



Scheveningen Group

Work programme

For the North Sea

November 2016 – August 2017

November 2016



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1. Introduction

Article 15 of the Basic Regulation of the Common Fisheries Policy (CFP) states that a '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.

In 2014, the 'Scheveningen' Group submitted to the European Commission a joint recommendation for a discard plan (JR) for pelagic fisheries for the period 2015 – 2018. In 2015 and 2016 the 'Scheveningen' Group submitted to the European Commission joint recommendations for demersal fisheries for 2016 and for 2017 and 2018 respectively. The recommendations also included a table B precisising which fisheries to be covered in 2017, 2018 and 2019. All MS are committed to respect such tables.

Between 2017 and 2019 the other regulated species mentioned in article 15.c (ii) are phased in. This document describes the work programme for the joint recommendation of the 'Scheveningen' Group for the further development of the discard plan for demersal fisheries in the North Sea for 2018; and for a review of the pelagic discard plan.

2. Inclusion of additional fisheries in the discard plan for demersal fisheries for 2018

a. Objectives

The 'Scheveningen' Group aims at a progressive implementation of the discard ban that avoids a big bang in 2019 and allows time and flexibility for fishermen to adopt their management to the new regime. Given the nature of the mixed fisheries in the North sea, 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 mentioned below.

b. Content of discard plan

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

- 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 ;



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- Where appropriate, determining technical measures which are strictly linked to the implementation of the landing obligation and which aim to increase selectivity and reduce unwanted catches as much as possible.

The basis for the joint recommendation is the discard atlas for the North sea. The template of the joint recommendation is based on the joint recommendation submitted in June 2016.

c. Roles and responsibilities

'Scheveningen' Group

The 'Scheveningen' Group makes the joint recommendation for the discard plan and submits this to the European Commission.

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 'Scheveningen' Group are themselves responsible for coordination with stakeholders in their own countries. Where appropriate co-operation with other relevant regional groups will be organized.

North Sea Advisory Council (NSAC)

The NSAC shall be consulted on joint recommendations:

- The planning of the meetings will be shared for the purposes of information;
- The NSAC shall be consulted on several questions from the 'Scheveningen' Group in their recommendations (see under heading *Consultation*);
- Where relevant, the NSAC 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 joint recommendation or any amendments to same and is empowered to adopt the plan by delegated act. If the joint recommendation 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 may be involved in preparing the joint recommendations for a discard plan.

The European Commission will be invited as observers to attend the 'Scheveningen' High Level Group meetings and the technical meetings as appropriate.

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 European Commission.



North Sea control expert group

A separate North sea control group of experts has been asked to provide recommendations regarding enforcement of the landing requirement. Meetings will be organised, especially in relation with harmonisation of control practices and devices, including practical aspects, both at regional level and inter-regional levels.

Control subjects may also be raised during Technical or High Level Group meetings.

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 'Scheveningen' group countries to discuss the issue of the discard plan, for instance in the margins of the Agriculture and Fisheries Council.

d. Procedure

Coordination

The 'Scheveningen' 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 High Level Group meetings and technical meetings of the 'Scheveningen' group.

The NSAC's standard consultation structure will be used for coordination. Where relevant, the NSAC will be invited to parts of the High Level Group meeting and technical meetings of the 'Scheveningen' Group.

Consultation

The first step is a consultation of the NSAC in writing for recommendations regarding the following issues:

1. **Phasing of the landing obligation:** based on regulation no. 1380/2013, the landing obligation will be phased in between 2016 and 2019 using a fisheries based approach. The Regulation specifies the target species or clusters of target species for fisheries that come under the landing obligation in 2016. In the demersal joint recommendation, the 'Scheveningen' Group has, following consultation with the NSAC, defined the fisheries in the North Sea.

To ensure a progressive implementation of the landing obligation and to avoid a "big bang" in 2019, the other species mentioned in article 15.c(ii) of Regulation no. 1380/2013 have been planned to be phased in by 2019. In 2019, all other regulated species will be brought under the landing obligation. The 'Scheveningen' Group seeks advice from the NSAC on how to ease phasing in the landing obligation in 2017 and 2018 according to 'table B' of Joint Recommendation submitted in June 2016. TAC species not mentioned in article 15.c(ii) may also be concerned before 2019.

2. **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. The 'Scheveningen' Group seeks advice from the NSAC on possible *de minimis* proposals for species that will be brought under the landing



obligation in certain fisheries in 2018, and possible changes to existing *de minimis* exemptions introduced for 2017.

3. **High survivability:** The 'Scheveningen' Group seeks advice from the NSAC on specific cases for an exemption based on high survivability in accordance with the conditions as set out in Article 15.4(b).
4. **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 as amended. The 'Scheveningen' Group seeks advice from the NSAC on specific cases where such documentation is hampered. 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.
5. **Minimum conservation reference sizes:** The 'Scheveningen' Group seeks advice from the NSAC on specific requests regarding adjusting, introducing or removing 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.
6. **Choke species:** The 'Scheveningen' Group seeks advice from the NSAC on 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.
7. **Technical Measures:** The 'Scheveningen' Group seeks advice from the NSAC on possible technical measures which are strictly linked to the implementation of the landing obligation and which aim to increase selectivity and reduce unwanted catches as much as possible.

