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## SWW AC Recommendation 95 – Landing Obligation 2016

### 1. Feedback from method cooperation with MS Group

Globally, cooperation between Members States groups (MS) and Advisory Councils, on the landing obligation issue, has been far from an operational dialogue. For the Southern Western Waters, even if improvements are needed, the involvement of SWW AC Members inside both technical and high level works of the MS group has to be welcomed. Cooperation in the last month allowed to better define the fisheries and exchange on exemptions.

However, SWW AC believes some methodological points could be improved, in order to be better prepared for the future and contribute accordingly:

- Continuity of the work and informal dialogue: For some part, SWW AC lacked information, even informal ones from the Group. Even if it is clear that it is difficult for a MS Group to show on what they are working, they could have informed us more clearly the hot issues. As well, it should be noted the absence of dialogue during a crucial period, between beginning of March and late April, where information could have been received. If we add to this situation the loss of time regarding SWW discard atlas, it could be thought that some effort has been made to slow down the transparency progress, for some part.
- Agenda: From a global point a view, SWW AC believes calendar information and knowledge has been lacking. Given the complexity to organize an internal consultation, more time should be given to the AC when asking for some information, if a centralized position is wished (which is the main added-value of AC). Furthermore, it would very important in the future to be provided the official deadlines, so that AC could organize itself (internal meeting, drafting process), in order to contribute more efficiently to the proposal. It is unfortunate that SWWAC was not invited to all of the meetings for its totality, and that some MS Groups took place with no coordination with the SWW AC meetings.

Regardless of the above statements, SWW AC considers that enough time existed to analyse the proposal of joint recommendation discard plan. Thus, the SWWAC provides through this advice its recommendation, with important efforts being made at the very end of the process, hoping that these ones will be taken into account.

### 2- Global Statements

Before commenting main issues of the proposed discard plan, SWW AC would like to highlight some important statements :

- One of the main goals of the discard plan within the first years would be to allow a progressive implementation of the landing obligation compatible with improvement of fishing practices and viability of the fleet.
- The improvement of the selectivity is the better solution when facing the Landing Obligation. It is then very important to realize at sea trials, in order to provide to fishermen new devices that would allow them to avoid the unwanted catches to a minimum. Obviously, such improvement should be made preferably without deteriorating the profitability of fleets, so that a balance should be made between the expected biological gains and the socio-economic losses.



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- The year 2019 is the true objective. All intermediate years should help the fully landing Obligation, thanks to a real progressiveness and flexibility allowed. In addition, when deciding for a given year such decisions should be included in a global framework.
- Reactivity & real-time decision-making process: There should be no unwillingness in reopening the discard plan (point 3.e of the proposal) at any time, if new information is made available, so that it could improve the discard plan. Such willingness of adaptive management clearly implies the need of a good monitoring, which has to be defined.

### 3- Fisheries definition and phasing

The SWW demersal discard plan in phase one identified fisheries targeting four regulated species (hake nephrops, common sole and plaice) in ICES areas VIIIabcde and IXa. The fisheries were aggregated by fishing area, target species, gear code, and mesh size. The demersal plan establishes that all catches of species (identified as the targeted species within the selected fishery) are subject to the landing obligation.

#### SWWAC :

- Emphasizes the key importance in the definition of fisheries (including identification of target species and selection of vessels),
- Understands that the identification of fisheries has been a challenge,,
- Concerns exist with bycatches which can easily become choke species in a selected fisheries.
- Recognizes that the southern fisheries are more complex than northern fisheries,
- Initial concerns existed with the catch percentage for the vessel selection in the case of the hake, as using landing threshold could be seen as a way to exclude some boats, and then to reduce the ambition of the CFP. After some discussion, participants agreed with the calculation of the target species, considering the average percentage catch in the last two years (2013 and 2014).
- Suggests to quickly clarify the identification of fisheries (including the percentage criteria) issue so that this will not be a monitoring/control issue in the near future. NGOs request the control of those exempted and establish a clear control system (including the issue on catch documentation). SWWAC comprehends that the mesh size may not be enough to select the vessels which should be included within a certain fishery.
- Concerned with the choke species, including the wrong identification of vessels targeting hake may imply the anticipated closure for this fishery.

Now that Phase one of the discard plan for demersal fisheries in SWW is coming to an end. phase two should be planned accordingly. Recognizing the difficulty, there is a need for a gradual implementation of the LO, with the adequate planning of introducing fisheries progressively.,

#### SWW AC

- Recognizes that the identification of fisheries (with targeted species) is not finalized, and more work is required in the next year to clarify this issue,
- Identified the possible phasing : i) to integrate new fisheries that target other species in 2017 and 2018, ii) to maintain same vessels and include additional regulated species, iii) to integrate of the two options mentioned previously and iv) to apply to all vessels the landing obligation for species already included in the 2016 (ie hake, nephrops, mackerel). Options i) seems the most likely options to be adopted according to the framework of the first proposal of discard plan, ,



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- Recommends that the issue on phasing requires more work and debate in the near future, with the progressive/gradual implementation of the LO.

#### 4- Exemptions

4.1- Exemption application for high survivability of *Nephrops* exploited by the trawl fleet in ICES subareas VIII and IX

- SWW AC supports the exception for *Nephrops* because survival rate considering available scientific data.
- SWWAC recommends a proper monitoring and evaluation of the effectiveness of the measure during this exemption application period
- SWWAC encourages the exchange of experiences and good practices among fleets in the affected Member States in order to improve the selectivity and survival rate in the *Nephrops* fishery

4.2- De minimis exemption applications for Sole caught by trawlers and netters in ICES subareas VIII (Bay of Biscay).

