



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

The Director-General

Brussels,  
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Mr. Jesper Raakjær  
Pelagic Advisory Council  
Louis Braillelaan 80 2719 EK  
Zoetermeer  
The Netherlands

**Subject: Recommendation regarding consistency in the wording of *de minimis* exemptions in discard plans**

*Your reference: 1819/PAC18*

Dear Mr Raakjær,

Thank you for your letter of 23 April 2019 and the Pelagic Advisory Council's recommendations on *de minimis* exemptions and discard plans.

Let me first of all reassure you that the differently worded exemptions in the North Sea and the North Western Waters have not led to an inconsistency in their interpretation or in how the total allowable catches for horse mackerel are set. That said, your letter offers a welcome opportunity to explain more fundamentally how the Commission calculates the TAC where *de minimis* discards are allowed in discard plans.

As you are aware, the full implementation of the landing obligation has kicked in in 2019. In line with ICES advice, this has resulted in TACs for several stocks being adjusted, ensuring that fishermen have the quota they need to land the fish that used to be discarded. At the same time, fishermen can continue to legally discard small amounts of fish under *de minimis* exemptions in the discard plans. To avoid setting the TAC at a level above the scientifically recommended fishing pressure, these small amounts of exempted fish must therefore be deducted from the "total catches" recommendation ICES gives.

The Commission has made these 'top-down' deductions in a consistent manner for all fleets for which a *de minimis* discard allowance is in place. Naturally, it is only to these specific vessels and gear types – and not the total fisheries – to which the *de minimis* exemption applies. Therefore, in the two examples you mention, the 7% does not cover the entire fishery, but only the catches of that particular fleet segment.

In this respect, it is however important to note that the wording of the North Sea *de minimis* allowance you mention is more limited than that of the North Western Waters.

The North Sea *de minimis* allowance only covers some gear types<sup>1</sup>. In the North Western Waters however, all vessels using bottom trawls, seines and beam trawls, irrespective of their mesh size, can use the *de minimis* allowance. In that sense the North Western Waters *de minimis* allowance is indeed broader in scope.

### **Accounting for de minimis exemptions in final TAC setting**

You also asked why the horse mackerel TACs received *de minimis* deductions in the final TAC setting, whereas other species did not. In fact, the Commission's starting point for all stocks was the same: to see how many discards can generate a *de minimis* exemption. Where this was less than 1% of the TAC, the Commission decided that those discards were so minimal that they did not need to be deducted from the TACs. This was, for example, the case for Atlantic mackerel.

For horse mackerel, however, the ICES advice showed a discard rate of 5% or greater, depending on the TAC unit in question. The Commission analysis showed that the majority of those discards are generated by pelagic vessels using a combined *de minimis* under the pelagic discard plans. This combined *de minimis* allows vessels to discard an overall percentage of several species combined. In the case of horse mackerel, this would have led to very high discards, going beyond the status quo discard level.

Both the Commission and Member States agreed that the exemption should not increase discards beyond the status quo. Therefore, the Commission deducted only the status quo discards (for example 5% from the horse mackerel TAC of ICES Division 2a to 14).

Incidentally, a similar situation has occurred in the North Sea demersal discard plan, where the combined *de minimis* for whiting and cod generated a very large deduction from the TAC. Here Member States have changed the wording of the exemption to be more specific to catches of those two stocks only. This in turn has led to a smaller *de minimis* deduction, and therefore, a higher TAC.

I am attaching an extract of the calculation sheet for the horse mackerel *de minimis* deductions, which was circulated to Member States ahead of the December Council in 2018.

I am looking forward to our continued cooperation and invite you to contact Ms Pascale Colson, coordinator of the ACs ([pascale.colson@ec.europa.eu](mailto:pascale.colson@ec.europa.eu); + 32 2 29 56273), should you have any question regarding this letter.

Yours sincerely,

  
João AGUIAR MACHADO

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<sup>1</sup> Bottom otter trawl (OTB), Otter twin trawl (OTT), Bottom pair trawl (PTB) and Beam trawl (TBB) with a mesh size of between 80 and 99 mm.