the estimated bycatch of small pelagics produced by bottom trawlers was 1862 tonnes in 2020 and 8341 tonnes in 2021. Most of the by-cath

	is due to horse mackerel (1058 tonnes in 2020 and 7600 tonnes in 2021). There are consistent differences in discard rate according to the species: <2 % for anchovy and sardine, 0-3 % for *Scomber scombrus*, up to 10 % for *Scomber colias*, depending by year and GSA. Horse mackerels (*Trachurus trachurus* and *T. mediterraneus*) are almost entirely discarded in GSA 22 (76-95 %). No catch of horse mackerels is reported for GSAs 20 and 23. The Italian, bycatch of anchovy, sardine mackerel (*Scomber* spp.) and horse mackerel (*Trachurus* spp.) was 467.5 tonnes in GSA 16 and 1580 tonnes in GSA 19 (average of 2019-2021 data). Discards were reported only for horse mackerel: 21.8 tonnes in GSA 16 and 20.85 tonnes in GSA 19, corresponding to a discard rate of 13% and 24% respectively.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Cyprus, Greece and Italy reported OTB discards of the small pelagics stocks considered in the JR for 2024 onwards. Malta did not report discards of small pelagics for OTB fishery.
Supporting Information	
What supporting information/literature reviews has been provided?	Results of EU projects (e.g., MINOUW) as well as scientific studies (e.g., Vitale et al., 2018; Sola and Maynou, 2018; Mytilineou et al., 2018, 2020) are mentioned in relation to improving selectivity in Mediterranean bottom trawl fisheries. Most of the arguments deal with general aspects of trawl selectivity without a specific focus on the unwanted bycatches of small pelagic species. The documentation supporting the JR highlights also the importance of temporal and spatial closures to reduce unwanted bycatches of juveniles of several species.
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes, in addition, information from other Mediterranean regions is also reported.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Yes, several studies carried out in western Mediterranean were considered as providing evidence also for bottom trawl selectivity in the south-eastern Mediterranean.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	The JR document mention that available selectivity studies performed under relevant EU funded projects do not seem applicable, due to differences in the composition of landings and high commercial importance of species with no MCRS.

	However, this argument does not seem supported by robust scientific arguments. In the supporting documents (i.e.: Annex A_Description of DF_SUDESTMED_1.5.2023) results of studies showing the positive effects of technical solutions (e.g sorting grids, square mesh) that have been found efficient in improving the selectivity of trawl nets are shown. Similarly, the relevance of spatial measures (i.e. FRAs) to protect juveniles and reduce unwanted bycatch is also discussed.
Is this based on pilot studies or trials?	Most of the studies mentioned in the JR supporting documents concern improving selectivity rather than demonstrating the problems of achieving more selective trawl fisheries. Selectivity experiments conducted in the IMPLEMED project (Sbrana et al., 2022) have shown controversial results and economic trade-offs related to increased trawl net selectivity.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Several arguments are discussed to support the need of an exemption in OTB fishery. They include: i) the difficulties in sorting and separating on-board and keep in a separate storage place the undersized catches; ii) the need for additional personnel and additional storage space and the associated costs; iii) inappropriate logistics and storage facilities at the landing points; iv) lack of interest of industrial companies in the processing of small and dispersed quantities of discards that will produce disproportionate costs for the management of catches subject to LO; v) high costs associated to the waste disposal of the fishing products. Results of an economic analysis supporting evidence on the request of *de minimis* exemptions under the disproportionate costs condition are provided by Cyprus and Greece (Annex B_Disproportionate costs_DF_SUDESTMED_1.5.23). The report mentions also relevant studies and projects (e.g., DiscardLess, Vioaxipoio) showing problems related to the LO implementation including its economic impact. The improvement of selectivity, seems to be the best future practice for the increase in Profit/Gross Value Added /Revenue relative to 'Full LO'.
Is this based on pilot studies or economic model simulations?	Both Cyprus and Greece applied a multi-criteria performance matrix for the economic analysis of *de minimis* proposal for the reference period 2020-21. Results, included in Annex B_Disproportionate costs_DF_SUDESTMED_1.5.23, show higher costs and decreased profits associated with the full implementation of the LO. However, the contribution to these estimates of the bycatch of the small

	pelagic stocks for which the 5 % *de minimis* is requested is not indicated.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Economic analysis conducted in Greece and Cyprus indicated a 20 % and 30 % reduction respectively in the profits associated with the landings of unwanted catches.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	A risk analysis of the impact of the exemption was not carried out. Based on the information provided, there are differences in the discard rates of small pelagic fishes between GSAs and SUDESTMED Member States which do not allow understanding the possible risks associated with discard practices which may result from the exception. In Greece, according to the data provided, there is in particular a very high discard rate for the two species of horse mackerel, which may give rise to concerns about the impact on stocks.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	OTB exploits species that are in overfishing in the SUDESTMED region (e.g., hake). Sardine and anchovy stocks are in overfishing in GSA 16, and in the Greek GSAs (20, 22, 23) and reducing fishing mortality on them should be a priority. The stocks of horse mackerel and mackerels have not been assessed in the same areas.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	New projects will be implemented on gear selectivity in the coming years, with the support of the EMPFAF. The EcoeFISHent Project started in October 2021 and focuses on valorisation of fisheries waste and reducing unwanted catches by using BRD (Bycatch Reduction Devices) in GSA 9. Even if the trials will not be carried out in SUDESTMED area, the fishing patterns of the bottom trawls fisheries is assumed to don't vary significantly across Italian GSAs.
EWG 23-06 Conclusions	
Updated information has been provided on catches and fleets. The fishery occurs in all the countries with significant differences in discard rates among them. The justification for the exemption is based on qualitative and quantitative data. The new information provided strengthens the justification for the exemption. However, although the JR underlines the importance of achieving the LO objective mainly through improvements in the selectivity of the fishery, no specific indications are given of significant improvements achieved in the selectivity of trawling during the exemption period. The level of *de minimis* requested (5 %) would covermore than 100 % of the observed unwanted catches of small pelagic species in the southeastern Mediterranean but it is not well justifiedthe necessity to set the *de minimis* at this level. In Greece for example the discard amount of small pelagics is well above the 5 %. There is no information to explain why the levels of *de minimis* requested are required. According to the information provided, there are no catches of small	

pelagics by OTB vessels in one country (Malta). This appears in contrast to what was shown for the adjacent GSAs 16 and 19. Therefore, there does not appear to be a clear relationship between the required *de minimis* and the reported unwanted catch levels.

Description of the Exemption	
South-Eastern Mediterranean Sea: anchovy (*Engraulis encrasicolus*), sardine (*Sardina pilchardus*), mackerel (*Scomber spp*.) and horse mackerel (*Trachurus spp*.), up to a maximum of 5 % of the total annual by-catches of those species caught by vessels using pelagic mid-water trawl	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5 %** of the total annual catches of those species caught by vessels using **pelagic mid-water trawls** in the South-Eastern Mediterranean. Article 3, point 1 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012. In 2023 the Joint Recommendation of the SUDESTMED High-Level Group for a Discard Plan for Small Pelagic Fisheries in the South-eastern Mediterranean Sea suggests *de minimis* exemptions for 2024-2026, as provided in Article 15(7) of the Reg. (EU) 1380/2013), for anchovy, sardine, mackerel and horse mackerel caught in small pelagic fisheries in South-eastern Mediterranean Sea up to a maximum of 5 % of total catches. This specific discard plan will be applicable to small pelagic fisheries in South-eastern Mediterranean (GFCM GSAs 15, 16, 19, 20, 22, 23 and 25) that catch species listed in Annex IX of Regulation (EU) 2019/1241.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the justification for an extension of the exemption is mainly based on "the disproportionate costs for hazards linked to the full load of holds of limited capacity, and in the absence of infrastructure to handle unwanted catches once landed". Annex A and B provide supporting information on biological and economic impacts to justify the exemptions. Issues relating to the improvement of selectivity in the Mediterranean pelagic trawl are also mentioned in Annex A.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information for Greece, Cyprus and Italy was provided by the SUDESTMED group (Annex A). Catch data and information on the number of vessels involved in the fisheries for small-pelagics has been provided by Italy (2019-2021),

	Cyprus (2020-2021), Greece (2020-2021) and Malta (2020-2021). Some inconsistencies appear in the reported numbers of OTM and PTM vessels for Italy. In particular, it should be noted that according to Annex A in the period 2019-2021 most of the fleet consists of OTMs (80.5 %) while most of the catches derive from PSs and PTMs (annex A pg. 22). Related to this, table 3 shows 327 vessels using OTM with very low associated catch. These data are also in contrast with the FDI data showing both the small effort and catch associated with OTM vessels in GSA 16. In GSA 19, Annex A - table 2, shows 24 PTM vessels producing a very low catch (7.3 tonnes). This fleet segment was however not found in FDI capacity data for GSA 19 in 2019-2021.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	According to the data provided, PTM vessels are present only in Italy with respectively 11 authorized vessels in GSA 16 and 24 vessels in GSA 19. The catch data are reported as average for the period 2019-2021 for the two Italian GSAs and are respectively 1294.4 tonnes in GSA 16 and 7.29 tonnes in GSA 19 for the four stocks considered. The highest catch is for anchovy in GSA 16 with 1059.1 tonnes, followed by sardine in GSA 16 (233 tonnes). The reported catch is much lower for the other two stocks: 1.44 tonnes of horse mackerels (*Trachurus spp.)* in GSA 16 (no catch in GSA 19) and a total of 0.72 tonnes for mackerels in the two GSAs.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The exemption is used by Italy only. In both Italian GSAs (16 and 19), zero discards are reported for the considered stocks. The estimated *de minimis* volume is 65.07 tonnes (5 % of the landings figure). However, this estimate does not consider that most of discards should be made up by juveniles below the MCRS and therefore with lower weights than the landed individuals.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy has provided a description of both selectivity and economic issues in pelagic trawl. Some supporting information from scientific studies (e.g., MedBLand project) has been provided to support the minimis extension required for pelagic mid-water trawlers.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are generic and do not relate directly to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how	Results of fishing selectivity experiments are mentioned (Annex A, pg. 23) to justify the

representative is it of the fishery/fisheries covered by the exemption?	exemption. However, there is no specific reference of the sources of this information.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy provided some additional explanatory text (Annex A) to justify exemption based on theconstrains in improving selectivity in the pelagic trawl. The Annex A mentions that: "*If large meshes are used in the codend of pelagic trawl, there is the possibility that the fish entering the codend will be gilled or enmeshed and lose its commercial value. Furthermore, being the meshes of the codend obstructed by the enmeshed fish, there is an actual risk of codend explosion due to the water pressure"*.
Is this based on pilot studies or trials?	It is mentioned that the use of larger meshes in the mid-water trawl codend has been tested in some areas of the Mediterranean without promising results.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is not provided. Italy's report mentions a number of arguments relating to the economic impact associated with the storage and landing of unwanted catches. These include the lack of on-board facilities, the additional work for the crew, the increase of production costs (e.g., transportation and storage) and the lack of facilities in the ports.
Is this based on pilot studies or economic model simulations?	No specific studies or simulations are mentioned.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The actual level of reported discards is 0, meaning that there should not be a specific issue related to disproportionate costs in this fishery or that the LO is implemented. However, in the Italian report (Appendix A) it is mentioned that there is a low number of discards in this fishery and, in relation to this, such amount would not justify the economic investments that would be necessary to adequately manage discards both on board and in ports.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, it does not appear that there is a specific problem related to unwanted catches of anchovy, sardine, horse mackerels and mackerels in this fishery.

Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Sardine and anchovy stocks are in overfishing in GSA 16 and reducing fishing mortality on them should be a priority. The stocks of horse mackerel and mackerels have not been assessed in the same area. There are no quantitative assessments on other small pelagic stocks exploited by the fishery in the area.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No specific information is reported for this specific fishery
EWG 23-06 Conclusions	
Limited new information has been provided other than information on catches and fleets. The fishery occurs only in Italian GSAs where a discard figure of 0 tonnes is reported for all the target stocks. An assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant. The level of *de minimis* requested (5 %) is not well justified. There is no information to explain why the levels of *de minimis* requested are required and in fact no discards are reported in this fishery. Therefore, there appears to be no relationship between the required *de minimis* and the unwanted catch levels reported.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of 3 **%** of the total annual catches of those species caught by vessels using **purse seines** in the South-Eastern Mediterranean. Article 3, point 2 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	According to the JR, the justification for an extension of the exemption is mainly based on "the disproportionate costs for hazards linked to the full load of holds of limited capacity, and in the absence of infrastructure to handle unwanted catches once landed". Annex A and B provide supporting information on biological and economic impacts to justify the exemptions. Issues relating to the improvement of selectivity in the Mediterranean pelagic trawl are also mentioned in Annex A.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information for Greece, Cyprus and Italy was provided by the SUDESTMED group (Annex A). Catch data and information on the number of vessels involved in the fisheries for small-

	pelagics has been provided by Italy (2019-2021), Cyprus (2020-2021 data for purse seines in GSA 25), Greece (2020-2021) and Malta (2020-2021). Greece also provided data on stock status and catch value as well as information on anchovy and sardine biomass from the MEDIAS project.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Data provided (Annex A) showed that in Cyprus (GSA25) small pelagic fishery is a very limited fishing activity. During 2020-2021 there were two vessels licensed to fish with purse seine (PS) for small pelagics. Only one utilised this license, it is noted though that this was not its main fishing activity. Most of the catch is made up by bogue and red-eye round herring (*Eutremeus teres*). The catch of the species with MCRS was negligible in 2020 and about 3 tonnes in 2021 with no discards reported (0 discards). Greek PS fleet segment was made up on 2020 and 2021 of 237 vessels, fishing with purse seines as their main gear. Detailed catch and discard data are presented by year, GSA and species. Most of the fleet is located in GSA 22 (201 vessels) where they target anchovy, sardine and mackerels. The volume of unwanted catches was 690 and 463 tonnes in 2020 and 2021, respectively. This figure corresponds to a discard rate of about 3 % for all the species combined. Malta (GSA 15) has reported 14 purse seiners exploiting horse mackerel and mackerel as target stocks and sardines as bycatch. The estimated volume of bycatch of these species was 26.3 tonnes (average catch 2020-21) corresponding to 3 % of total catches. The Italian PS vessels operating in GSAs 16 and 19 are 27 and 24, respectively. The reported unwanted catch was 0 in both GSAs and for all the four species considered in the JR. It was however estimated a 3 % *de minimis* volume of 58.9 tonnes in GSA 16 and 10.9 tonnes in GSA 19.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Italy, Cyprus and Malta reported zero discards for the stocks considered in the JR for 2024 onwards. This could either indicate that the exemption was not used in the past or that the fishery did not produce unwanted bycatch, assuming that discards were appropriately monitored. Greece used the exemption with reported discards volumes.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy has provided a description of both selectivity and economic issues in purse seine fishery. Few supporting information from scientific study (e.g.

