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Date: 23 April 2019
Our reference: 1819/PAC18
Subject: Recommendation regarding consistency in the wording of de minimis exemptions in discard plans
CC: Regional Group Presidencies (NWW, SWW and NS regional groups)

Dear Mr. Aguiar Machado,

Please find hereunder the Pelagic AC's recommendation as regards consistency in the wording around de minimis exemptions in discard plans of the different regional groups. This recommendation has been unanimously endorsed by the Executive Committee.

De minimis exemptions discard plans NWW and NS regional groups

The Pelagic AC would like to raise an issue with regard to the de minimis exemptions for horse mackerel and mackerel in the North Western Waters discard plan for the period 2019-2021 (regulation 2018/2034) and to highlight our perceived inconsistency in the details of the implementation of the landing obligation between this plan and for certain demersal fisheries in the North Sea Plan for the period 2019-2021 (regulation 2018/2035).

NWW discard plan (2018/2034):

*"for horse mackerel (*Trachurus spp.*), up to a maximum of 7 % in 2019 of the total annual catches of that species by vessels using bottom trawls, seines and beam trawls in ICES subarea 6 and ICES divisions 7b-7k;"*

North Sea discard plan (2018/2035):

"(m) in the demersal mixed fishery with bottom trawls (OTB, OTT, PTB, TBB) with a mesh size between 80 and 99 mm in ICES subarea 4: a quantity of horse mackerel, which shall not exceed 7 % in 2019 of the total annual catches in that fishery of horse mackerel;"



We would like to request the Commission to confirm in writing that the correct interpretation is the following: the de minimis exemption only applies to small bycatches of horse mackerel and mackerel in demersal fisheries (i.e. not targeting pelagic species) and that the exemption applies only to the 7% of the total catches of mackerel and/or horse mackerel in demersal fisheries; and not the entire mackerel and/or horse mackerel fisheries. If the 7% applied to the total catch of mackerel and/or horse mackerel, it would result in a disproportionately large bycatch figure that could significantly impact the assessment for these species.

Informal pelagic subgroup

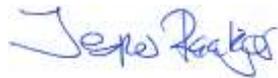
The above described inconsistencies only further strengthen the need for an informal pelagic subgroup dealing with pelagic stocks specifically, as we have repeatedly requested. We would like to remind the regional groups that it promised to explore possibilities for convening an informal pelagic subgroup to ensure coordination with the other regional groups. The Pelagic AC is still of the firm belief that such an informal subgroup is indispensable to guarantee a level-playing field between the different areas and fisheries.

Accounting for de minimis exemptions in final TAC setting

Finally, the Pelagic AC would appreciate clarification from the Commission why the de minimis exemptions were accounted for in the final 2019 TAC setting of Western horse mackerel, but not in other species. The Pelagic AC would appreciate further clarification on the methodology to be applied in the future.

In case of any questions, don't hesitate to contact the secretariat.

Yours sincerely,

A handwritten signature in blue ink that reads 'Jesper Raakjær'.

Jesper Raakjær
Chairman Pelagic AC