Time frame for the consultation

The 'Scheveningen' Group would appreciate advice from the NSAC on easing phasing of the landing obligation in 2018 by December 2016 and on the other points in February 2017. This doesn't exclude the possibility for any further advice from the NSAC during 2017.

Submittal of joint recommendation to the European Commission

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

3. Review of the discard plan for small pelagic fisheries and fisheries for industrial purposes

a. Introduction

The landing obligation in the pelagic fisheries has been in force since 1 January 2015. In June 2014 the 'Scheveningen' Group submitted a joint recommendation for a discard plan in pelagic fisheries



and a joint recommendation for a discard plan in industrial fisheries. In October 2014 the European Commission published a delegated act for a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea based on the joint recommendations.

The 'Scheveningen' Group intends to evaluate with the Pelagic AC and the NSAC the joint recommendation to see if any amendments are needed. The Group will in this context consider how amendments can be introduced in the legislation, given that the current discard plan expires on 31 December 2017.

b. Roles and responsibilities

Roles and responsibilities of 'Scheveningen' Group, European Commission, scientific research, control experts group and politics are the same with the demersal discard plan.

Pelagic Advisory Council (PELAC)

The PELAC will advise on the discard plan.

- The planning of the meetings will be shared for the purposes of information ;
- The PELAC will be asked to provide advice and address several questions for the North Sea Group in their recommendations;
- Where relevant, the PELAC will be invited as observers to attend parts of the High Level Group meetings and the technical meetings.

North Sea Advisory Council (NSAC)

The NSAC will advise on the discard plan.

- The planning of the meetings will be shared for the purposes of information ;
- The NSAC will be asked to provide advice and address several questions for the North Sea Group in their recommendations;
- Where relevant, the NSAC will be invited as observers to attend parts of the High Level Group meetings and the technical meetings.

c. Procedure

Coordination

The 'Scheveningen' 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 High Level Group meetings and technical meetings of the 'Scheveningen' Group.

The PELAC and NSAC standard consultation structure will be used for coordination with the sector and NGOs. Where relevant, the PELAC and NSAC will be invited to parts of the High Level Group meeting and technical meetings of the 'Scheveningen' Group.



Consultation

The first step will be a consultation of the PELAC and NSAC in writing for recommendations regarding the following issues:

1. **Lessons learned:** The 'Scheveningen' Group seeks advice from the PELAC and NSAC on lessons learned and possible amendments to the delegated act for a discard plan for pelagic and industrial fisheries in the North sea.
2. **Minimum Conservation Reference Sizes:** The 'Scheveningen' Group seeks advice from the PELAC and NSAC on specific requests regarding adjusting, introducing or removing 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. No consensus had been reached in 2014 on such issue for pelagic species.
3. **Choke species:** The 'Scheveningen' Group seeks advice from the PELAC and NSAC on choke species and possible solutions to mitigate the effects, taking into account the instruments offered, such as the exemptions, inter species flexibility, quota swaps and others.
4. **Technical Measures:** The 'Scheveningen' Group seeks advice from the PELAC and NSAC on possible technical measures which are strictly linked to the implementation of the landing obligation and which aim to increase selectivity and reduce unwanted catches as much as possible.
5. **Inter-Species Flexibility (ISF):** The 'Scheveningen' Group recognises that the basic principles on the use of ISF have been identified and endorsed by the HLG. The group would now welcome the PELAC and NSAC views and proposals on development of these guidelines and practical use of ISF by individual Member States.

Time frame for the consultation

The 'Scheveningen' Group would appreciate advice from the PELAC and NSAC in February 2017. This doesn't exclude the possibility for any further advice from the NSAC during 2017.

4. Regional conservation measures

a. Objectives

The 'Scheveningen' Group aims at developing regionally conservation measures in line with the objectives of the CFP, adapted to the North Sea area on the basis of Annex V of the Commission proposal for Technical measures¹.

¹ 6993/16 PECHÉ 79 CODEC 281 IA 9 + ADD1-3



b. Content

The joint recommendations/delegated acts for conservation measures has certain scope according to i.e. article 18 of the basic regulation, and will be further developed in the regulation for technical measures currently discussed.

The 'Scheveningen' Group will work on the basis of the issues in Annex V of the Commission proposal for technical measures.

c. Roles and responsibilities

'Scheveningen' Group

The 'Scheveningen' Group makes the joint recommendation on conservation measures and submits this to the European Commission. A common position on technical measures in the North Sea may also be fed into the political process for the adoption of a new regulation on technical measures, if pertinent.

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 'Scheveningen' Group are themselves responsible for coordination with stakeholders in their own countries.