	MedBLand project) has been provided to support the minimis extension required. Greece has provided information on anchovy and sardine stocks related to their catch value, stock status, biomass distribution. This information is complemented with a list of the main measures enforced for the management of the purse seine fishery and information on the FRAs implemented in Greek waters. An analysis of disproportionate costs was also provided by Greece (ANNEX B).
Is this information taken from the actual fishery/fisheries relating to the exemption?	Yes
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy provided some additional explanatory text (Annex A, table 2b) to justify exemption based on the constrains in improving selectivity in purse seines that are mostly related to issues in increasing the mesh size. Greece provides arguments related to the possibility to improve survival rate in PS fishery and reduce unwanted bycatches through spatio-temporal closures.
Is this based on pilot studies or trials?	The PROTOMEDEA program, which considers the breeding or spawning grounds in Greek waters is mentioned. The project recommends additional areas of prohibitions for purse seines. MINOUW project's results (http://minouw-project.eu/policy-recommendations/) recommends, among others, the adaptation of high survival rates slipping techniques in purse seine fishery, a technique that already apply the Greek purse seine fishery fleet.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	An economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided for Greece. DiscardLess project indicated that there is no interest in Greece in investing in the collection and processing of unwanted catches by the private sector and the main obstacle for this unwillingness to invest is the transport cost from landing sites to processing points, in combination with the small quantities that cannot support the viability of such investments.

	The main arguments supporting the exemption request for Greece are the following: i) transportation costs from scattered fishing ports; ii) costs associated to manage and store onboard undersized catches; iii) lack of economic interest of the private sector to invest. Italy's report mentions a number of arguments relating to the economic impact associated with the storage and landing of unwanted catches. These include the lack of on-board facilities, the additional work for the crew, the increase of production costs (e.g., transportation and storage) and the lack of facilities in the ports.
Is this based on pilot studies or economic model simulations?	A 'Multi-criteria Performance Matrix' (MCPM) for the Economic Analysis of the disproportionate cost and the effects of *de minimis* proposals was presented for Greece. This analysis includes three different potential scenarios: status quo fisheries, implementing the landing obligation without *de minimis* exemptions and application of *de minimis* exemptions (table 2B).
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Results of MCPM for 2020-2021 indicated increased costs and reduced profits (-6 %) related to implementing the landing obligation option compared with the status quo (i.e., 3 % the minimis exemption). The actual level of reported discards is 0 for Italy, Cyprus and Malta.However, in the Italian report (Appendix A) it is mentioned that there is a low number of discards in this fishery and, in relation to this, such amount would not justify the economic investments that would be necessary to adequately manage discards both on board and in ports.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, there are no discards of anchovy, sardine, horse mackerels and mackerels in Italy, Malta and Cyprus. No specific analyses have been carried out to assess the risks for the stocks associated with the exemption.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Sardine and anchovy stocks are in overfishing in GSA 16 and in Greek GSAs and reducing fishing mortality on them should be a priority. The stocks of horse mackerel and mackerels have not been assessed in the same areas. There are no quantitative assessments on other small pelagic stocks exploited by the fishery in the area.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	A documentation study is currently underway in Greece, the results of which will be used for the submission of an updated Management plan

	proposal to the EC for purse seines, which will include additional temporal closures. The results of the Greek project "VIOAXIOPOIO" under the frame of Research and Innovation Program, which aims to the exploitation of fish by-products and discards through the current supply chain (handling, marketing and processing), towards the production of high added value biomolecules (HAVB), was recently presented. MINOUW project's results (http://minouw-project.eu/policy-recommendations/) recommends, among others, the adaptation of high survival rates slipping techniques in purse seine fishery, a technique that already apply to the Greek purse seine fishery fleet. The PROTOMEDEA program, which considers the breeding or spawning grounds in Greek waters is also mentioned. The project recommended additional areas of prohibitions for purse seines.
EWG 23-06 Conclusions	
Limited new information has been provided other than information on catches and fleets. A full assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant. The justification for the exemption is based on qualitative and quantitative data provided by the member states. On this basis, the proposal from the SUDESTMED group is to rollover the existing exemption which is due to expire at the end of this year for a further three years. The new information provided by Greece (economic analysis) strengthens the justification for the exemption, but it is not clear how representative it is for other the fleets of other Member States operating in the south-eastern Mediterranean. The level of *de minimis* requested, 3 % for purse seines, would cover more than 100% of the observed unwanted catches of small pelagic species in the south-eastern Mediterranean but there is no justification provided for setting the *de minimis* at this level. There is no information to explain why the levels of *de minimis* requested are required and in fact for three of the four MS (Italy, Malta, Cyprus) no unwanted catches are reported. Therefore, except for Greece, there does not appear to be a clear relationship between the *de minimis* requested and the levels of unwanted catches reported.	

7.1.3 Adriatic Sea

The summary of *de minimis* exemptions submitted for the Adriatic Sea exemptions relating to demersal species is presented in the following tables.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of **5 %** of the total annual catches of those species caught by vessels using **bottom trawls** in the Adriatic Sea. Article 3, point 1a (i) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.

Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Due to specific characteristics of the fishery in the Adriatic Sea, ADRIATICA HLG considers it very important to keep the exemption as its removal will imply serious risk for the economic sustainability of the fishery. Explanations were provided mainly based on the disproportion of costs for handling operations on board and for transporting waste to the final destinations that are rather scarce and often far from the landing points; the scant or no market for the small quantities of unwanted catches; the high number of landing sites (especially along the Italian and Croatian cost) which hampers the improvement of the landings infrastructure and of efficient collection of unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Italy: reported catches, landings and discards, discard rate, and volume of *de minimis* exemption (considering 5 %) for the species under consideration in GSA 17 and 18, and for OTB and TBB without specifying the year. Croatia: provided data for the demersal trawls segment (DTS), which included the bottom trawls, for 2020 only. The data concern productivity, effort, energy and fuel consumption, and economic data (income, operating cost and employment) For the species, it provided landings and discards, and discard rate, for 2018-2022, for *Mullus* spp. and for hake. Slovenia: No information on fleet. Regarding the stocks, information on the landings and discards is provided for hake with OTB (unspecified year).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Italy: the discard rate is zero or NA, excluding *Merluccius merluccius* in GSA 17 (11.8 %) and *Mullus barbatus* in GSAs 17 and 18 (10.4 and 10.7 %, respectively). For hake, the rate is 3.6 % in GSA17 with TBB and in GSA 18 with OTB (as bycatch). For *M. barbatus* in GSA 17, with TBB (bycatch), the rate is 2 %. Croatia: the discard rate is below 5 % (mean= 0.63 %) for hake in all years (2018-2022). However, there was a considerable increase in 2022 (1.97%). The average volume of discards was 5.8 tonnes. Similar trend is shown for *Mullus* spp. The average discard rate is 0.48% and was below 5% in all years. However, there was an increase in 2022 (1.37 %). The average volume of discards was 3.4 tonnes in the period.

	Slovenia: The discard rate for hake with OTB is very low (0.45 %)
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Croatia and Slovenia make use of the exemption, as the discard rate in not 0 in any case. Italy reports nonzero discards only for the cases listed above, and 0 for *M. surmuletus* in GSA 17 and 18 with OTB (as bycatch). In all other cases, they report data is not available.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy: Results from MedBLand project are provided Such results regard the main environmental and operational causes of discards. There is also provided an overview of the measures taken to decrease the fishing effort and improve the exploitation pattern, thereby decreasing fishing mortality and unwanted catches of juveniles (following GFCM Recommendation GFCM/44/2021/1, GFCM/43/2019/5). Spatial closure is also discussed, focusing mainly on the Jabuka/Pomo Pit Fisheries Restricted Area (FRA) in the Adriatic, where a nursery area for European hake is located. Regarding selectivity of gears, mainly the IMPLEMED project (Sbrana et al., 2022) is presented, concerning demersal stocks exploited by bottom trawls in the Mediterranean. The "Disproportionate costs of handling unwanted catches" issue is discussed presenting data in a qualitative way. Croatia provided supporting information consisting of a detailed description of the DTS segment in terms of fleet composition, landing sites, personnel employed and related costs highlighting the impact due to the increase of fuel prices in 2022. Costs rising from the landing obligation of unwanted catches are qualitatively identified and discussed. Also, information is provided on the location of landing sites in relation to collection centre, as well as from the facility approved for processing category 3 of animal byproducts. They also described the spatial and temporal fishery management measures which are currently in place. Slovenia: Qualitative information on the discard handling costs, mainly based on the relevant regulations. It also provided a list of measures for monitoring the exemption with respect to the Slovenian fishing fleet.

Is this information taken from the actual fishery/fisheries relating to the exemption?	Italy: Most of the relevant information is about hake and trawl fishery in GSA 17. Croatia: The data about the economics of the fleet refer specifically to trawls. Also, in the context of the analysis of costs for collection of unwanted catch upon landing, the technical analysis is based on data from the bottom trawling fleet (distance between landing locations and approved facilities for processing category 3 of animal byproducts). The potential price of unwanted catch is theoretical. Slovenia: the information seems to refer to all fisheries of the country, and not to trawling in particular.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy has reported the results of experiments conducted within the IMPLEMED project (Sbrana et al., 2022), which are related to OTB. Croatia and Slovenia have not mentioned any supporting argument related to selectivity.
Is this based on pilot studies or trials?	The results from the IMPLEMED project are based on several trials carried out in GSA 17 but related to OTB. Also, the studies of Sala et al., (2015) and Vitale et al. (2018) concerning selectivity in Mediterranean trawl fisheries for hake are referenced.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Member States emphasise that due to the large number of landing places and coastal configuration, and lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport. Italy: Qualitative consideration of vessels' length, limited board facilities and mostly small crew engaged on the trawlers is provided to support the issue of disproportionate costs resulting from the additional time (and fuel consumption) required for handling and sorting unwanted catches on board vessels. The arguments include the relevant conclusions of research projects in the Meditarrenean concerned

	with the LO measures, implications. unwanted catch handling costs and elimination of discarding: MedBLand project - Synthesis of the landing obligation measures and discard rates for the Mediterranean and the Black Se (Spedicato et al., 2021) MINOUW (http://minouw-project.eu/) and DISCARDLESS (Uhlmann et al., 2019 http://www.discardless.eu/). Croatia provided a detailed analysis of the costs of handling on vessels, storage, transporting and processing unwanted catches highlighting that, even in the most optimistic scenarios, a value of unwanted catches would be highly disproportional to the costs needed for their collection and transport. Slovenia: the proposed arguments on disproportionate costs seem credible, given the low quantities of discards. Also, Slovenia advocated the exemption based on disproportionate costs due to the discard quantities being too small to be used commercially, and the absence of fishmeal factories and facilities for handling animal waste near the Slovenian coast.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and DISCARDLESS (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, provide a reasonable justification for this exemption especially considering that the actual level of unwanted catch is very low (< 2 %), compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in	Italy: the discard rate is lower than 5 % in most cases, excluding *M. merluccius* in GSA 17 (11.8 %)

the context of the fishery and the fishing gears used?	and *M. barbatus* in GSAs 17 and 18 (10.4 and 10.7 %, respectively). Croatia: the exemption should not have any impact on the stocks targeted, as the actual discards are lower than the 5 % exemption required in all years (2018-2022) and was 0.63 % on average. Slovenia: Similar to Croatia, the discard rate for hake is very low (<1 %)
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent stock assessment data, no depleted stocks are reported in the Adriatic Sea.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA MS commit to invest further efforts towards increasing the gear selectivity, conducting studies on cost/benefit related to the implementation of the landing obligation as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste. Italy also reported on the on-going EcoeFISHent H2020 Project ending in 2026 and testing devices to improve the exploitation pattern and reducing discard rates in pilot trawl fisheries, in the Ligurian Sea (FAO-GFCM Geographical Sub-Area 9, GSA9). Croatia, has planned the following projects that mainly aim to facilitate the implementation of a landing obligation (cost benefit study, gathering, storing and processing of byproducts and animal waste) 1. Cost-benefit study of the implementation of a discard ban The study should provide an overview of the current level of discards across relevant fisheries, assess the impact discard ban would have to the overall economics of the fishing fleets concerned, related to the cost of handling on vessels, storage, transporting and processing unwanted catches, explore possible logistical solutions of implementing a LO and explore the alternative approaches to minimise discard rates. 2. Establishing of a facility for processing of byproducts and animal waste from fishing, aquaculture and fish processing industry (OP 2021-2027) The facility to be established should become a central place for collecting and processing byproducts from fishing, aquaculture and fish processing industry. A network of collecting points at a number of landing places is foreseen to feed into this central facility.

	3. Pilot project for establishing logistic support for gathering and storing of byproducts and animal waste from fishing (OP 2021-2027). Depending on the findings of the cost-benefit study of implementation of a discard ban mentioned under point 1 and results of the Feasibility study mentioned under point 2, a pilot project for a selected logistical approach should be implement in order to test its feasibility in practice. The implementation of this project is foreseen during 2025. 4. Further improving the landing infrastructure with necessary facilities/logistics for implementing the landing obligation (OP 2021-2027); a first tender for projects targeting investments into the fishing ports and landing places is planned to be launched in 3rd quarter 2024. Croatia, in addition, has plans for certain projects which mainly aim to improve the demersal stocks management plans and the management measures in the demersal fishery. In addition, a project aiming at the investigation of selectivity is under preparation. In this context, the duration of hauls and its effect to selectivity could be explored. The project is envisaged to be implemented during 2024/2025. As a follow-up and depending on the results of projects trying to identify juvenile hotspot sites, it is planned to also implement a research project focusing on selectivity issues within and outside such areas during 2025/2026. Slovenia: no information provided on the issue.
EWG 23-06 Conclusions	
EWG 23-06 observes that while estimates of the potential increase in costs of handling unwanted catches ashore are provided, there is no way to objectively judge whether such estimates amount to disproportionate costs. However, it is acknowledged that the information provided by Croatia shows that the costs for handling and transporting unwanted catches far outweighs the revenues that would ensue from the sale of those unwanted catches. The implications of granting the proposed exemption with regards to the fisheries and species concerned cannot be quantified with the information provided with the JR. However, EWG 21-06 does acknowledge that the limited information provided suggests discards are very low in these fisheries. Due to this, the EWG 23-06 cannot provide an exhaustive assessment of the impact of this exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of **1 %** of the total annual catches of those species caught by vessels

	using **gillnets and trammel nets** in the Adriatic Sea. Article 3, point 1a (ii) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Due to specific characteristics of the fishery in the Adriatic Sea, ADRIATICA HLG considers it very important to keep the exemption as its' lack will imply serious risk for the economic sustainability of the fishery. Explanations were provided mainly based on: the disproportion of costs for handling operations on board and for transporting waste to the final destinations that are rather scarce and often far from the landing points; the scant or no market for the small quantities of unwanted catches; the high number of landing sites (especially along the Italian and Croatian coasts) which hampers the improvement of the landing infrastructure and of efficient collection of unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Italy: reported catches, landings and discards, discard rate, and volume of *de minimis* exemption (considering 1 %) for the species under consideration (*Mullus surmuletus*, *Mullus barbatus*, *Merluccius merluccius*) in GSA 17 and 18, and for GNS and GTR, both as target and as bycatch, without specifying the year. Croatia: provided data for the DFN fleet segments combined, for 2020 only. The data concern productivity, effort, energy and fuel consumption and economic data (income, operating cost and employment). For the species, it provided landings and discards, and discard rate, for 2018-2022, for *Merluccius merluccius* and *Mullus* spp, for GNS and GTR combined. Slovenia: No information on the fleet. Regarding the stocks, information on the landings and discards is provided for *Merluccius merluccius* with gillnets and trammel nets combined (unspecified year).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Italy: the number of discards and the discard rate is NA in all cases. Croatia: the discard rate is decreasing across the years and the mean rate is 3.39 % for hake. The average volume of discards was 2.52 tonnes in the period.

