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Date: 17 March 2020  
Our reference: 1920PAC27  
Subject: Recommendations for the revision of the pelagic discard plan in the North Sea

Dear Mr van Guyze,

Please find hereunder in Annex I the Pelagic AC's recommendation on amending the pelagic discard plan in the North Sea. Please note that all recommendations have been unanimously endorsed by the Executive Committee.

In case you have any questions concerning this recommendation please do not hesitate to contact the secretariat.

Yours sincerely,

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

Jesper Raakjær  
Chairman Pelagic AC



## Annex I: Recommendation on revision of the pelagic discard plan in the North Sea

March 2020

The discard plans for small pelagic fisheries the North Sea (1395/2014), North Western Waters (1393/2014) and South Western Waters (1394/2014) are due to expire on December 31<sup>st</sup> 2020.

The Pelagic AC has a long history of providing advice and has issued over twenty recommendations to date on the landing obligation. Unfortunately, very few of these recommendations have been taken onboard by the regional groups.

In light of the revision of the pelagic discard plans, the Pelagic AC wishes to reiterate the following previously agreed recommendations:

### *Informal pelagic subgroup*

Since the inception of the regional groupings, set up to manage fisheries in different sea basins, the Pelagic AC has repeatedly underlined the importance of uniformity and requested the set-up of an informal regional subgroup dealing specifically with widely distributed pelagic stocks. The first of many recommendations was sent in November 2013<sup>1</sup>.

Inconsistencies in the discard plans developed separately by the three regional groups only strengthen the need for the existence such a subgroup. The Pelagic AC is of firm belief that such an informal group is indispensable to guarantee a level-playing field between the different areas and fisheries and to ensure proper coordination between the regional groups on stocks that know no regional boundaries.

### *De minimis exemption*

In 2014 the Pelagic AC produced an extensive recommendation on the implementation of the landing obligation in pelagic fisheries<sup>2</sup>. This recommendation included a *de minimis* of up to 5% to be applied upon **landing** the catch. The rationale is that onboard RSW vessels any kind of potential bycatch will not be discovered until the sorting and grading is done at the factories ashore or at sea.

Unfortunately, the Member States regional groups did not follow the Pelagic AC's recommendation for granting such a *de minimis* exemption. However, the Pelagic AC re-emphasized the value of such a *de minimis* exemption in absence of other viable solutions in solving the category 3 choke situations that will occur in pelagic fisheries now that the landing obligation entered into full force.

### *Classification of high risk vessels*

The Pelagic AC considers it inappropriate to define high risk vessels on the basis of pumping capabilities and the Pelagic AC does not accept this simplistic basis for the NWW risk assessment. Fishing vessels that do not have pumping equipment on-board can as easily slip or discard catch. Compliance with the LO depends solely on the behaviour of the skipper, not on the technical specifications of the vessel.

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<sup>1</sup> <https://www.pelagic-ac.org/media/pdf/1314PRAC29%20Member%20State%20group%20for%20pelagic%20fisheries.pdf>

<sup>2</sup> <https://www.pelagic-ac.org/media/pdf/20140429%20PRAC%20land%20obl%20recom.pdf>

High risk vessels are those vessels operated by a skipper not abiding by the law and for those vessels Pelagic AC supports the idea of continuous monitoring of compliance in all fishing trips.<sup>3</sup>

Following the recommendations on the revision of the Control Regulation (2019), the Pelagic AC reminds the Commission and MS that previous work has been carried out on other risk assessment tools in light of the landing obligation, notably the recording of mackerel grammes sizes. If on that basis a 'high risk' vessel is identified, the Pelagic AC believes an additional set of measures can be imposed on that specific vessel. The Pelagic AC views these measures as part of a package, that may include CCTV, but also onboard observers, VMS and onshore controls amongst others.<sup>4</sup>

#### *Monitoring and data collection*

The Pelagic AC furthermore would like to emphasize that it is of paramount importance to appropriately monitor the use of the de minimis exemption and to properly record all data in relation to using the exemption. Furthermore, these data must be made available to ICES and STECF<sup>5</sup>.

#### *Include control elements in pelagic discard plans*

None of the pelagic discard plans currently in force includes elements of control despite the Pelagic AC's strong advocacy for uniform measures across regions and in relation to third country vessels. We therefore strongly recommend that in future versions of the discard plans control elements will be included. Furthermore we seek clarification on the legal possibility on the inclusion of control elements in Commission Delegated Acts.<sup>6</sup>

In addition, the Pelagic AC also proposes the following **new** recommendations:

#### *Roll-over current de minimis exemptions*

The Pelagic AC supports the roll-over of current de minimis exemptions in the existing pelagic discard plans. However, the Pelagic AC wishes to point out that these exemptions currently apply to *pelagic vessels up to 25 meters only* and to specific ICES sub areas. The exemptions hence do not apply to the largest fleet segment targeting the species under de minimis. Therefore, the Pelagic AC supports the roll-over of de minimis exemptions, provided they are properly applied to the appropriate fleet segment (i.e. vessels under 25 meters).

#### *Include control and enforcement of the de minimis exemption in pelagic discard plans*

The Pelagic AC strongly recommends that in future versions of the discard plans control elements of de minimis exemptions will be included. Furthermore, we seek clarification on the legal possibility on the inclusion of control elements in Commission Delegated Acts.

#### *Demersal and pelagic zero catch options*

In its May 2018 recommendation, the Pelagic AC has identified possible problematic choke situations of pelagic species in demersal fisheries and vice versa, with the use of the choke mitigation tool. These possible chokes have been categorised as category 3 chokes (where insufficient quota exists at EU level) thus posing serious risks of closing fisheries prematurely.<sup>7</sup>

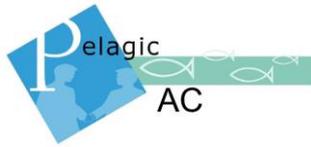
<sup>3</sup> <https://www.pelagic-ac.org/media/pdf/1516PAC12%20Recommendations%20on%20control%20of%20LO.pdf>

<sup>4</sup> <https://www.pelagic-ac.org/media/pdf/1819PAC78%20To%20COM%20recommendation%20Control%20Regulation%20proposal.pdf>

<sup>5</sup> <https://www.pelagic-ac.org/media/pdf/1617PAC94%20Comments%20on%20draft%20discard%20plan%20NWW.pdf>

<sup>6</sup> [https://www.pelagic-ac.org/media/pdf/1516PAC16%20Recommendations%20on%20control%20of%20LO%20\(NS\)v2.pdf](https://www.pelagic-ac.org/media/pdf/1516PAC16%20Recommendations%20on%20control%20of%20LO%20(NS)v2.pdf)

<sup>7</sup> <https://www.pelagic-ac.org/media/pdf/1718%20PAC131%20Recommendation%20on%20choke%20situations.pdf>



The Pelagic AC also seeks clarity as to the implications of chokes that are the direct result of bycatching species from stocks currently under zero catch advice by ICES. These include e.g. Celtic Sea herring, but also demersal stocks such as cod bycaught in e.g. horse mackerel fisheries.

*Implications for 3 Pelagic Discard Plans post Brexit*

Finally, the Pelagic AC seeks clarity as to the legal status of the three (NS, NWW and SWW) revised pelagic discard plans from 2021 onwards, when the United Kingdom is no longer part of the European Union.