North Sea Advisory Council (NSAC) and Pelagic Advisory Council (PELAC)

The NSAC and the PELAC shall be consulted on joint recommendations:

- The planning of the meetings will be shared for the purposes of information;
- The NSAC and PELAC shall be consulted on several questions from the 'Scheveningen' Group in their recommendations (see under heading *Consultation*);
- Where relevant, the NSAC and PELAC 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 joint recommendation or any amendments to them and is empowered to adopt the measures (when applicable according to mandate) by delegated act.

The European Commission may be involved in preparing the joint recommendations on conservation measures.

The European Commission will be invited as observers to attend the 'Scheveningen' High Level Group meetings and the technical meetings as appropriate.

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 European Commission.



North Sea control expert group

A separate North sea control group of experts may be asked [by the High Level Group], when relevant, to contribute to the work.

Control subjects may also be raised during Technical or High Level Group meetings.

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 'Scheveningen' group countries to discuss the issues of conservation measures.

d. Procedure

Coordination

The 'Scheveningen' 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 High Level Group meetings and technical meetings of the 'Scheveningen' group.

The NSAC's and PELAC's standard consultation structure will be used for coordination. Where relevant, the NSAC and/or the PELAC will be invited to parts of the High Level Group meeting and technical meetings of the 'Scheveningen' Group.

Consultation

The first step is a consultation of the NSAC and the PELAC in writing for recommendations on the issues of conservation measures covered in Annex V of the Commission proposal for technical measures²:

8. **Part A: Minimum conservation reference sizes:** The 'Scheveningen' Group seeks advice from the NSAC and PELAC on specific requests regarding adjusting, introducing or removing 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.
9. **Part B: Mesh sizes:** The 'Scheveningen' Group seeks advice from the NSAC and the PELAC regarding the view on suitable mesh sizes for different target species in the North Sea area, on the basis of part B of Annex V.
10. **Part C: Closed or restricted areas:** The 'Scheveningen' Group seeks advice from the NSAC and PELAC on specific requests regarding adjusting, introducing or removing closed or restricted areas, on the basis of part D of Annex V.
11. **Part D: Mitigation measures for sensitive species:** The 'Scheveningen' Group seeks advice from the NSAC and PELAC regarding measures to reduce incidental catches of cetaceans, on the basis of part D of Annex V.

² 6993/16 PECHÉ 79 CODEC 281 IA 9 + ADD1-3



12. **Part E: Innovative fishing methods:** The 'Scheveningen' Group seeks advice from the NSAC and PELAC on specific requests regarding innovative fishing methods, on the basis of part E of Annex V.

Time frame for the consultation

To be updated after first scoping meeting.

5. Other issues

a. Choke species action plan

In moving towards full implementation of the landing obligation there is a risk that a fishery, fleet or Member State will not be able to fully prosecute the quota for one stock due to the risk of catching another stock, whose quota has been exhausted or for which there is no quota available.. The stock whose quota is exhausted or unavailable is known as the 'choke stock'. The Scheveningen group therefore intends to continue to develop an action plan for choke species in close collaboration with the NSAC. Work will be also be undertaken in collaboration with the NWW Group, in identifying specific issues and possible solutions.

b. Management Plan for North Sea demersal fisheries

The Scheveningen Group will hold topical discussions on relevant aspects of the Commission proposal for a management plan for demersal fisheries in the North Sea, in order to contribute to the discussions in Council.

6. Planning

The included timeline is indicative and merely a practical necessity to guide the work of the 'Scheveningen' group in the immediate future and does not in any way prejudice the views / position of the Advisory Councils.

Action plan

- Formal adoption of work programme by 'Scheveningen' High Level Group: **19 Nov. 2016**
- The work programme will be shared with the NSAC, the PELAC and the European Commission, as well as with the other regional groups: **end Nov. 2016**

Consultation

- First written advice NSAC for discard plan (demersal) December 2016
- Second written advice NSAC for discard plan (demersal) February 2017
- Ongoing consultation NSAC January - May 2017
- Written advice from PELAC and NSAC (pelagic/industrial discard plan) February 2017
- Ongoing consultation PELAC January - May 2017



Preparation of discard plan and work on conservation measures

Meetings/Themes	Date	Location
Technical Meeting : - Advice of NSAC - Phasing-in 2018 (optional: 2019)	18 January 2017	NL (The Hague)
High Level Group - Advice of NSAC - Phasing-in 2018 (optional: 2019)	1 February 2017	NL (The Hague)
Technical Meeting - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	1 March 2017	NL (The Hague)
High Level Group - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	8 March 2017	NL (The Hague)
Technical Meeting - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	5 April 2017	NL (The Hague)
High Level Group - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	12 April 2017	NL (The Hague)
Technical Meeting - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	3 May 2017	NL (The Hague)
High Level Group - Phasing 2018, (optional: 2019) - Exemptions - Consultation NSAC	24 May 2017	NL (The Hague)



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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 in advance of the meeting.

Submittal of joint recommendations for a discard plan

- Submittal to the European Commission 1 June 2017

7. Contact persons

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