	Similar decreasing trend is shown for *Mullus* spp. The average discard rate is 1.57 %, The average volume of discards was 0.296 tonnes in the period. Slovenia: The discard rate for hake with is very low (0.044) and the volume of discards was 0.3.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Croatia and Slovenia make use of the exemption, as the discard rate is not 0 in any case. For Slovenia, it is very low (0.044). Italy reports NA discards in all cases.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy: Results from MedBLand project are provided. Such results regard the main environmental and operational causes of discard. It is also provided an overview of the measures taken to decrease the fishing effort and improve the exploitation pattern, thereby decreasing fishing mortality and unwanted catches of juveniles (following GFCM Recommendation GFCM/44/2021/1, GFCM/43/2019/5) Spatial closure is also discussed, focusing mainly on the Jabuka/Pomo Pit Fisheries Restricted Area (FRA) in the Adriatic, where a nursery area for European hake is located. Regarding selectivity of gears, mainly the IMPLEMED project (Sbrana et al., 2022) is presented, concerning demersal stocks exploited by bottom trawls in the Mediterranean. The "Disproportionate costs of handling unwanted catches" issue is discussed presenting data in a qualitative way. Croatia provided supporting information consisting of a detailed description of the DFN segment in terms of fleet composition, landing sites, personnel employed and related costs highlighting the impact due to the increase of fuel prices in 2022. Costs rising from the landing obligation of unwanted catches are qualitatively identified and discussed. Also, information is provided on the location of landing sites in relation to the collection centre, as well as from the facility approved for processing category 3 animal byproducts. They also described the spatial and temporal fishery management measures which are currently in place. Slovenia: Qualitative information on the discard handling costs, mainly based on the relevant regulations.

Is this information taken from the actual fishery/fisheries relating to the exemption?	Italy: The arguments presented by Italy in the supporting document are generic and do not directly relate to the relevant fishery involved. Croatia: Due to the fact that no targeted survey related to this issue was implemented up to date and that there is an overall lack of reliable data on how collection of discards would influence the operational process on board, but also having in mind that there is no organised process for collection of unwanted catches, or any market for this kind of landings, previously submitted technical analysis is hereby updated with the purpose of demonstrating disproportionate costs of handling the unwanted catches. However, it needs to be highlighted that it is planned to implement a dedicated study so as to analyse all the aspects related to the implementation of the landing obligation. The said study is planned during the 2023-2024 period. The economic data (employment, costs, consumption) is specific for the DFN fleet. Slovenia: the information regarding fleet composition, income, costs and employment structure is derived specifically from the DFN fleet. The technical analysis on collection and handling of unwanted catch upon landing, is mainly based on the trawlers, especially since the DFN fleet has no designated landing sites. Nevertheless, some considerations regarding transportation to the processing facilities and lack of infrastructure at the ports, seem to apply also for the fishery under consideration.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy has reported the results of experiments conducted within the IMPLEMED project (Sbrana et al., 2022), which are related to OTB. Croatia and Slovenia have not mentioned any supporting argument related to selectivity.
Is this based on pilot studies or trials?	The results from the IMPLEMED project, presented by Italy, are based on several trials carried out in GSA 17, but related to OTB.
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	MS emphasise that due to the large number of landing places and coastal configuration, lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport. Italy: Qualitative consideration on vessels' length, limited board facilities and mostly small crew engaged on the trawlers is provided to support the issue of disproportionate costs resulting from the additional time (and fuel consumption) required for handling and sorting unwanted catches on board vessels. The arguments include the relevant conclusions of research projects in the Meditarrenean concerned with the LO measures, implications, unwanted catch handling costs and elimination of discarding: MedBLand project - Synthesis of the landing obligation measures and discard rates for the Mediterranean and the Black Sea (Spedicato et al., 2021) MINOUW (http://minouw-project.eu/) and Discardless (Uhlmann et al., 2019; http://www.discardless.eu/). Croatia provided a detailed analysis of the costs of handling on vessels, storage, transporting and processing unwanted catches highlighting that, even in the most optimistic scenarios, a value of unwanted catches would be highly disproportional to the costs needed for their collection and transport. Slovenia: the proposed arguments on disproportionate costs seem credible, given the low quantities of discards. Slovenia advocated the exemption based on disproportionate costs due to the discard quantities being too small to be used commercially, and the absence of fishmeal factories and facilities for handling animal waste near the Slovenian coast.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and DISCARDLESS (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to

	the management of discards from the catch to the final destination. Croatia: Due to the fact that no targeted survey related to this issue was implemented up to date and that there is an overall lack of reliable data on how collection of discards would influence the operational process on board, but also having in mind that there is no organised process for collection of unwanted catches, or any market for this kind of landings, previously submitted technical analysis is hereby updated with a purpose of demonstrating disproportionate cost of handling the unwanted catches. There were no pilot studies implemented (but there are such plans for the coming years). There is a simulation of a theoretical value of weekly quantities of unwanted catches per landing place with different assumption of the share of unwanted catches in the overall landing (3 % and 5 %), to estimate the value of collected unwanted catches and compare it with the theoretical value of relevant costs. There is no information on the species, or the fleets concerned.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, provide a reasonable justification for this exemption especially considering that the actual level of unwanted catch is very low compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Italy: the absence of data on discards has made EWG 23-06 enable to estimate the impact of the exemption on the stocks. Croatia: the exemption should have low impact and be relatively higher for *Merluccius merluccius* since the discard rate is above 1 % in all years but shows a decreasing trend (ranging from 4.25 % in 2018 to 2.64 % in 2022). For *Mullus* spp, the impact is lower since the discard rate is 1.2 % on average in the last 2 years. Slovenia: the discard rate for hake is very low (<1 %).
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent stock assessment data, no depleted stocks are reported in Adriatic Sea.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	ADRIATICA MS commit to invest further efforts towards increasing the gear selectivity, conducting studies on cost/benefit related to the implementation of the landing obligation as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste. Italy also reported on the on-going EcoeFISHent H2020 Project ending in 2026 and testing devices to improve the exploitation pattern and reducing discard rates in pilot trawl fisheries, in the Ligurian Sea (FAO-GFCM Geographical Sub-Area 9, GSA9). Croatia, has planned the following projects that mainly aim to facilitate the implementation of the landing obligation (cost benefit study, gathering, storing and processing of byproducts and animal waste) 1. Cost-benefit study of implementation of a discard ban. The study should provide an overview of the current level of discards across relevant fisheries, assess the impact discard ban would have to overall economics of the fishing fleets concerned, related to the cost of handling on vessels, storage, transporting and processing unwanted catches, explore possible logistical solutions of implementing a LO and explore the alternative approaches to minimise discard rates. 2. Establishing a facility for processing of byproducts and animal waste from fishing, aquaculture and fish processing industry (OP 2021-2027). The facility to be established should become a central place for collecting and processing byproducts from fishing, aquaculture and fish processing industry. A network of collecting points at a number of landing places is foreseen to feed into this central facility. 3. Pilot project for establishing logistic support for gathering and storing of byproducts and animal waste from fishing (OP 2021-2027). Depending of the findings of the cost-benefit study of implementation of a discard ban mentioned under point 1 and results of the feasibility study mentioned under point 2, a pilot project for a selected logistical approach should be implement in order to test its feasibility in practice. The implementation of this project is foreseen during 2025. 4. Further improving the landing infrastructure with necessary facilities/logistics for implementing landing obligation (OP 2021-2027); a first tender for projects targeting investments into the fishing

	ports and landing places is planned to be launched in the 3rd quarter 2024. Slovenia: no information provided on the issue.
EWG 23-06 Conclusions	
EWG 23-06 observes that while estimates of the potential increase in costs of handling unwanted catches ashore are provided, there is no way to objectively judge whether such estimates amount to disproportionate costs. However, it is acknowledged that the information provided by Croatia shows the costs for handling and transporting unwanted catches far outweighs the revenues that would ensue from the sale of those unwanted catches. Limited new information has been provided other than partial information on catches and fleets. Therefore, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain relevant.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Hake** (*Merluccius merluccius*) and **red mullets** (*Mullus* spp.), up to a maximum of **1 %** of the total annual catches of those species caught by vessels using **rapido trawl** in the Adriatic Sea. Article 3, point 1a (iii) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	A continuation of the exemption is sought primarily based on disproportionate costs by analogy with the potential cost for an "average" trawl vessel (producing around 40 kg/day of discard of species in the Annex III of the EU Reg. 1967/2006 and working around 140 days/year) in around 3000 euro per year. This amount is about 7.5 % of the gross profit of the "average" vessel. Additionally, it is argued there are disproportionate costs in the absence of infrastructure to handle unwanted catches once landed. The *de minimis* exemption is seen as a "stop-gap" that offsets some of the unwanted catches while research and testing of selective gears is carried out. The conclusions are expected to guide the Member States to adopt gear or other technical measures to increase selectivity. A review of recent selectivity experiments is provided, which describes trials carried out with several different selective gears as evidence. However, these do not specifically refer to rapido. Croatia and Italy presented some information on temporary spatio-temporal measures in territorial waters and protection of FRAs.
Supporting Data	

Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch information was provided by Italy. No information is provided by other Member States.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Italy reported catch data for hake (*M. merluccius*) and red mullet (*M. barbatus*) from otter trawl fleet, mixed demersal fishery targeting mixed species and the Italian rapido beam trawl fleet. According to the JR, the number of vessels involved in these fisheries was around 354, 444 and 62 respectively. The landings by the Italian fleet consisted of, approximately, 1552 tonnes and 1492 tonnes for hake and red mullet in GSA 17, respectively. The landings by the Italian fleet consisted of, approximately, 1265 tonnes and 590 tonnes for hake and red mullet in GSA 18 respectively. While estimated discard rate were 11.8 tonnes and 10.4 tonnes for hake and red mullet respectively in GSA 17 and 3.6 tonnes and 10.9 tonnes in GSA 18. Italy provided catch data and information for the rapido trawl in GSA 17. Hake: 57.7 tonnes of landings with 2.1 tonnes of estimated discards and a discard rate of 3.6 %. Red mullet: 33.7 tonnes of landings with 0.7 tonnes of estimated discards and a discard rate of 2 %.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Italy reports it makes use of the exemption given the low level of discards (less than 3.6 and 2 % of total catches respectively for hake and red mullet). No information is provided by other Member States.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy has provided information based on the projects MedBLand and IMPLEMED. MedBLand was directed to understanding of discards by mapping, assessing and evaluating the management measures per MS and fisheries on discards. On the other hand, IMPLEMED project tested different technical possibilities for improvement of selectivity. In this context, selection grids, modified extension piece with 90° turned mesh configuration (T90 hereafter), and 50 mm SM codend were tested during the IMPLEMED project. The project activities were designed to address the dominant target species as listed above in the areas specifically targeted due to their importance for those particular species as their spawning and nursery grounds. Results of the IMPLEMED project were not encouraging in terms of cost-benefit. It was established that economic losses outweigh by far what was assessed as only a slight improvement of selectivity.

	None of the above projects examined the selectivity of rapido trawl (TBB).
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are generic and do not relate directly to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	The justification for the exemption is based on the results of trials carried out in similar fisheries but with no similar fishing gear (bottom trawling instead of rapido).
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Given the causes of discards and catch composition (multi-species), it seems difficult, in a short-term period at least, to avoid all unwanted catches for Mediterranean trawlers by improving selectivity. Croatia, Italy and Slovenia commit themselves to continue finding adequate solutions in respect to selectivity studies of fishing gears, with the involvement of the fishermen, which can contribute to reduction of discards while maintaining their catchability of commercial species. No credible arguments were put forward supporting the argument that selectivity in the rapido fishery targeting hake and red mullet is difficult to achieve.
Is this based on pilot studies or trials?	N/A
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Even if the amounts of discards seem low, it is reasonable that the full implementation of the landing obligation could imply additional costs. A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. This provides an analysis of the impacts of not granting the exemption and indicates a comparatively high level of losses for the vessels involved in this fishery. Maynou et al. (2018) (Deliverable 2.19) estimated the potential cost for an "average" trawl vessel (producing around 40 kg/day of discard of species in the Annex III of the EU Reg. 1967/2006 and working around 140 days/year) to around 3000 euro per year. This amount is about 7.5 % of the gross profit of the "average" vessel. Literature review and consultation with stakeholders indicated that the main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points. Further,

	there is a lack of interest of industrial companies in the processing of small and dispersed quantities of discards that will produce disproportionate costs for the management of catches subject to LO. Slovenia has presented arguments that a *de minimis* exemption on the basis of disproportionate handling costs is necessary for the Slovenian fishing vessels. An economic analysis based on the government Decision determining the price of public service handling Category 1 and 2 animal byproducts (Official Journal of the RS, No 88/2022), noted the cost of the handling of any kilogram of discards by the public service for handling these animal byproducts would be 0,244 EUR per every kilogram of landed discards. Croatia also provided arguments considering that landed unwanted catches have no market value, and that there is no organised scheme for their collection, hence it is clear that such an obligation would represent an unrealistically high burden for fishermen. However, whether this is a credible or not is difficult to evaluate.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study that shows disproportionate costs for an average vessel (IT). For Slovenia, they are based on an economic analysis. Croatia also provided economic simulations of the costs rising from the landing obligation of unwanted catches. Croatia also announced a study (Cost-benefit study of implementation of a discard ban) that should provide a detailed analysis of the costs of handling on vessels, storage, transporting and processing unwanted catches.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, provide a reasonable justification for this exemption. This amount is about 7.5 % of the gross profit of the "average" vessel.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of hake and red mullet from the rapido fisheries are very low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The hake and red mullet stocks in GSA 17 and GSA 18 are overexploited and reducing fishing mortality on these stocks should be a priority. Introducing a *de minimis* exemption to allow continued discarding will not lead to a reduction in fishing mortality and if not strictly monitored may lead to

