

**PROVISIONAL**

# **Work programme**

**Joint recommendations  
for a  
discard plan for demersal fisheries  
in the North Western Waters**

10 September 2014, Brussels

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## 1. Introduction

The landing obligation for demersal fisheries in the North Western Waters (ICES areas V, VI and VII) will come into effect on 1 January 2016. For these fisheries, the landing requirement will be implemented in stages. As of 1 January 2016, all catches of species that define the fisheries (target species) will have to be landed, including unwanted bycatches of undersized fish, in fisheries for cod, haddock, whiting and saithe, fisheries for Norway lobster, fisheries for common sole and plaice, fisheries for hake. As of 1 January 2019 at the latest, all catches of other species to which quotas are assigned, must also be landed.

Article 15 of the Basic Regulation of the Common Fisheries Policy (CFP) states that a so-called 'discard plan' will be adopted for each fishery for up to a three-year period (01-01-2016 up to 31-12-2018 maximum), as long as the landing requirement is not yet included in long-term management plans. If the Member States involved in a region (each Member State with a fishing interest in that region) adopt joint recommendations, the European Commission can adopt these discard plans by delegated act. If the Member States are not successful, the European Commission itself will have to prepare a discard plan and have this adopted by delegated act with only provisions for *de minimis* exemptions

This document describes the work programme for the joint recommendation of the NWW Group for a discard plan for demersal fisheries in the North Western Waters, with the different gear types.

## 2. Objectives

Given the nature of the mixed fisheries in the North Western Waters, unwanted bycatches cannot be reduced to zero. The discard plan should consider cases where exemptions to the landing requirement are necessary, as well as any other issues as listed below.

## 3. Content of discard plan

The discard plan has a limited scope, as laid down in Article 15 of the CFP's basic regulation. The following issues can be included in the discard plan:

- Specific provisions regarding the fisheries concerned.
- Specification of exemptions from the landing obligation for species with a high survival rate, including the supporting scientific justification.
- Provisions for *de minimis* exemptions from the landing obligation, including the supporting scientific justification on selectivity or other pertinent justification of disproportionate costs of handling unwanted catches.
- Measures concerning the documentation of catches.
- Where appropriate, determining minimum conservation reference sizes.

The Member States have divided the work on the joint recommendations for a discard plan for demersal fisheries in the North Western Waters according to gear types. Every gear type will have its own chapter in the joint recommendations. The table below outlines the template of the joint recommendations and which Member State will be leading the work per chapter. The basis for the discard plan is the discard atlas for the North Western Waters, that will be ready at the earliest at the end of September. The HLG of the 10<sup>th</sup> of September will already get a first update.

Table 1: Template

	<b>Chapter</b>	<b>Member State leading the work</b>
1	Back ground/scope/phasing	United Kingdom
2	Table of fisheries/gears/species	<i>Under consideration</i>
3	Section 1 – TR gears	United Kingdom (TR1) / Ireland (TR2)
4	Section 2 – BT gears	Belgium
5	Section 3 – Gill nets, Trammel nets, Pound nets	France
6	Section 4 – Other gears	Spain (longlines)
7	Documentation	<i>Under consideration</i>
8	MCRS	<i>After consultation with AC's</i>

## 4. Roles and responsibilities

### **North Western Waters Group**

The North Western Waters (NWW) Group makes the joint recommendation for the discard plan and submits this to the European Commission. Within the NWW Group, the work is shared following the agreed division of tasks in table 1.

In order to prepare for the High Level Group, meetings will be held at a technical level, to which the national experts of the Member States will be invited. All Member States of the NWW Group are themselves responsible for coordination with stakeholders in their own countries.

### **North Western Waters Advisory Council (NWWAC)**

The NWWAC will advise on the discard plan.

- The planning of the meetings will be shared for the purposes of information.
- The NWWAC will be asked to address several questions from the NWW Group in their recommendations (see under heading *Consultation*).
- Where relevant, the NWWAC will be invited as observers to attend parts of the High Level Group meetings and the technical meetings.

### **European Commission**

The European Commission reviews the final discard plan recommendation and may adopt the plan by delegated act. If the discard plan is not approved by the European Commission for any of the reasons stipulated in Article 18.5 and 18.6, the European Commission will itself adopt with a delegated act *de minimis* exemptions of no more than 5% of annual catches of all species to which the landing obligation applies. In such a case other legal elements regarding the landing obligation would have to be established through co-decision.

The European Commission will be involved in preparing the joint recommendations for a discard plan.

- Where relevant, the European Commission will be invited as observers to attend parts of the NWW High Level Group meetings and the technical meetings.

### **Scientific research**

Research institutes from the Member States provide technical support during the technical meetings. Member States taking the lead for a subject will provide this technical support. They may be assisted by scientists of other Member States with an interest in these fisheries.