These fisheries are already selective when targeting sole, different studies have been developed in the past and currently the REDRESSE project is ongoing and results are expected for 2016, including surveys at sea and economic studies.

- SWWAC understands that the more selective is the fishery, the more difficult it becomes to improve selectivity without implying economic impacts.
- SWWAC is expecting the response advice from the Scientific, Technical and Economic Committee for Fisheries (STECF) related to the 2 Minimis applications (trawlers and nets) proposed within this plan. In the case those requests would be considered as relevant, SWW AC would then recommend that such exemptions would apply in 2016 and 2017.
- SWWAC recommends taking into consideration the outcomes of these surveys and accordingly consider integrating the appropriate results in the discard plan in 2017.
- SWWAC encourages the exchange of lessons learned among Belgium and French fleets affected by this discard plan.
- SWWAC notes also that the ENSURE project is ongoing to study survivability of sole in Bay of Biscay.

4.3- Definition of the de minimis exemptions for sole.

SWW members agree that the de minimis exemption should apply for vessels which are defined to target sole. Fishery sector answers that with definition of the fishery targeting sole, all trawlers and all netters are submitted to the landing obligation.

4.4- Calculation of the *de minimis* exemption

Concerning the calculation of the discard rate allowable under the de minimis exemption, the NGOs interpretation is that the calculation would be species by species, whereas fishing sector interpretation of the calculation is the ratio of the discards of specie(s) included in the de minimis exemption by the catches of all species submitted to the landing obligation : “provisions for de minimis exemptions of up to 5 % of total annual catches of all species subject to the landing obligation referred to in paragraph 1” (Regulation 1380/2013 article 15.5.c)



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## 5- Minimum conservation reference size (MCRS) for the Iberian Hake

In relation to the exemptions referred to Hake (*Merluccius merluccius*), the draft demersal discard plan proposal is to reduce the minimum conservation reference (MCRS) from 27 to 20 cm for ICES subareas VIII and IX, in order to allow the market up to 10% of the individuals fall between this range.

- The French fishing sector considers this proposal unnecessary for ICES areas VIIIabde, suggesting to maintain the current efforts to increase the selectivity deployed in recent years. Nevertheless, they consider that maybe this measure would be necessary in a near future, depending on the progress in implementing the landing obligation.
- However, the Spanish and Portuguese fishing sector support the proposed reduction in minimum size measure as far as it could help to alleviate the difficulties in improving the selectivity, highlighting that a MCRS of 20cm match the existing size of hake in the Mediterranean, and would decrease the amount of fish provide to the fish meal/oil industry.
- NGOs consider this measure unacceptable, since it involves a reduction in the protection of juveniles of hake. NGOs remember that the MCRS should be based on biological criteria, taking into account the size maturity. Furthermore, the solution to the implementation of the landing obligation is not to reduce MCRS neither encourage or enable the capture and market of undersized individuals.

In any case, the SWW AC considers that the STECF should validate this proposal and the scientific studies that support this measure.

The JR submitted by the Group of Member States proposes, on the assumption that the reduction of the MCRS is not accepted, to establish a de minimis exemption for trawl fleet affected by the landing obligation. The fishing industry believes that this is essential given the difficulties to improve the selectivity in certain fleets. NGOs point out that this measure must be supported with the appropriate scientific and technical studies and reports.

## 6- Predation exemption.

Regarding the exemption for predation, SWW AC supports the proposal contained in the paragraph 6 presented by the Member States. Conversely, the SWW AC requests more concreteness and clarification of the provisions of paragraph 6.b about exemption on contaminants in catches, that if occur would also result in the application of an exemption. In particular NGOs are concerned about the potential implementation of this measure on board the vessels and its effective control, including the documentation of this specific catch. So NGOs oppose to this exemption on contaminants until more information is provided in order to assess in a proper way the referred exemption.

## 7- Pending issues – Agenda after summer.

SWW AC, following the work done in this initial phase of the implementation of the landing obligation, considers necessary to move forward the following actions:

- 1) Identify the fisheries that could be progressively incorporated into the landing obligation;
- 2) Advance in the coordination between discard plans and future multi-annual plans;
- 3) Define the practical application of the interspecies flexibility measure;



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- 4) Specify how to calculate the percentage of the de minimis exemption, if it should apply to the total catch of the species concerned or the total species subject to the landing obligation;
- 5) Analyze the problems with the implementation of the landing obligation on choke species and practical solutions, for example identify which fisheries may have hake as a choke species;
- 6) Work on the «adaptation» of the discard plan and how to update the plan with new studies and measures that may appear, Collect relevant information regarding selectivity, survival and other relevant knowledge from appropriate sources (projects or SWWAC meetings)
- 7) Maintain close collaboration with the Member States Group and propose meetings (including control aspects) before the end of year. Suggests close collaboration with the control agency so that the implementation LO may run smoothly.
- 8) Investigate the possibility of alternative (technical) measures which can be used to identify fisheries.
- 9) Identify other possible challenges ahead (not only the choke species).

SWW AC will try to work on those issues after summer, in order to propose recommendations to MS Group before the end of the year.

This document was prepared in response to the proposal of “**Joint Recommendation of the South Western Waters High-Level Group. Phase One Discard Plan for Demersal Fisheries in the South Western Waters (2016)**” (name of accompanying document “Join Recommendation of the South Western waters High level group 06May\_FV.docx”). The JR draft document was presented to SWWAC during the Madrid meeting on the 12<sup>th</sup> and 13<sup>th</sup> of May.

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