	increased fishing mortality due to unreported discarding.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Slovenia provided no information. Croatia plans to implement a dedicated study so as to analyse all the aspects related to implementation of landing obligation. The said study is planned during the 2023-2024 period. Numerous projects and studies are planned for the next years including selectivity, spatio-temporal restrictions and management measures, protection of FRAs etc. Italy plans new projects to be implemented on gear selectivity in the coming years, with the support of the EMPFAF. Currently a Horizon 2020 – Innovative action, started in October 2021: The EcoFISHent Project, examines more selective devices under WP5. Italy provided an updated supplementary annex, which replaces the previous one, containing information on the fishing activities of OTT, OTB, and TBB in the Italian coasts with temporary fishing closures and areas.
EWG 23-06 Conclusions	
Limited new information has been provided other than partial information on catches and fleets, statements and planned activities. The implications of granting the proposed exemption with regard to the fishery and species concerned cannot be quantified with the information provided with this JR. However, the limited information provided suggests discards are very low in these fisheries. Therefore, an assessment of the impact of this exemption cannot be completed and the observations made by previous EWGs remain largely relevant.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Common sole** (*Solea solea*), up to a maximum of **3 %** of the total annual catches of this species caught by vessels using **bottom trawls** in the Adriatic Sea. Article 3, point 1a (iv) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	Due to the specific characteristics of the fishery in the Adriatic Sea, ADRIATICA HLG considers it very important to keep the exemption as its lack will imply serious risk for the economic sustainability of the fishery. Explanations were provided mainly based on: the disproportion of costs for handling

	operations on board and for transporting waste to the final destinations that are rather scarce and often far from the landing points; the scant or no market for the small quantities of unwanted catches; the high number of landing sites (especially along the Italian and Croatian coasts) which hampers the improvement of the landing infrastructure and of efficient collection of unwanted catches.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information were provided in the JR Annexes by the three MS but not in a homogeneous format. Croatia submitted data over 5 years (2018-2022) for OTB without specifying whether they also include TBB data. Slovenia gave data only related to bottom trawls and to one year (without specifying the year). Italy, instead, provided separate data by gear (OTB and TBB) related to only one year (without specifying the year).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	For OTB and TBB targeting common sole, Italy reported catches, landings and discards, discard rate, and volume of *de minimis* exemption (considering 5 %) for GSA 17 without specifying the year. OTB discards matched up to the 5 % exemption required, while those of TBB were higher. Slovenia reported no unwanted catches. Croatia yearly discard rates were always lower than 1 %.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	According to the reported information, Slovenia is not actually using the exemption as it reported 0 discards. Croatia makes limited use of the exemption, the discards being lower than 1 %. In Italy, the TBB fleet is fully using the exemption as the discard rate is 9.6 %, while it is less used by OTB with a discard rate of 1.3 %.
Supporting Information	
What supporting information/literature reviews has been provided?	Italy provided outcomes from the MedBLand project on the main causes of discards, but information is generic and EWG 23-06 was not able to assess if these results are related to all fishing gears or only to trawling. Mostly relating to trawling, Italy also provided a detailed description of the management measures implemented to reduce catches of juveniles (fishing effort reduction, temporal and spatial closures). Croatia characterized its demersal trawl segment (reference year 2020) in terms of fleet composition, income/costs and employment structure, emphasizing the impacts associated with

	the rise in fuel prices in 2022, and provided information on the distribution of OTB landing places. Croatia also supported information on its system of temporal and spatial management measures created to protect demersal resources. Slovenia reported on the measures in place to rate the exemption with regards to its fishing fleet.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting document are generic, but mostly referring to TBB and OTB.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Credible arguments are based on the results of the IMPLEMED project (Sbrana et al., 2022) regarding the testing of T90 and FLEXGRID in OTB and simulations using the BEMTOOL bio-economic model.
Is this based on pilot studies or trials?	Yes, trials at sea carried out within the IMPLEMED project in the GSA 17 showed that only in the Croatian case study of GSA 17, the net provided with the T90 mesh produced a general improvement in selectivity with a significant reduction in catches of hake, as well as lower discards of other fish like monkfish and horse mackerel, and cephalopods, but not for sole. Simulations using BEMTOOL bio-economic model highlighted that for GSA 17 the FLEXGRID allows to compensate the economic losses only partly in the Western side of the Adriatic, while in the Eastern side it would fully compensate in the medium term (i.e., 2-3 years).
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Qualitative consideration on vessels' length, limited board facilities and mostly small crew engaged on the trawlers is provided by Italy – in addition to the results of the BEMTOOL simulations - to support the issue of disproportionate costs resulting from the additional time (and fuel consumption) required for handling and sorting unwanted catches on board vessels. Croatia provided a detailed analysis of the costs of handling on vessels, storage, transporting and processing unwanted catches highlighting that, even in the most optimistic scenarios, a value of unwanted catches would be highly disproportional

	to the costs needed for their collection and transport. Also, Slovenia advocated the exemption based on disproportionate costs due to discard quantities being too small to be used commercially, and the absence of fishmeal factories and facilities for handling animal waste near the Slovenian coast.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on research projects' outcomes highlighting logistic limitations onboard (MedBLand; Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), and demonstrating the need of additional work on board to handle the discards and additional costs related to the management of discards (MINOUW; http://minouw-project.eu/; DISCARDLESS, Uhlmann et al., 2019; http://www.discardless.eu/).
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operation on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destination are disproportionate, provide a reasonable justification for this exemption, also considering that the amounts of reported discards are low compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the exemption should not have a relevant impact on the sole stock considering that the current discard rates are usually lower than the 3 % exemption required. However, it must be noted that in the case of the Italian TBB fishery, the current discard rate is not negligible (9.6 %).
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent stock assessment data, no depleted stocks are reported in Adriatic Sea
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA HLG reported the plan to invest further efforts and research on gear selectivity, on cost/benefit related to the implementation of the LO as well as on the valorisation of unwanted catches and the development of infrastructures to handle fishery waste. Italy also reported on the on-going EcoeFISHent H2020 Project ending in 2026 and testing devices to improve the exploitation pattern and reducing discard rates in pilot trawl fisheries. Croatia detailed its plans for implementing dedicated studies to analyse all the

	aspects related to the implementation of LO, and the spatial and temporal restrictions in force for OTB and related impacts.
EWG 23-06 Conclusions	
New, limited information was provided on bottom trawl catches, fleets and costs related to handling unwanted catches and management measures adopted to reduce discards. Due to this, the EWG 23-06 cannot provide an exhaustive assessment of the impact of this exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Norway lobster** (*Nephrops norvegicus*), up to a maximum of **1 %** of the total annual catches of this species caught by vessels using **pots and traps** in the Adriatic Sea (new exemption).
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The main explanations are based on: the disproportion of costs for handling operations on board and for the transport of waste to the final destination due to the lack of storing facilities and fishmeal factories close to the landing points; the high number of landing sites along the coast which hinders the establishment of an efficient system of organized collection of unwanted catches; and the scarce or no market for unwanted catches mainly due to their low quantities.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Only Croatia has included this species/gear combination in the request list providing yearly fleet and catch data over a 5-year period (2018-2022).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	The data provided by Croatia show that the extent of unwanted catches is low both in relative and absolute terms.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	The level of the Croatian unwanted catches has been usually lower in respect to the exemption, slightly exceeding 1 % only in 2022 (1.22 %).
Supporting Information	
What supporting information/literature reviews has been provided?	Only Croatia provided supporting information consisting of a detailed description of the FPO segment in terms of fleet composition, landing sites, personnel employed and related costs, highlighting the impact due to the increase of fuel prices in 2022. They also described the spatial and

	temporal fishery management measures which are currently in place.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information given by Croatia regards the fishery related to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy reported on experiments conducted within the IMPLEMED project in GSA 17 (Italian and Croatian sides), however such trials only relate to OTB and cannot be useful for FPO. Croatia and Slovenia did not mention any supporting argument specifically related to FPO selectivity.
Is this based on pilot studies or trials?	The results from the IMPLEMED project are based on several trials carried out in GSA 17 but related to bottom trawls.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Member States emphasise that due to the large number of landing places and coastal configuration, lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and DISCARDLESS (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, also in the

	light of the low discard levels, provide a reasonable justification for this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	For Italy and Slovenia, the absence of data on discards has made EWG 23-06 enable to estimate the impact of the exemption on the stocks. For Croatia the exemption should have a small positive impact on the stocks caught by pots and traps as the discards reported for 2022 are slightly over the 1 % exemption required.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent assessments the stocks relevant for the exemption are not exploited with other stocks that are in a depleted state.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA MS commit to invest further efforts towards increasing the gear selectivity, conducting studies on cost/benefit related to the implementation of the landing obligation as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste.
EWG 23-06 Conclusions	
Information on Norway lobster caught by pots and traps has been provided only by Croatia which detailed on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discard, however the information is often partial or not directly related to pots and traps. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), **red seabream** (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **gilthead seabream** (*Sparus aurata*) and **deep-water rose shrimp** (*Parapenaeus longirostris*), up to a maximum of **5 %** of the total annual catches of those species caught by vessels using **bottom trawls** in the Adriatic sea.

	Article 3, point 1a (v) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	MS (Italy, Croatia and Slovenia) state that, due to the large number of landing places and coastal configuration, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Updated catch and fishery information was provided by the Adriatic MS for most of the species. Some discard data are also presented. Landing data by MS. Italy - missing data for BSS Croatia - missing data for BSS and WRF Slovenia - missing data for SWA (negligible catch). For the CTB, GPX, SBR, RPG and DPS no landings are recorded. Discards data by MS. Italy – discard data for BSS, ANN, SHR, SWA, CTB, GPX, RPG and WRF are missing. High discard rate for SBR and PAC in GSA 18 and for PAC in GSA 17. Croatia and Slovenia – data are provided, however most of the values equal to zero.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	From the available data, it can be inferred that in the majority of cases, we are dealing with very small amounts of bycatch, which are also reflected in the low levels of discards.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Italy, Croatia and Slovenia are using the exemption. No data on the level of unwanted catch recorded and reported by Italy against the exemption are provided.
Supporting Information	
What supporting information/literature reviews has been provided?	Over the previous period selectivity projects MedBLand (Synthesis of the Landing Obligation Measures and Discard Rates for the Mediterranean and the Black Sea) and IMPLEMED project (Improving the selectivity of trawl gears in the Mediterranean Sea to advance the sustainable exploitation pattern of trawl fisheries) were implemented. MedBLand was directed to assess discard by mapping, assessing, and evaluating the management measures per MS and fisheries on

	discard. On the other hand, IMPLEMED project tested different technical possibilities for improving selectivity. Results of the IMPLEMED project were not encouraging in terms of cost-benefit. It was established that economic losses outweigh by far what was assessed as only a slight improvement of selectivity. Such results regard the main causes of discarding, but EWG 23-06 does not have sufficient information to identify if the results are related to all fishing gears or only to trawling.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The IMPLEMED project is related to this fishery, while the arguments presented in the MedBLand are generic and do not relate directly to the relevant fishery involved.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	No additional information relating to similar fisheries using the same fishing gears from other areas has been provided.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, a credible argument is provided. The JR states that, given the causes of discards and catches composition (multi-species), it seems difficult, in a short-term period at least, to avoid all unwanted catches for Mediterranean trawlers by improving selectivity. Croatia, Italy and Slovenia commit themselves to continue finding adequate solutions in respect to selectivity studies of fishing gears with the involvement of the fishers which can contribute to the reduction of discards while maintaining their catchability of commercial species. Preferential access to fishing grounds could be granted to the more selective fishing gears (art.7 CFP Reform).
Is this based on pilot studies or trials?	Yes, this is based on several trials carried out by MS. Moreover, MS will undertake measures contributing to further decrease the unwanted catches following the conclusions of current research programmes in order to reduce and limit unwanted catches and particularly catches below MCRS.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	MS emphasise that due to the large number of landing places and coastal configuration, lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021;

	https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and Discardless (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards, and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, provide a reasonable justification for this exemption, especially considering that the actual level of unwanted catch is very low (< 1 %), compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	From the available data, it can be inferred that in the majority of cases we are dealing with very small amounts of bycatch, which are also reflected in low levels of discards.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	There are no depleted fish stocks in the Adriatic Sea.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA HLG members commit to invest further efforts towards increasing the gear selectivity, conducting studies on cost/benefit related to the implementation of the landing obligation, as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste.
EWG 23-06 Conclusions	
New information has been provided on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discards, even though in some cases the information are partial. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption

Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **common sole** (*Solea solea*) and **gilthead seabream** (*Sparus aurata*), up to a maximum of **3 %** of the total annual catches of those species caught by vessels using **gillnets and trammel nets** in the Adriatic Sea. Article 3, point 1a (vi) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The main justifications of all MS (Italy, Croatia, Slovenia) are: the disproportion of costs for handling operations on board and for the transport of waste to the final destination due to the lack of storing facilities and fishmeal factories close to the landing points; the high number of landing sites along the coast (especially for Italy and Croatia) which hinders the establishment of an efficient system of organised collection of unwanted catches; and the scarce or no market for unwanted catches mainly due to their low quantities.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Data are not reported in a homogeneous way by the three MSs: Italy has reported fleet and catch data per species and gear related only to one year without specifying the year; Slovenia has provided fleet and catch data per species related only to one year without specifying the year and combining GNS and GRT; Croatia has provided yearly data over a 5-year period (2018-2022) combining GNS and GRT data. However, fleet and catch data are provided for most of the species except for the sole from Italy (sole not included in the list of minimum exemption for GNS and GRT).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	No information on discard proportion estimates or discard rates is provided by Italy which declared that all species are bycatch for this fishing activity. Some inconsistencies have been observed between landings, discards and total catch in the data provided by Slovenia. However, the data provided by Croatia and Slovenia show that the extent of unwanted catches is low

	both in relative and absolute terms being usually less than 1 % of the total catch of each species.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Croatia and Slovenia are using the exemption event though the level of unwanted catches is lower in respect to the exemption. The information provided by Italy does not allow to understand whether these two MS use the derogation.
Supporting Information	
What supporting information/literature reviews has been provided?	Results from MedBLand project are provided by Italy. Such results regard the main causes of discards, but EWG 23-06 does not have sufficient information to identify if the results are related to all fishing gears or only to trawling. Italy has also provided a detailed description of the management measures (reduction of fishing effort, temporal and spatial closures) implemented to reduce catches of juveniles, however also in this case the information is general and in most of the cases related to trawling. Croatia has provided a detailed description of the fishing sector using GNS and GTR in terms of fleet composition, landing sites, personnel employed and related costs, highlighting the impact due to the increase of fuel prices in 2022. They have also described the spatial and temporal fishery management measures which are currently in place. Slovenia has provided a list of measures for monitoring the exemption with respect to the Slovenian fishing fleet.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented by Italy in the supporting document are generic and do not directly relate to the relevant fishery involved. The information given by Croatia and Slovenia regard the fishery related to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Italy is using arguments from different gears (TBB and OTB) in the same areas; thus, they cannot be considered representative to describe the GNS and GTR fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy has reported the results of experiments conducted within the IMPLEMED project; however such trials only relate to OTB. Croatia and Slovenia have not mentioned any supporting argument related to selectivity.

