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en Visserij**



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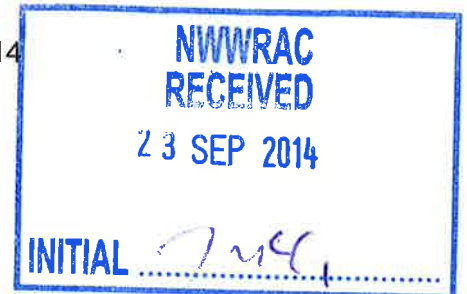
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Betreft: Implementation of the landing obligation



Dear Mr. Armstrong,

First of all, I would like to thank you for your attendance to our High Level Group of last Wednesday in Brussels. It was very helpful to discuss your preliminary ideas on the joint recommendations for a discard plan in the demersal fisheries.

The NWW-High-Level Group is now a well established body with its own procedures. It is part of the consultation process the CFP reform has introduced to ensure a constructive dialogue with stakeholders. I have to emphasize, though, that consultation does not mean a permanent seat of an Advisory Council on all issues related to their work either in the High-Level Group or in any technical group meetings.

As part of the implementation of the landing obligation introduced by the reformed Common Fisheries Policy (CFP), the NWW-High-Level Group intends to transmit to the European Commission a joint recommendation for a discard plan for the demersal fisheries in the North Western Waters (ICES areas Vb, VI, VII) in June 2015 at latest. As with the pelagic discard plan recommendations, this recommendation will have a limited scope, as laid down in Article 15 of the CFP's basic regulation. The plan may have a duration of up to three years (maximum 1 January 2016 – 31 December 2018).

Considering the challenges ahead, NWW-High-Level Group would like to invite the NWW Advisory Council to cooperate on drafting the discard plan. The work on drafting a discard plan will be addressed in a technical group with shared coordination responsibilities between the Member States of the NWW Group. A number of meetings in this group are planned and you will be invited to join, where relevant, these meetings in order for us all to share views and ideas on how best to formulate the draft discard plan.

The aim is an approval of the final draft plan at Member States level by the end of April 2015 in the margins of the European Agriculture and Fisheries Council. This means that any requests for exemptions must be finalised in March 2015.

In this context I want to kindly ask you to give us your first, preliminary advice in the first week of November and your final advice in February 2015. We appreciate that the timeframe is short but your preliminary advice will be very useful as input for the NWW Group technical meetings.

We would be grateful if you would address the following issues in your advice:

1. **Defining the fisheries:** A description of demersal fisheries in the North Western Waters (ICES areas Vb, VI, VII), based on any combination of gear types, geographical areas, métiers, species defining the fisheries and secondary catch species. A clear definition is needed for management and control purposes, to create a level playing field, and to define exemptions. Yet, considering that most fisheries are mixed, a pragmatic approach is clearly needed.
2. **Phasing of the landing obligation:** There is scope for a range of interpretations of Article 15.1(c) which should be considered. The landing obligation for the target species defining the fisheries comes into force as of 1 January 2016. On the other hand the landing obligation for the by-catches (subject to catch limits) in these fisheries should come into force as of 1 January 2019 at latest, but could also come into force at an earlier stage. Any agreed phasing should be clear in the discard plan and applied across regional groups.
3. **De minimis:** Specific cases for de minimis exemptions in accordance with the conditions as set out in Article 15.5(c). De


minimis exemptions should apply to all fisheries across Member States that fish with the same gears, in the same areas and target the same species.

4. **High survivability:** Specific cases for exemptions based on high survivability in accordance with the conditions as set out in Article 15.4(b).
5. **Documentation of catches:** It is important that the actual species and quantities caught are documented accurately, both for target and by-catch species. This will need to be done in accordance with the control regulation. Specific cases where such documentation is hampered should be addressed. Any advice should bear in mind the Commission's recent clarification that recommendations for documenting catches in regional discard plans may include provisions relating to control and enforcement measures as far as they concern the proper recording of catches.
6. **Minimum conservation reference sizes (MCRS):** Specific requests regarding adjusting or introducing the minimum conservation reference sizes of certain species. It should be noted that the MCRS are set for the protection of juvenile fish and deviations should be scientifically supported. Any changes to MCRS should be considered alongside any exemption requests.
7. **Scientific basis:** Please reflect on the quality and quantity of the scientific evidence, or for a possible de minimis exemption for disproportionate handling costs of unwanted catches of other evidence, you are currently aware of that is available to support the applications for exemptions. Is there sufficient documentation? On which specific aspects is additional documentation necessary?
8. **Choke species:** Please consider expected choke species and possible solutions to mitigate the effects, taking into account the instruments offered, such as the quota uplift, exemptions, interspecies flexibility, quota swaps and others.

I am looking forward to receiving your preliminary advice in the first week of November 2014. This advice may naturally include relevant conclusions on the landing obligation that have already been published by the Advisory Council to this date. We will soon get back to you with a schedule of forthcoming technical meetings and the involvement of the Advisory Councils in these meetings. I will co-ordinate with the incoming chair of the HLG in order to allow for smoothly phasing-in of proceedings.

On behalf of NWW-High-Level Group,

Yours sincerely,



Johan Heyman
Head of Unit Agriculture and Fisheries Policies