Under certain circumstances it may be necessary to request advice from ICES or STECF through the Commission.

### **Documentation and enforcement**

A separate NWW control group of experts will be asked to provide recommendations regarding enforcement of the landing requirement in demersal fisheries. The NWW group will draft terms of

references for this new control group. Joint meetings with control groups of neighbouring areas could be foreseen to address common challenges.

### **Politics**

Article 18 of the CFP (1380/2013) sets out the regionalisation procedure. This procedure does not provide for political approval of the joint recommendations. Where relevant, opportunities will be explored for the ministers of the NWW Group countries to discuss the issue of the discard plan in the margins of the Agriculture and Fisheries Council. The aim is to have a meeting of ministers in the margins of the Agriculture and Fisheries Council in April 2015 for final decision making.

## **5. Procedure**

### **5.1 Coordination**

The NWW Group's consultation structure will be used for coordination between the Member States.

For coordination with the European Commission, the Commission will be invited to attend the director's meetings of the NWW Group.

The NWWAC's standard consultation structure will be used for coordination with the sector and NGOs.

### **5.2 Steps**

#### **Adopting a work programme**

The NWW High Level Group adopts the work programme at the meeting of the 10<sup>th</sup> of September. This programme will then be submitted for information to the NWWAC and the European Commission.

#### **Consultation**

The next step is a preliminary consultation of the NWWAC in September - November 2014 in writing for recommendations regarding the following issues:

1. **Defining the fisheries:** A description of demersal fisheries in the North Western Waters, based on any combination of gear types, geographical areas, métiers, species defining the fisheries and secondary catch species. A clear definition is needed for the identification of fisheries to which the landing obligation applies as from 1 January 2016, 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 will come into force as of 1 January 2019 at the 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 a *de minimis* exemption in accordance with the conditions as set out in Article 15.5(c). *De minimis* applications 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 an exemption 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:** Specific requests regarding adjusting or introducing 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 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.

A final consultation of the AC's will be carried out in January – February 2015.

#### ***Preparation of the joint recommendations for a discard plan***

The results of the NWWAC preliminary consultation will be elaborated in conjunction with work by Member States to form the basis for the discard plan. For the preparation of this plan, the pelagic discard plans will be taken as an example. To apply for de minimis exemptions for reasons of no possible increases of selectivity and exemptions based on species with a high survival rate, this will need to be substantiated through scientific data. The discard plan can therefore not be finalised until the findings of the major part of current studies on these matters are available.

- The technical meetings of the NWW Group are expected to prepare the discard plan;
- Where relevant, the NWWAC and the Commission will be invited to attend the technical meetings.
- Meetings of the NWW High Level Group will be used to take interim decisions. The joint recommendation for the discard plan will be a fixed item on the meeting agendas.

#### ***Submittal of joint recommendation to the European Commission***

The joint recommendations for a discard plan will subsequently be submitted to the European Commission.

### **5.3 Planning**

**The included timeline is indicative and merely a practical necessity to guide the work of the NWW group in the immediate future and does not in any way prejudice the views / position of the Advisory Council. Therefore only the dates of the meetings until the end of the year are included. The High Level Group in November may amend this provisional work programme having reflected upon the views of the AC.**

#### Action plan

- Formal adoption of work programme by NWW High Level Group 10 September 2014
- The planning will be submitted for information to the NWWAC and the European Commission October 2014

#### Consultation

- Preliminary written consultation NWWAC September – November 2014
- Elaboration and sharing outcomes of the consultation November - December 2014
- Final consultation NWWAC January – February 2015

### Preparation of discard plan

Meetings/Themes	Date	Location
High Level Group Meeting: agreement on work programme.	10 September 2014	Brussels
Technical meeting: - Definition and description of fisheries - interspecies flexibility - exchange of views NWWAC advice	30 October 2014 (optional extra meeting on the 4 <sup>th</sup> of November)	The Netherlands
High Level Group meeting - report of technical meeting - update work programme	25 November	The Netherlands
Exemptions for species with a high chance on survival	January	
<i>De minimis</i>	February	
NWW High Level Group Meeting	Early March	
<i>To be determined</i>		
<i>To be determined</i>		
NWW High Level Group Meeting	End April	
Ministerial meeting	In margins of Agriculture and Fisheries Council April	<i>To be determined</i>

*The agenda's of the technical meetings are flexible. Mentioned subjects give an indication for the agenda. In any case the agenda/objective of the meeting plus documents for each meeting will be set and circulated 2 weeks in advance of the meeting.*

### Submittal of joint recommendations for a discard plan

- Submittal to the European Commission June 2015

## 6 Contact persons

### Member States

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