Is this based on pilot studies or trials?	Yes, the results from the IMPLEMED project are based on several trials carried out in GSA 17 but related to OTB.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Member States emphasise that, due to the large number of landing places and coasts configuration, lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and Discardless (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards, and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, provide a reasonable justification for this exemption especially considering that the actual level of unwanted catch is very low (< 1 %), compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	For Italy, the absence of data on discards did not allow EWG 23-06 to estimate the impact of the exemption on the stocks. For Croatia and Slovenia, the exemption should not have any impact on the stocks targeted by GNS and GTR fishery as the actual discards are lower than the 3 % exemption required.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent assessments, the stocks relevant for the exemption are not exploited with other stocks that are in a depleted state.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA HLG members commit to invest further efforts towards increasing the gear selectivity,

	conducting studies on cost/benefit related to the implementation of the landing obligation as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste.
EWG 23-06 Conclusions	
New information has been provided on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discards, even though in some cases the information are partial or not directly related to GNS and GTR fishery. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**European seabass** (*Dicentrarchus labrax*), **annular seabream** (*Diplodus annularis*), **sharpsnout seabream** (*Diplodus puntazzo*), **white seabream** (*Diplodus sargus*), **two-banded seabream** (*Diplodus vulgaris*), **groupers** (*Epinephelus* spp.), **striped seabream** (*Lithognathus mormyrus*), **Spanish seabream** (*Pagellus acarne*), red seabream (*Pagellus bogaraveo*), **common pandora** (*Pagellus erythrinus*), **common seabream** (*Pagrus pagrus*), **wreckfish** (*Polyprion americanus*), **common sole** (*Solea solea*) and **gilthead seabream** (*Sparus aurata*), up to a maximum of **1 %** of the total annual catches of those species caught by vessels using **hooks and lines** in the Adriatic Sea. Article 3, point 1a (vii) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The main justifications of all MS (Italy, Croatia, Slovenia) are: the disproportion of costs for handling operations on board and for the transport of waste to the final destination due to the lack of storing facilities and fishmeal factories close to the landing points; the high number of landing sites along the coast (especially for Italy and Croatia) which hinders the establishment of an efficient system of organised collection of unwanted catches; and the scarce or no market for unwanted catches mainly due to the low quantities.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Data are not reported in a homogeneous way by the three MS: Italy has reported fleet and catch data per species and gear (LLS and LHM) related only to one year (without specifying the year) and only for GSA 18; Slovenia has provided fleet and catch data per species related only to one year (without specifying

	the year) and the category LX; Croatia has provided yearly data per species over a 5-year period (2018-2022) and for the category LL without specifying the GSA. However, fleet and catch data are provided for most of species except for the sole from Italy (sole not included in the list of minimum exemption for Hooks & Lines).
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	No information on discard proportion estimates or discard rates is provided by Italy, which declared that all species are bycatch for this fishing activity. Slovenia declared zero discards for all species even though inconsistencies can be observed between landing and total catch data of a few species (i.e., *Pagellus erythrinus* and *Sparus aurata*). However, the data provided by Croatia and Slovenia (zero discards as declared) show that the extent of unwanted catches is low both in relative and absolute terms, being usually less than 1 % of the total catch of each species. In 2022 this percentage was only exceeded by the discards of *D. labrax* and *P. erythrinus* in Croatia (2.36 % and 1.65 %, respectively).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Croatia is using the exemption even though the level of unwanted catches appears usually lower in respect to the exemption. The information provided by Italy and Slovenia do not allow to understand whether these two MSs use the derogation.
Supporting Information	
What supporting information/literature reviews has been provided?	Results from MedBLand project are provided by Italy. Such results regard the main causes of discarding, but EWG 23-06 does not have sufficient information to identify if the results are related to all fishing gears or only to trawling. Italy has also provided a detailed description of the management measures (reduction of fishing effort, temporal and spatial closures) implemented to reduce catches of juveniles, however also in this case the information is general and in most of the cases related to trawling. Croatia has provided a detailed description of the fishing sector using LX in terms of fleet composition, landing sites, personnel employed and related costs highlighting the impact due to the increase of fuel prices in 2022. They have also described the spatial and temporal fishery management measures which are currently in place. Slovenia has provided a list of measures for monitoring the exemption with respect to the Slovenian fishing fleet.

Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented by Italy in the supporting document are generic and do not directly relate to the relevant fishery involved. The information given by Croatia and Slovenia regard the fishery related to the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Italy is using arguments from different gears (TBB and OTB), thus they cannot be considered representative to describe the LX fishery.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Italy has reported the results of experiments conducted within the IMPLEMED project; however such trials only relate to OTB. Croatia and Slovenia have not mentioned any supporting argument related to selectivity.
Is this based on pilot studies or trials?	Yes, the results from the IMPLEMED project are based on several trials carried out in GSA 17 but related to OTB.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	Member States emphasise that, due to the large number of landing places and coastal configuration, lack of facilities for handling animal waste and of fishmeal factories close to the landing points, LO would lead to disproportionate costs for collecting the landed discards and related transport.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption based on disproportionate costs are supplied by the results of the MedBLand (Spedicato et al., 2021; https://cinea.ec.europa.eu/publications/synthesis-landing-obligation-measures-and-discard-rates-mediterranean-and-black-sea_en), MINOUW (http://minouw-project.eu/) and Discardless (Uhlmann et al., 2019 ; http://www.discardless.eu/) projects which highlighted the difficulties represented by logistic limitations and the necessity of additional work on board for the selection process and the storage of discards and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the final destination.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information supporting the assertion that the costs for handling unwanted catches on board and for transporting them to the final destinations are disproportionate, provide a reasonable justification for this exemption especially considering that the actual level of unwanted

	catches is usually very low (<1 %), compared to the landings from the fishery.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	For Italy, the absence of data on discard has made EWG 23-06 enable to estimate the impact of the exemption on the stocks. For Croatia and Slovenia, the exemption should not have any impact on the stocks targeted by the LX fishery as most of actual discards are lower than the 1 % exemption required.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	According to the most recent assessments, the stocks relevant to the exemption are not exploited with other stocks that are in a depleted state.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	ADRIATICA HLG members commit to invest further efforts towards increasing the gear selectivity, conducting studies on cost/benefit related to the implementation of the landing obligation, as well as on the valorisation of unwanted catches, and implementing infrastructures to handle fishery waste.
EWG 23-06 Conclusions	
New information has been provided on catches, fleets, costs related to handling unwanted catches and management measures adopted to reduce discard, even though in some cases the information is partial or not directly related to the LX fishery. Therefore, an assessment of the impact of this exemption cannot be fully achieved.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5 %** of the total annual bycatches of those species caught by vessels using **bottom trawls** in the Adriatic Sea. Article 3, point 1a (viii) of the Commission Delegated Regulation (EU) 2021/2064, amended by Delegated Regulation 2022/2564.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed, as well as the difficulties to increase selectivity for small pelagics in mixed fisheries. As for the disproportionate cost and management measures, the same arguments used in the previous

	requests (EWG 19-08, 21-05, 22-05) for the trawl fleet are repeated. Given the multi-species nature of Mediterranean trawl catches, ADRIATICA considers difficult, in the short-term period at least, avoiding unwanted catches by improving selectivity. In the JR 2024-2026, ADRIATICA judges it very important to keep the exemptions as their lack will imply serious risk for the economic sustainability of the Adriatic fishing industry.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data and information on the number of vessels involved in the fisheries (average 2019-2021) have been provided by Italy and Croatia. Croatia provided data of landings and discards also for the year 2022. Slovenia did not provide information on number of vessels involved in the demersal fisheries and data on landings and discards have been judged inconsistent and significantly different with the information available in the FDI datasets. EWG 23-06 has therefore used the FDI datasets (e.g., catch and capacity) for the assessment below. **Italy** provided Excel tables (attached as separate annexes) by Geographical Sub-Area (GSA 17-18) of landings and discards (tonnes) of the target and by-catch species, the discard rate, and the number of vessels subject to LO. Discarded fractions (e.g., discard/catch for each species) for anchovies and sardine have been reported only in GSA 18 (cfr. Excel Tables of *de minimis* exemption) while for the other concerned species fractions are reported both for GSA 17 and GSA 18. EWG 23-06 highlight that in some case the discarded fraction, for a single species, is very high. This is the case for horse mackerel (i.e., combined HOM and HMM), with a fraction discarded up to 52.8 % in GSA 18. The high discard for these species is due both to the presence of undersized specimens and the low economic value of adults. No unwanted catches of anchovy and sardine are reported in GSA 17, while no discards were reported in GSA 18. For mackerel the fraction discarded is <1 %. Cumulative discarded fraction corresponds to 16.4 % (combined concerned species in GSA 17-18), principally due to the high discarding of horse mackerel. Italian Authorities highlight that the volume of catches of concerned small pelagics in the demersal trawl fisheries (OTB gear level) is small (around 9 %) compared to the total volume of landings (16,747 tonnes) reported by the midwater fisheries, ranging from 7 % in GSA 17 to 11 % in GSA 18.

	Croatia provided information for all fleets (trawls, longlines, trammel nets, pots, traps, etc.) and for the period 2018-2022. Except for horse mackerel, with a fraction discarded of up to 3.8 %, for the other species discarded fractions are always below 0.4 %. Cumulative discarded fraction corresponds to 2.9 % (all concerned species). Likewise, Italy, in Croatian OTB the landing value of the small pelagics (59.6 tonnes) is small and corresponds to only 2.2 % of the total landing (2,669 tonnes) reported by the midwater trawl fisheries. **Slovenia** provided average values of landings and discards for all fleets (trawls, longlines, gillnets and trammel nets, hooks and lines, etc.) for the period 2019-2021. Except for sardine with a discarded fraction of up to 9.1 %, for the other species fractions discarded are always below 0.1 %. Cumulative discarded fraction corresponds to 6.9 % and it is mainly due to sardine. Likewise, Italy and Croatia, in Slovenian OTB the landing value of the concerned small pelagics (269 tonnes) corresponds to only 3.6 % of the total landing (7,492 tonnes) reported by midwater trawl fisheries. EWG 23-06 remarks that the FDI data for Slovenia are significantly different. According to the provided information, 430 and 354 Italian vessels operate in GSA 17 and 18, respectively; 316 Croatian trawlers operate in GSA 17. From FDI data, 9 Slovenian trawlers operate in GSA 17.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	For the three countries, the ratio between the landings of the concerned small pelagics and the total landing in the demersal fisheries is very low and below 10 %. Cumulative discarded fraction of small pelagics varies from 16.4 % (Italy) to 2.9 % (Croatia) and 6.9 % (Slovenia).
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	From the available information, it looks like the three MSs are using the exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	Two projects, MedBLand and IMPLEMED, were considered. MedBLand was aimed towards understanding discards by mapping, assessing, and examining discard management measures per MS and fishery. IMPLEMED tested different technical possibilities (grids, T90, SM50) to improve trawl selectivity. Results of the IMPLEMED project were not encouraging in terms of cost-benefit. It was

	established that economic losses outweigh by far what was assessed as only a slight improvement of selectivity.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The information provided is related to the fishery interested by the exemption.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	N/A
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	As confirmed by Italy, the mixed nature of the demersal Mediterranean trawl fisheries poses problems when technical measures relate only to the codend mesh size. To simultaneously improve the size selectivity of different species or catch categories, more sophisticated alternatives of selective devices, such as grids, may be explored and implemented in some Mediterranean fisheries (Sala et al., 2015). At present, in these fisheries, there are no scientifically documented methods to significantly reduce bycatch of anchovies, sardine, and horse mackerel associated with negligible losses of target species. Both an increase in mesh size or use of T90 and grids will have a minimal impact on the bycatch of the concerned species but will have negative impact on catches of target species.
Is this based on pilot studies or trials?	Yes, this is based on several trials and simulations carried out under IMPLEMED. Simulations using BEMTOOL bio-economic model highlighted that for GSA 17 the FLEXGRID allows to compensate the economic losses only partly in the Western Adriatic side, while in the Eastern side it is fully compensated in 2-3 years. For the Croatian fleet, the model predicts in 2024 a variation of revenue around -3/+8 % for bottom trawling segments implementing the FLEXGRID and -20/-27 % for the T90 configuration. Concerning the Italian fleet, the variations are of -3/-7 % for the bottom trawling operating with the FLEXGRID and -16/-19 % using the T90 configuration.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed. A detailed economic analysis by Italy,

	Croatia, and Slovenia of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. Italy - As for the disproportionate costs, the same arguments used in the previous requests (EWG 22-05, 21-05, 19-08) for the trawl fleet are repeated (Annex *Considerations by Italy on landing obligation for demersal fisheries*). The justification is supported by an analysis of the continuation of the exemption, primarily due to disproportionate costs of handling unwanted catches. Results from the interviews from the MedBLand project (Spedicato et al., 2021) highlighted that difficulties are represented by logistic limitations onboard for the selection process and the storage of discards to be kept separated in different refrigerated rooms. Additionally, MINOUW project (Maynou et al., 2018) and DISCARDLESS project (Uhlmann et al., 2019) demonstrated the need of additional work on board to handle the discards, and provided useful indications, based on experimental case studies, on the costs related to the management of discards from the catch to the destination. This argument has been used consistently since the introduction of the landing obligation. Croatia – According to the Annex sent by Croatia (Annex *Considerations by Croatia on landing obligation for demersal fisheries*) there is no market for unwanted catches and any unwanted landed catch is considered as waste and collected for destruction with extra costs. The information provided are generic, rather than related specifically to bycatch of small pelagics. Slovenia - For Slovenia, the request for the *de minimis* exemption is based on disproportionate handling costs with compared to the low discards (see Annex *Considerations by Slovenia on landing obligation for demersal fisheries*). On average, the discards of the species concerned are very low and represent only a few kilograms per fishing trip. This quantity is too small to be used commercially, or collected by companies that treat animal waste (because these companies collect animal waste in barrels of minimum 50 litres). No other relevant additional information is provided.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on three EU studies (e.g., MedBLand, MINOUW, and DISCARDLESS) which show disproportionate costs in the absence of infrastructure to handle unwanted catches once landed. EWG 23-06 observes that while estimates of the potential increase in costs of handling unwanted catches ashore are provided, there is no way to objectively judge whether such estimates amount to disproportionate costs. The arguments are generic

	and, in most cases, the factors that increased the cost of production are not quantitative, and therefore the total cost increase cannot be estimated. However, EWG 23-06 acknowledges the information provided by Italy, Croatia, and Slovenia which shows the costs for handling and transporting unwanted catches far outweighs the revenues that would ensue from the sale of those unwanted catches.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Compared to the total catch from demersal fisheries, the actual level of unwanted catch (discarded fraction) is <1 % for anchovies and sardine and varied for horse mackerel from 3 % of Croatia up to 43 % of Italy. Discarded fraction of mackerels was for all countries less than 0.5 %. Cumulative discarded fraction of all concerned species ranged from 3 % for Croatia up to 16 % for Italy. The description of the fleet characteristics, the operations on board the vessels, as well as the qualitative information provided to support the assertion that the costs of handling unwanted catches on board are disproportionate, offer a reasonable justification for this exemption.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the information provided, the volume of unwanted catches of the concerned small pelagic species from the demersal fisheries is very low. For some species, discards are absent, but it is important to highlight that in some cases the discards related to a single species are very high, like for example for horse mackerel in Italy (42 %). However, the presence of the species in total landings and discards is very low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	The stocks relevant to the exemption are not exploited together with other stocks that are in a depleted state.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	Croatia has indicated that a further insight on cost benefit related to the implementation of the landing obligation is planned. The study aims to assess the economic impact of the discard ban (e.g., cost of handling, storage, transporting and processing unwanted catches) on different fisheries to explore potential logistical solutions and approaches to minimise discards. Furthermore, it is envisaged to continue efforts to invest into fishing ports and landing places infrastructure. Italy will focus on gear selectivity in the coming years, with the support of the EMPFAF. Furthermore, the ongoing EcoeFISHent Project (Horizon 2020) will perform selectivity trials in OTB fisheries. The

	finalization of the project is foreseen by September 2026.
EWG 23-06 Conclusions	
The supporting information and the basis for the exemption provided by Croatia, Italy and Slovenia are not different from those presented previously to EWG 21-05 and 22-05. Therefore, the observations from EWG 21-05 and 22-05 remain relevant. EWG 23-06 observes that while estimates of the potential increase in costs of handling unwanted catches ashore are provided, there is no way to objectively judge whether such estimates amount to disproportionate costs. EWG 23-06 acknowledges the detailed information provided by Croatia that shows the costs for handling and transporting unwanted catches far outweighs the revenues that would ensue from the sale of those unwanted catches. EWG 23-06 notes that for Italian trawlers, where the estimated cumulative discarded fraction for the 4 stocks corresponds to 16.4 %, the *de minimis* volume is likely to cover only part of the discards if no other measures are put in place by the MS (e.g., increase selectivity, improve the survivability, and/or spatio-temporal measures). The results coming from the reported projects and mentioned in the JR 2024-2026 by ADRIATICA regarding the use of selectivity devices, such as grids and T90 panels, in bottom trawl nets, while interesting, they are not necessarily relevant for this exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5 %** of the total annual catches of those species caught by vessels using **pelagic mid-water trawls** in the Adriatic Sea. Article 3, point 1 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed, as well as the difficulties to increase selectivity in gears considered already species selective. As for the disproportionate costs and technical measures, the same arguments used in the previous request (EWG 20-04) for the mid-water trawl fleet are repeated.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data and information on the number of vessels involved in the fisheries (average 2019-2021) have been provided only by Italy. No other countries have supplied data for this specific request. Two gear types are reported in the Annexed Excel table: OTM in GSA18 and PTM in GSA 17 and GSA

	18. Discarded fractions (e.g., discard/catch for each species) for anchovies and sardine have not been reported for GSA18. The fleet using pelagic mid-water trawling consists of 11 OTM and 11 PTM operating in the GSA 18 and 77 vessels suing PTM gear in GSA 17. In the following table, EWG 23-06 summarises for each species the result of landings, discards, and discarded fraction. EWG 23-06 highlights that in some cases the discarded fraction for a single species is very high. This is the case for horse mackerel (i.e., combined HOM and HMM), with a fraction discarded up to 17.5 % in GSA 17 for PTM. For mackerel the fraction discarded is around 0.2 %. Cumulative discarded fraction corresponds to 0.1 % (combined concerned species in GSA 17).

GSA	Species	OTM Landing	Discard	Fraction discarded (%)	PTM Landing	Discard	Fraction discarded (%
GSA17	Engraulis encrasicolus	-	-	-	11,357	0.7	**0.0%**
	Sardina pilchardus	-	-	-	13,549	0.4	**0.0%**
	Scomber spp	-	-	-	144	0.3	**0.2%**
	Trachurus spp	-	-	-	71	12	**17.5%**
	Total	**-**	**-**	**-**	**25,121**	**14**	**0.1%**
GSA18	Engraulis encrasicolus	2.4	NA	**NA**	1,572	NA	**NA**
	Sardina pilchardus	0.0	NA	**NA**	204	NA	**NA**
	Scomber spp	-	-	-	-	-	**NA**
	Trachurus spp	-	-	-	-	-	**NA**
	Total	**-**	**NA**	**NA**			

What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	No information provided by Croatia and Slovenia for midwater trawl fisheries (OTM and PTM). For Italy cumulative discarded fraction of small pelagics vary is 0.1 % and it is therefore below the 5 % *de minimis*.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Italy reported that this fishing system is not currently monitored regarding unwanted catches in GSA 18. No information provided by Croatia and Slovenia for midwater trawl fisheries (OTM and PTM).
Supporting Information	
What supporting information/literature reviews has been provided?	ADRIATICA HLG considered the MedBLand project, aimed at improving the understanding of the management measures put in place to implement the LO. In particular, Task 2 was devoted to assessing the impact of the combination of measures implemented regarding the reduction of discards rates. Task 3 was dedicated to the Identification and evaluation of the measures, structures and resources adopted by Member States' authorities to ensure control, enforcement and inspection of all activities relevant to the LO.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting documents are related to the concerned fisheries.

If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Some information contained in the documentation sent by ADRIATICA HLG refers to the fisheries covered by the exemption. Other information refers to similar fisheries with similar fishing gears but in different GSAs. However, the information collected seems representative given these similarities and are therefore valid to further support the case for the exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, a credible argument is provided. Pelagic mid-water trawls can be defined as highly "species-selective" fishing gears for the following reasons: the minimum mesh openings is 20 mm; the use of small meshes is mainly adopted to avoid the enmeshment and gilling during the catching processes that usually damage fish in trawl gears. It should be noted that high level of entanglement represents significant burden to fishermen as they need to invest a lot of time to cleaning it and it is avoided to the maximum possible extent. The use of larger meshes in the mid-water trawl codend has been tested in some areas of the Mediterranean in the past. However, the results obtained were not very promising. If large meshes are used in the codend of pelagic trawl, there is the possibility that the fish entering the codend will be gilled or enmeshed and lose their commercial value. Furthermore, being the meshes of the codend obstructed by the enmeshed fish, there is an actual risk of codend explosion due to the water pressure. Therefore, the fishing practices and the technical properties of pelagic mid-water trawling make a selectivity improvement impractical.
Is this based on pilot studies or trials?	Yes, this is based on trials carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. Results from the interviews from the MedBLand project highlighted that the implementation of the LO provisions depends also to a system that allows to manage and possibly process the discards in the circuit "not for human consumption". Literature review and consultation with stakeholders indicated that the main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points. Further, the coasts are characterized by a large number of small-scale fishing ports which makes it unviable to collect and store smaller quantities of discards in fishing ports and generates

	a lack of interest of industrial companies in the processing of small and dispersed quantities of discards that will produce disproportionate costs for the management of catches subject to LO.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study (MedBLand project) that shows disproportionate costs both for the handling of unwanted catches on board and once landed in the absence of infrastructure.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information provided to support the assertion that the costs of handling unwanted catches once landed are disproportionate, provide a reasonable justification for this exemption. Although no recent data is provided, the actual level of unwanted catches is very low or zero compared to landings from fishing.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the statements made in the document supporting the exemption request provided by ADRIATICA HLG, the volume of unwanted catches of the relevant stocks in the pelagic mid-water trawling is low.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	No depleted stocks are exploited together with the stocks relevant to the exemption.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	In the documents presented by ADRIATICA HLG, there is no mention about future studies that may have LO implications.
EWG 23-06 Conclusions	
ADRIATICA HLG provided limited new data to the EWG 23-06. In particular, Italy did not provide data on unwanted catches for GSA 18 both for OTM and PTM fleet. It is unclear if Croatia and Slovenia are interested in this exemption as they have not supplied any data both on catches and fleet capacity. The reasons given by ADRIATICA HLG for the *de minimis* exemption are the same presented in the previous EWGs, supported by the studies carried out in the context of MedBLand project. The studies conducted indicate the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Anchovy** (*Engraulis encrasicolus*), **sardine** (*Sardina pilchardus*), **mackerel** (*Scomber* spp.) and **horse mackerel** (*Trachurus* spp.), up to a maximum of **5**

	% of the total annual catches of those species caught by vessels using **purse seines** in the Adriatic Sea. Article 3, point 1 of Commission Delegated Regulation (EU) 2018/161, amended by Commission Delegated Regulation (EU) 2020/2012.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	The basis for justifying the exemption relates to disproportionate costs, in the absence of infrastructure to handle unwanted catches once landed as well as the difficulties to increase selectivity in gears considered already species selective. As for the disproportionate costs and technical measures, the same arguments used in the previous request (EWG 20-04) for the purse seine fleet are repeated.
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	Catch data and information on the number of vessels involved in the fisheries have been supplied only by Croatia. In the documentation provided, there is no information neither on the catches nor on the Italian fleet that uses this fishing system. Currently, there are no vessels using this fishing system in Slovenia.
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	Croatia. Data on landings and discards are supplied for the period 2018-2022. The fleet using purse seine consists, on average, of 168 vessels operating in the GSA17 in the period 2019-2021. The most important species is sardine with a landing of 45,200 tonnes in the referred period. The landing of anchovies is around 9,800 tonnes, while those of mackerel and horse mackerel are 1,730 and 1,453 tonnes respectively. In the period 2019-2021, the average of discards amount to about 18 tonnes for sardine, 4.1 tonnes for anchovies, 1.3 tonnes for mackerel and 1.5 tonnes for horse mackerel. Italy. No information provided by the Member State. From the analysis of the FDI data done by EWG 23-06, EWG 23-06 notes that around 21 vessels used purse seines in the period 2019-2021 in GSA17 and GSA18. The average annual landings of the species for which exemption is requested was 3,726 tonnes. In FDI, unwanted catches are reported as zero in 2019 and 2020 and not available in 2021.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of	There is currently no indication whether Member States use the exemption.

unwanted catch recorded and reported by the Member State against the exemption?	For Croatia cumulative discarded fraction of small pelagics for the period 2019-2021 is 0.04% and it is therefore well below the 5% *de minimis*. For Italy, the FDI database shows that in the period 2019-2020 the discard ratio of purse seiners equals to zero.
Supporting Information	
What supporting information/literature reviews has been provided?	A document cited by ADRIATICA HLG is the project MedBLand, aimed at improving the understanding the management measures put in place to implement the LO. In particular, Task 2 was devoted to assessing the impact of the combination of measures implemented regarding the reduction of discards rates. Task 3 was dedicated to the Identification and evaluation of the measures, structures and resources adopted by Member States' authorities to ensure control, enforcement and inspection of all activities relevant to the LO.
Is this information taken from the actual fishery/fisheries relating to the exemption?	The arguments presented in the supporting documents are related to the concerned fisheries.
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Some information contained in the documentation sent by ADRIATICA HLG refers to the fisheries covered by the exemption. Other information refers to similar fisheries with similar fishing gears but in different GSAs. However, the information collected seems representative given these similarities and are therefore valid to support the case for the exemption.
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	Yes, a credible argument is provided. Purse seines can be defined as highly "species-selective" fishing gears for the following reasons. The minimum mesh openings for purse seine is 14 mm. The use of small meshes is mainly adopted to avoid the enmeshment and gilling during the catching processes that usually damage fish. It should be noted that high level of entanglement represents significant burden to fishers as they need to invest a lot of time to cleaning it and it is avoided to the maximum possible extent. Studies on technical properties of purse seines targeting small pelagic species in the Mediterranean suggest that the discard ratio is low (Kelleher, 2005; Tsagarakis et al., 2012) because the gear is highly selective, and vessels mainly target small pelagic fish with a low diversity of species and sizes. However, the discarded portion could be affected by several factors such as quantity and composition of the catch as well as market prices (Santojanni et al., 2005).

	Therefore, it is reported that the fishing practices and the technical properties of purse seine make impracticable a selectivity improvement.
Is this based on pilot studies or trials?	Yes, this is based on trials carried out by Member States.
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	A detailed economic analysis of disproportionate costs resulting from the additional time required for handling and sorting unwanted catches on board vessels in the relevant fisheries is provided. Results from the interviews from the MedBLand project highlighted that the implementation of the LO provisions depends also by a system that allows to manage and possibly process the discards in the circuit "not for human consumption". Literature review and consultation with stakeholders, indicated that the main problems in implementing the LO are the inappropriate logistics and storage facilities at the landing points. Further, the coasts are characterized by a large number of small-scale fishing ports which makes it unviable to collect and store smaller quantities of discards in fishing ports and generates a lack of interest of industrial companies in the processing of small and disperse quantities of discards that will produce disproportionate costs for the management of catches subject to LO.
Is this based on pilot studies or economic model simulations?	The arguments for the exemption are based on a study (MedBLand project) that shows disproportionate costs both for the handling of unwanted catches on board and once landed for in the absence of infrastructure.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	The description of the operations on board the vessel, as well as the information provided to support the assertion that the costs of handling unwanted catches once landed are disproportionate, provide a reasonable justification for this exemption. Although no recent data is provided, the actual level of unwanted catches is very low or zero compared to landings from fishing.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Based on the statements made in the document supporting the exemption request provided by ADRIATICA HLG, the volume of unwanted catches of the relevant stocks in the purse seine fishery is low. The exemption is requested for the main stocks exploited with this fishing technique. Recently, stock assessments the Adriatic Sea have been carried out. Although there is a lack of information on unwanted catches, the small quantities that are discarded

	should not have a significant effect on the exploitation status.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	There are no depleted stocks in GSAs 17 and 18 exploited with this type of gear.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	A pilot project to test REM and/or observers on board on selected fleet segments during 2025 is planned in Croatia.
EWG 23-06 Conclusions	
ADRIATICA HLG provided limited new data to the EWG23-06. Croatia provided capacity and catch (landings and discards) data for the period 2018-2022. Data on catches (including unwanted ones) and fishing capacity were not provided for the Italian fleet. However, FDI data for Italy were analysed by EWG 23-06. In Slovenia, purse seine is no longer used. The reasons given by ADRIATICA HLG for the *de minimis* exemption are the same presented in the previous EWGs, supported by specific studies on selectivity and studies carried out in the context of MedBLand project. The studies conducted indicating the inability to increase selectivity and the disproportionate costs for the management of unwanted catches seem reasonable for a *de minimis* exemption.	

7.2 Proposals for high survivability exemptions

The summary of high survivability exemptions submitted for the Western Mediterranean exemptions relating to demersal species is presented in the following tables.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Scallop** (*Pecten jacobaeus*) and **Carpet clams** (*Venerupis* spp.), below the minimum conservation reference size caught with **mechanised dredges** in the Western Mediterranean. Article 3, point 1.a and 1.b of the Commission Delegated Regulation (EU) 2021/2066, amended by Delegated Regulation (EU) 2022/2288.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This exemption is requested due to the scallop and carpet clam's high rate of survival as well as the fact that mechanized dredges are selective gears and will not damage the individuals released immediately into the water. These bivalve molluscs have a specific regulation of commercialization in which it has to be alive for the commercialization. This specific regulation is based on the biological characteristics of this bivalve molluscs that show a high survivability, resilience to periods out of the water, as well as high stress resistance.

Supporting Data	
Have survivability estimates been provided?	No studies on the survival of the affected species were provided. Survival estimates are reported for other bivalve species (Donax trunculus; Chamelea gallina; García et al., 2015).
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	There are not survival estimates derived from direct observation nor ad hoc studies. The only reported indications are that (a) the fishery is regulated by requiring that specimens must be alive at the time of marketing and therefore it is in the fishermen's interest to land only viable product; (b) the fishery is selective; (c) studies directed at other species (*Donax trunculus; Chamelea gallina*) showed that the majority of discarded molluscs (94-95%) did not present any damage caused by the fishing manoeuvre and handling on board, so they could have a high probability of survival (García et al., 2015).
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The high survival of these two species is only supposed to be high, but there is no scientific evidence. High probability of survival (94-95%) is only deduced from discards of other bivalve species (*Donax trunculus* and *Chamelea gallina*) caught by mechanized dredges.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	There are not specific measures taken to improve selectivity. The gear is reported to be highly selective, being more than 75% of the catch in weight composed of Octopus, murex and scallop (PESCAMED, 2023).
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	There is no evidence of measures taken to improve the selectivity through on-board handling or other operational practices.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There is no assessment for these species and the quantities landed are so small that with the available data it is not possible to make predictions, moreover for carpet clams the landings are reported to be zero.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There are no new information/research/studies planned to support the exemptions.
EWG 23-06 Conclusions	
There is not any new scientific evidence from previous evaluations (STECF 21-05, STECF 22-05) to support the exemption based on the high survivability of the Scallop (*Pecten jacobeus*) and carpet clams (*Venerupis* spp.) nor additional studies have been provided or planned, as requested by the	

article 1 of the Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022. Thus, no further evaluation of the proposed exemption is possible.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Red seabream** (*Pagellus bogaraveo*) below the minimum conservation reference size caught with **hooks and lines** in the Western Mediterranean. Article 3, point 1.f of the Commission Delegated Regulation (EU) 2021/2066.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This exemption is requested a) in view of the good survival capacity of the red seabream; b) the fishing gears used for catching this species (hooks and lines) are highly selective; c) it is reported that the fishing gears used do not damage the individuals released immediately after catch into the sea.
Supporting Data	
Have survivability estimates been provided?	Survival evidence is provided based on an Italian survivability experiment carried out in the framework of DiscardLess Project. This study was already reviewed in EWG 19-08 and EWG 21-05. Survivability experiment on *Pagellus bogaraveo* caught with handlines estimated by acoustic experiment showed a survivability of 90% after 5 hours in onboard and 67% after 8 days ('recaptured' tagged animals). In the trials reported by Ruiz-Jarabo et al. (2018; 2021) red seabreams were captured with a fishing boat and maintained 5 hours in onboard water tanks. 90.6% of the red seabreams below commercial size captured with this fishing gear managed to survive, and evidenced physiological recovery responses 5 h after capture, with complete homeostatic recovery occurring within the first 24 h. A Portuguese study in the Azores (2018; reported in a table with review data; document not available), reported a "vigorous status" of 75.8% for bottom longlines and 73.2% for handlines. In this study the direct at vessel mortality, including both dead and moribund individuals represented 14.5% and 11.8% for bottom longlines and handlines, respectively.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	Survival estimates of *P. bogaraveo* are based on a) standard tagging and "recaptured" tagged animals and electronic tagging (Discardless project; survival rate 67% after 8 days) and b) vitality and physiological experiment (fish caught and kept 5 hours in on-board water tanks; Ruiz-Jarabo et al., 2021). The authors concluded that releasing fish below the MCRS (33 cm total length) are physiologically able to survive (survival rate 90.6%). A review of existing supporting

	studies/literature reviews provided for the exemption in the past is also reported.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	The survival levels shown in the documents supporting the request are high when compared to other species. However, the referenced studies refer only to handlines. Longlines, for example, have a completely different setup, with soaking time much longer. This could greatly influence survival rates. Thus, the results shown for handlines are not directly applicable to other gears that are used in completely different ways. The only study referring to bottom longline is referenced as "UCA (2018)". This study was carried out during autumn season and reported a survival rate of individuals below 33 cm caught in the Strait of Gibraltar of 90%. However, the document is not attached to the request nor available online.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	There are not specific measures to improve selectivity. The gear is reported to be highly selective in the different documents cited in the request for exemption (selectivity data not available).
Is there evidence of measures being taken to improve survivability through on-board handling or other operational practices (e.g., shorter towing times)?	There is no evidence of measures improving the selectivity through on-board handling or other operational practices.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Although the results of the studies attached to the request of exemption are not conclusive, the general trend is that the red sea bream caught with hooks may have a good chance of survival if released immediately after capture. This could certainly have positive impacts on the resource.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No new information/research/studies are planned to support exemptions.
EWG 23-06 Conclusions	
The information brought to support the red sea bream exemption request is scarce, outdated, referring mainly to the hand line and already submitted to previous EWG 19-08 and EWG 21-05. The results of only one study (not available) refer to the bottom longline. Some information comes from areas outside the Mediterranean. The general feeling is that hooked red sea bream may have good survival rates, but the information presented is not definitive. From the information submitted it is difficult to determine whether survival rates may differ across gear types (in particular gear type and hook type), seasons and geographic areas. As suggested in EWG 19-08 and EWG 21-05, a full study following ICES WKMEDS guidelines to directly observe discard survival should ideally be conducted in the Mediterranean.	

Description of the Exemption	
Title of Exemption and relevant delegated act and article	**Lobster** (*Homarus gammarus*) and **crawfish** (Palinuridae) caught with **nets** (GNS, GN, GND, GNC, GTN, GTR, GEN) and with **pots and traps** (FPO, FIX) in the Western Mediterranean. Article 3, point 1.g and 1.h of the Commission Delegated Regulation (EU) 2021/2066.
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	This exemption is requested in view of a) the good survival capacity of the two species; b) the fishing gears used do not damage the individuals which are released immediately into the water. In addition, the species are marketed alive to obtain a better price, so fishers generally use fishing techniques that maximize the survival of these crustaceans.
Supporting Data	
Have survivability estimates been provided?	In support of the request for exemption, a new survival study of Crawfish (*Palinurus elephas*) caught with trammel nets is reported (Muñoz et al., 2021). The survival study reported for non-commercial lobsters is divided into two parts: a) survival between removal from the nets and release; b) survival after release until reaching the seabed. The study done in 2021 reported a 100% of survivability for juvenile crawfish fished with trammel nets (Muñoz et al., 2021). For the Lobster (*Homarus gammarus*) survivability estimates are submitted in the document "*PESCAMED HLG_Elements to justify discards exemptions_02.05.2023_final*". The results of some scientific papers are cited in this document, but they are not attached to the request of exemption. In addition, these studies are primarily directed at studying species growth rather than studying the survivability. The results of studies carried out by other authors (Tully, 2004; Tully et al., 2006) were also cited (already submitted in previous EWGs), even if these refer to areas other than the Mediterranean. The studies did not directly address the survival of the species following capture.
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	The study by Muñoz et al., 2021 has been carried out in the area of the Island of Menorca in which the artisanal fleet operates. The study assesses both the survivability and vitality of Crawfish (*Palinurus elephas*) caught with trammel nets by the artisanal fleet of the ports of Fornells, Maó and Ciutadella. This study allowed to describe the disentanglement process, determine the

	injuries caused by this process and evaluate the survival of lobsters of non-commercial size after a period of observation in aquariums, their subsequent release and filming in areas with suitable habitats for their reintroduction. The results of this study are scientifically robust, even if they refer to only one of the gears involved in the request. Information on the survivability of Lobster (*Homarus gammarus*) are provided from a study carried out in the Balearic Islands (Catanese et al., 2008); immediate and delayed survival is reported. Moreover, the results of other survival studies carried out in Sardinia and based on tagging recapture methods are cited, but not attached to the request of exemption. The results of these studies seem to be robust enough to demonstrate a fair survivability for lobsters.
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	For the Crawfish (*Palinurus elephas*), survival evidence provided shows that of the undersized individuals removed from the nets and transported to the tank, 33% had injuries caused by the fishing operation or the operations conducted on board to free the individuals from the nets. In addition, after a period in the tanks, nearly 54% of the crawfish had one or more injuries. Almost 100% of the specimens survived the tests in the tank (5-13 days), where, however, the specimens were fed in captivity. About the survival after release until reaching the seabed, the purpose of the experiment was to test the condition of non-commercial lobsters at the time of release. For this purpose, the characterisation of the process was divided into 4 sections. After their handling on deck and their return to the sea, non-commercial lobsters 1) are not depredated on their way from the surface to the bottom, 2) reach the bottom quickly, 3) reach the bottom in perfect condition, 4) take refuge quickly. The result of the study evidenced there is no way to affirm that the higher the degree of injury, the slower the speed of descent after release. The response time of individuals to start walking after reaching the bottom is not affected by the degree of injury to their antennae or legs, but the time it takes for them to find shelter is. None of the released lobsters were attacked or preyed upon during the release experiment (neither during their descent, nor once at the bottom), so short-term survival was 100%. For Lobster (*Homarus gammarus*) high immediate survival was observed, while a seven-day survival assessment, using captive observation, gave an asymptotic estimate of survival probability as 0.64 (Catanese et al., 2008). The authors of this scientific paper concluded that it would be beneficial for this stock if an exemption from the EU landing obligation regulation.

	Furthermore, in the seas of Sardinia, tag recapture methods have been successfully applied in the past to estimate the growth of the species, clearly testifying to the very high probability of survival of released and tagged specimens (Follesa et al., 2003, 2007, 2011 and Bevacqua et al., 2010). Tag-and-release experiments using acoustic telemetry and tracking the movements of tagged individuals even long after release at sea have also been conducted in several Mediterranean marine protected areas (Picciullin et al., 2002; Visconti et al., 2009), demonstrating the high survival of the species after capture.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	There is no direct evidence of measures to improve selectivity in the operating fisheries to reduce the level of unwanted catches discarded under this exemption. In the past, pots were widely used, while now the main gear for catching the two species is the trammel net, which is in fact less selective for the species.
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	The study of Muñoz et al., 2021 evaluated the retention time on board of the non-commercial specimens that have to be returned to the sea, given that it could be a decisive factor in the survival of the specimens that come out alive in the capture. Once the different tactics of the different vessels have been analysed, it has been possible to verify that there is no risk of mortality even in the longest handling times on board. The average handling time of specimens, in terms of disentangling, is more than 4 minutes, although longer times have been detected in some fishing vessels that exceed 20 minutes. The use of tools in the lobster disentanglement process is not widespread and therefore it is not a key factor in terms of its specific evaluation, since this practice is rarely used. Paradoxically, it has been observed that the disentanglement time is higher in trammel net gears with larger mesh sizes. Nets with a smaller mesh size have a shorter disentanglement time; this is due to the fact that since the mesh is lighter, less tight, there is a greater possibility of getting entangled, and therefore more mesh surface remains hooked to the specimens with a mesh size. larger. By having more mesh hooked, it takes more time to disentangle the captured specimens.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	The studies submitted in support of the exemption request, although referring only to trammel net and in some cases to areas other than the Mediterranean, suggest that undersized specimens released to the sea after catch have good survival rates and that their release may result in a benefit to stocks.
New research/studies planned	

Are new information/research/studies planned to support the exemptions?	A new study made by CSIC and IEO (Muñoz et al., 2021) was submitted to support the exemption.

EWG 23-06 Conclusions

The two species covered by the exemption request (lobster and crawfish) have some commercial importance locally (Spain, France, and Italy). Documents supporting the request report what has already been submitted in previous requests with the exception of the study conducted by CSIC and IEO, which contains useful information. Available scientific information, referring only to trammel net, indicates good survival of undersized specimens released at sea after capture.

In agreement with the conclusions of some of the authors of the articles, EWG 23-06 believes that the release of undersized specimens into the sea is beneficial to the stock under consideration, even considering the low selectivity of the gears used and the difficulty of identifying alternative and more selective gears.

However, in order to have clear and conclusive results, it would be essential to conduct specific survival studies for the two species in the Mediterranean as well, which would also consider the different gears used.

8 ISSUES TO BE CONSIDERD BY STECF

Rather than review the conclusions of the EWGs for the individual exemptions, the EWGs suggest that, in reviewing the EWG report, STECF focus on some key issues regarding the process and methodology used to carry out the assessment. To complete this review proved challenging for the EWGs in the time allocated to the exercise. Additionally, much of the information provided by the Member States and High-Level Groups was not well structured and lacked consistency, limiting the ability of the EWGs to make a meaningful assessment of the exemptions. The main issues that the EWGs suggest STECF consider are as follows:

1. Information in respect of the JR for the South-western waters was received after the EWGs had finished. Therefore, this information was not considered. STECF is requested to review this data and where relevant update the relevant exemption tables.
2. The biggest weakness in the JRs provided by Member States is the catch data provided. The lack of consistency and presentation of the data prevented the EWGs completing any meaningful assessment of the likely impact/risk of the exemption on the relevant or associated stocks. Therefore, the EWGs request STECF consider the data issues; identify the most reliable sources of data that could be used in the future; and identify any likely gaps in data that will be difficult to fill.
3. The EWGs have developed a "rough" categorisation of the exemptions based on the review carried out. STECF is requested to consider this categorisation; consider its utility; and commet on how it could be improved. The development of a "traffic light" system for assessing exemptions is one option could be considered by STECF.
4. The EWGs developed templates for provision of catch data and also for assessing the exemptions. While useful in assisting Member States formulate their JRs and for the EWGs in structuring the responses, these could be further refined. STECF is requested to consider these templates and suggest improvements where relevant.
5. The information provided to support *de minimis* exemptions based on disproportionate costs remains difficult to assess. Multiple exemptions are based on the same generic studies which indicate the costs for implementing the landing obligation. However, it is not possible for STECF to evaluate such studies and whether they justify an exemption being granted. STECF is requested to review previous advice and update their advice regarding disporoportionate costs.

9 CONCLUSIONS

The conclusions reported below are general observations on the quality and weaknesses identified with the exemptions submitted across all the Regional Groups. In this regard, EWGs 23-04 & 23-06 conclude that:

General conclusions

- The role of STECF EWGs set up to evaluate Joint Recommendations remains to evaluate the scientific rigor and robustness of the underpinning information supplied by Member States to support the main elements of Joint Recommendations. The EWG or STECF cannot adjudicate on whether exemptions should be accepted or not.
- The avoidance of unwanted catch through improved selectivity or other means should be the primary focus in implementing the landing obligation. While recognising that modifying selectivity can result in some reduction in revenue, such loss in revenue should be viewed in the broader context of medium-term gains in stocks from an increase in selectivity, the reduced risk of choke events and better utilization of quota to land a higher proportion of more valuable catch.
- Acknowledging the significant work carried out by the Regional Groups in preparing the 2023 JRs, the EWGs note that the JRs were difficult to navigate and lacked consistency in the data provided. This limited the assessment that the EWGs were able to carry out and in many cases the previous observations of STECF relating to the exemptions remain valid.
- The quality and consistency of catch data provided to support exemptions in 2023 was quite limited for many exemptions (e.g., mixed demersal stocks in the Mediterranean). Having the best available data allows an assessment as to the level of risk of the exemption to the relevant stock or stocks covered by the exemption.
- In initiating future reviews, the EWGs stress it is vital that Member States, HLGs and the Advisory Councils understand what information is needed to allow for a meaningful assessment to be carried out.

Conclusions on *de minimis* exemptions

- Under Article 15 of the CFP Basic Regulation Member States have a legal requirement to record all catches discarded under *de minimis* exemptions. However, in many cases this information is still lacking from the supporting information provided by Member States as evidenced by the limitations of data contained in the FDI database.
- For many exemptions, the relationship between the *de minimis* volume requested and the level of unwanted catches is unclear from the information provided to support the exemption. In some cases, the *de minimis* volume covers 100% of the unwanted catches, usually in fisheries where the levels of unwanted catch are small. In other cases, the *de minimis* volume covers only a small part of the unwanted catches and the supporting information should contain indications on the measures to be taken to reduce these residual unwanted catches.
- The case for *de minimis* should not be improved by having high levels of unwanted catches, and therefore high handling costs, where the incentive to improve selectivity should be maintained. Improving selectivity or avoidance methods to reduce the catches of unwanted catches should be the priority.
- Judging at which level costs are disproportionate because there is no way of assessing objectively what level of costs constitutes disproportionate remains challenging. For this reason, in assessing *de minimis* exemptions, the relationship between the *de minimis* volume, the actual level of unwanted catches and the overall status of the stocks involved has been the focus of the assessments.

Conclusions on high survivability exemptions

- Assessing what constitutes high survivability is still complicated by the limited evidence and the variability in the available estimates. Many factors can affect survival, but these are not well understood. This makes assessment of requests for survivability complex as many factors need to be considered.
- Survivability should be considered in the context of the discard rate for the fishery seeking an exemption. Medium survival rates in high discarding fisheries still lead to high discard mortality rates. STECF has previously concluded (STECF PLEN 19-02) that unless surviving discards are accounted for in stock assessments when dead discards are accounted for in TAC setting, where survivability exemptions are in place, the actual fishing mortality will not match the agreed catch level. This should continue to be discussed in the assessment forums for stocks with survival exemptions.
- To date, survival and discard evidence and fleet information is reported in rather incoherent way that hindered assessment by the EWGs. Most information is Member State specific within regions and there are very limited transboundary linkages to neighbouring areas with shared stocks and fisheries.
- Gaps in the evidence provided remain on conditions of the relevant fisheries (gear use, haul duration, seasonality, areas etc.) and catch data for all Member States to provide context for this exemption. Such information is crucial in order to assess the representativeness of the different reported survival rates and to be able to assess the effects of the exemption on the different stocks.

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[1] - Information on EWG participant's affiliations is displayed for information only. In any case, Members of the STECF, invited experts, and JRC experts shall act independently. In the context of the STECF work, the committee members and other experts do not represent the institutions/bodies they are affiliated to in their daily jobs. STECF members and experts also declare at each meeting of the STECF and of its Expert Working Groups any specific interest which might be considered prejudicial to their independence in relation to specific items on the agenda. These declarations are displayed on the public meeting's website if experts explicitly authorized the JRC to do so in accordance with EU legislation on the protection of personnel data. For more information: http://stecf.jrc.ec.europa.eu/adm-declarations

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12 ANNEXES

Annex I - Templates for the provision of fisheries information to support *de minimis* and high survivability exemptions.

De Minimis

Country	Exemption			Total Landings	Total Unwanted Catch	Total Catch for the stock	Discard Rate for the stock	Landings for the relevant fleet/metier	Total unwanted catch for the relevant fleet/metier	Total Catch for relevant fleet/metier	Discard Rate for the relevant fleet/metier	Unwanted catches reported against exemption
	Species	Area	Gear Type									

High Survivability

Country	Exemption			Total Landings	Total Unwanted Catch	Total Catch for the stock	Discard Rate for the relevant stock	Landings for the relevant fleet/metier	Unwanted catch for the relevant fleet/metier	Total Catch for relevant fleet/metier	Discard Rate for the relevant fleet/metier	Estimated discard survival rate from provided studies/representative studies (included reference)
	Species	Area	Gear Type									

Annex II - Template used for the evaluation of *de minimis* exemptions.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	
Supporting Information	

What supporting information/literature reviews has been provided?	
Is this information taken from the actual fishery/fisheries relating to the exemption?	
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	
Is this based on pilot studies or trials?	
Disproportionate costs	
Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	
Is this based on pilot studies or economic model simulations?	
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	
EWG 23-04 Conclusions	

Annex III - Template used for the evaluation of high survivability exemptions.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	
Supporting Data	
Have survivability estimates been provided?	
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	
EWG 23-04 Conclusions	

Annex IV – ICES template for critical review of survival experiments

The framework of the critical review used to evaluate literature on discard survival estimates based on ICES WKMEDS guidelines; Catchpole et al., unpubl. data. 'Y' = yes, 'N' = no, 'P' = partial; whereby more positive responses demonstrate more robust studies.

	Critical review questions
Key guidance questions	Are criteria given to define when death occurred?
	Was a control used that informed on experimental induced mortality?
	Was all discard induced mortality observed/modelled (during monitoring period or time at liberty)?
	Did the sample represent the part of the catch being studied?
	Did the sample represent the relevant population in the wider fishery?
Vitality assessments	Is the method of selection for assessed fish described?
	Is there a description for each health state category?
	Were reflexes developed using 'unstressed' fish (not exposed to capture treatment) and consistently observed?
	Were there time limits for responses/reflexes? e.g. operculum movement within 5 secs.
	Was assessment container appropriate for the species, adequate to observe responses?
	Is the potential for observer bias discussed?
	Are the protocols effective in assessing health/injury?
	Are assessments consistent across all parts of the study?
Captive Observation	Are the holding/transfer facilities described?
	Are holding/transfer facilities considered sympathetic to the biological/behavioural needs of the subjects?
	Are the holding/transfer conditions the same across treatments/replicates?
	Was there potential for additional stress/injury/mortality with captive fish unlikely?
	Are the holding/transfer conditions representative of "ambient" (discarded to) conditions?
	Are there appropriate protocols for handling/removal of dead specimens? (e.g. dead removed regularly)
	Are there appropriate protocols for monitoring live specimens?
	Is there sufficient frequency in observations during the monitoring period?
	Was there potential for stress/injury in subjects during observation unlikely?
	Was mortality observed to (or very near to) asymptote?
Tagging	Has the potential for tagging induced mortality been considered?
	Are fish released in the same area as they were caught?

	Are tag losses accounted for?
	Can discard-related mortality be distinguished from natural mortality, fishing mortality and emigration?
	Is the duration of the at-liberty tagged period sufficiently long to estimate discard survival?
	Traditional tags - Are catches in the fishery sufficiently large to provide the required tag return rate to estimate discard survival?
	Acoustic, DST tags - Can the death of an individual be accurately determined from the data?
	Acoustic tags - Does the acoustic receiver array provide full coverage of the area?
	Pop-off DST-tags - Is there a similar likelihood of tag recovery for both survivors and non-survivors?
Controls	Were controls representative of the treatment groups? i.e. biologically (length, sex, condition), number, spatial & temporal origin
	Did control subjects experience same experimental conditions?
	Were treatment and controls randomly selected to account for bias?
	Were "blind controls" used to account for performance/measurement bias?
	Is potential for effects when combining stressors from acquisition methods discussed?
Analysis	Is the analysis that derived the survival estimates described?
	Are the conclusions based on data summary or statistical inference?
	Are the conclusions supported by the data / analysis?

13 LIST OF RELEVANT REGULATIONS

Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy.

Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.

Commission Delegated Regulation (EU) No 1392/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries in the Mediterranean Sea.

Commission Delegated Regulation (EU) No 1393/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in north-western waters.

Commission Delegated Regulation (EU) No 1394/2014 of 20 October 2014 establishing a discard plan for certain pelagic fisheries in south-western waters.

Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.

Commission Delegated Regulation (EU) No 1396/2014 of 20 October 2014 establishing a discard plan in the Baltic Sea.

Commission Delegated Regulation (EU) 2015/2438 of 12 October 2015 establishing a discard plan for certain demersal fisheries in north-western waters.

Commission Delegated Regulation (EU) 2015/2439 of 12 October 2015 establishing a discard plan for certain demersal fisheries in south-western waters.

Commission Delegated Regulation (EU) 2015/2440 of 22 October 2015 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa.

Commission Delegated Regulation (EU) 2016/2377 of 14 October 2016 amending Delegated Regulation (EU) No 1394/2014 establishing a discard plan for certain pelagic fisheries in South-Western waters.

Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea.

Commission Delegated Regulation (EU) 2018/153 of 23 October 2017 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

Commission Delegated Regulation (EU) 2018/211 of 21 November 2017 establishing a discard plan as regards salmon in the Baltic Sea.

Commission Delegated Regulation (EU) 2018/45 of 20 October 2017 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa for the year 2018.

Commission Delegated Regulation (EU) 2018/46 of 20 October 2017 establishing a discard plan for certain demersal and deep-sea fisheries in North-Western waters for the year 2018.

Commission Delegated Regulation (EU) 2018/188 of 21 November 2017 amending Delegated Regulation (EU) No 1394/2014 establishing a discard plan for certain pelagic fisheries in South-Western waters.

Commission Delegated Regulation (EU) 2018/189 of 23 November 2017 amending Delegated Regulation (EU) No 1395/2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea.

Commission Delegated Regulation (EU) 2018/190 of 24 November 2017 amending Delegated Regulation (EU) No 1393/2014 establishing a discard plan for certain pelagic fisheries in North-Western waters.

Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008.

Commission Delegated Regulation (EU) 2018/2033 of 18 October 2018 establishing a discard plan for certain demersal fisheries in South-Western waters for the period 2019-2021.

Commission Delegated Regulation (EU) 2018/2034 of 18 October 2018 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021.

Commission Delegated Regulation (EU) 2018/2035 of 18 October 2018 specifying details of implementation of the Landing Obligation for certain demersal fisheries in the North Sea for the period 2019-2021.

Commission Delegated Regulation (EU) 2018/2036 of 18 October 2018 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

Commission Delegated Regulation (EU) 2018/306 of 18 December 2017 laying down specifications for the implementation of the landing obligation as regards cod and plaice in Baltic Sea fisheries.

Commission Delegated Regulation (EU) 2019/905 of 13 March 2019 amending Delegated Regulation (EU) 2018/2034 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021.

Commission Delegated Regulation (EU) 2019/906 of 13 March 2019 amending Delegated Regulation (EU) 2018/2035 specifying details of implementation of the Landing Obligation for certain demersal fisheries in the North Sea for the period 2019-2021.

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

Commission Delegated Regulation (EU) 2019/2237 of 1 October 2019 specifying details of the landing obligation for certain demersal fisheries in South-Western waters for the period 2020-2021.

Commission Delegated Regulation (EU) 2019/2238 of 1 October 2019 specifying details of implementation of the landing obligation for certain demersal fisheries in the North Sea for the period 2020-2021.

Commission Delegated Regulation (EU) 2019/2239 of 1 October 2019 specifying details of the landing obligation for certain demersal fisheries in North-Western waters for the period 2020-2021.

Commission Delegated Regulation (EU) 2020/4 of 29 August 2019 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

Council Regulation (EU) 2020/123 of 27 January 2020 fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

Commission Delegated Regulation (EU) 2020/2015 of 21 August 2020 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023

Commission Delegated Regulation (EU) 2020/2013 of 21 August 2020 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the North Sea and in the South-Western Waters

Commission Delegated Regulation (EU) 2020/2014 of 21 August 2020 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023

Council Regulation (EU) 2021/92 of 28 January 2021 fixing for 2021 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters.

Commission Delegated Regulation (EU) 2021/2062 of 23 August 2021 amending Delegated Regulation (EU) 2020/2014 specifying details of implementation of the landing obligation for certain fisheries in the North Sea for the period 2021-2023

Commission Delegated Regulation (EU) 2021/2324 of 23 August 2021 amending Regulation (EU) 2019/1241 of the European Parliament and of the Council as regards technical measures for certain demersal and pelagic fisheries in the Celtic Sea, the Irish Sea and the West of Scotland

Commission Delegated Regulation (EU) 2021/2063 of 25 August 2021 amending and correcting Delegated Regulation (EU) 2020/2015 specifying details of the implementation of the landing obligation for certain fisheries in Western Waters for the period 2021-2023

Commission Delegated Regulation (EU) 2021/2064 of 25 August 2021 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean Sea

Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024

Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022 amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) in the western Mediterranean Sea

Commission Delegated Regulation (EU) 2022/2564 of 16 August 2022 amending Delegated Regulation (EU) 2021/2064 supplementing Regulation (EU) No 1380/2013 of the European Parliament and of the Council as regards the establishment of a *de minimis* exemption to the landing obligation for certain demersal fisheries in the Adriatic and south-eastern Mediterranean

14 LIST OF BACKGROUND DOCUMENTS

Background documents and DoIs are published on the meetings' web sites on:

For the Atlantic:
https://stecf.jrc.ec.europa.eu/ewg2304

For the Mediterranean:
https://stecf.jrc.ec.europa.eu/ewg2306

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STECF

The Scientific, Technical and Economic Committee for Fisheries (STECF) has been established by the European Commission. The STECF is being consulted at regular intervals on matters pertaining to the conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations.

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