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Opinion 128 on the discards plan for demersal fisheries in the South Western Waters

The group of Member States with South-Western Waters must formalise a joint recommendation by the end of May concerning the discard plans for pelagic and demersal species.

The discards plan for demersal fisheries (Delegated Regulation (EU) No 2033/2018) sets out provisions which are applicable for the years 2019-2021, and in particular the exemptions provided for in Article 15(4) and (5) of Regulation (EU) No 1380/2013.

Some of these exemptions are subject to the transmission of additional information so that they may be maintained after 31 December 2019. For this year, most of the work to be done to formalise the joint recommendation therefore needs to focus on the consolidation of the pending exemptions.

In 2019, the SWW AC formalised a specific opinion concerning the landing obligation (Opinion 119) which precisely details the difficulties posed by the implementation of Article 15 of the CFP and the possible solutions for restricting the impact for limiting species. The opinion also gives a full overview of the various studies conducted recently on improving the selectiveness and socio-economic impact of the landing obligation.

These aspects are still highly topical in terms of enriching the work of the group of Member States.

The SWW AC regrets the lack of harmonisation between the deadlines imposed for drafting the joint recommendation, on the one hand, and the dates of publication of the scientific opinions (opinion of the ICES in particular) on the other hand. The group of Member States therefore does not have all the information allowing it to draft the joint recommendation.

The SWW AC also wishes to point out that it is awaiting some clarifications from the European Commission following the declarations which were formalised during the last Council of Ministers of December 2018. For instance, for whiting in the Bay of Biscay, it would appear that the known volumes of discards did not lead to a proportionate increase in quotas (uplift), and the European Commission had to ask the ICES to formalise an opinion before possibly amending the TACs and Quotas Regulation. Likewise, the ICES must be consulted on the adjustment of the boarfish management area, to analyse whether exclusion from zone VIII would not affect the sustainability of the stock.

These two particular points influence the arrangements for enforcing the landing obligation, and responses would be needed before any formalisation of the joint recommendation.

For its last plenary, the CSTEP recently published a table of criteria for analysing the maintenance or renewal of the de minimis exemptions. The SWW AC welcomes this preliminary outline, which specifies the data expected for each of the derogations. However,





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in view of the very tight deadlines, it would be very difficult to provide new data to justify the conditions relating to the disproportionate costs and the selectivity constraints.

To acquire supplementary data, significant resources need to be mobilised, and the deadlines are incompatible with the timetable presented. In particular, evaluation of the high survival rate calls for complex protocols and, although AGLIA is currently developing the SURF project for the Cuckoo ray, the initial results will not be available before the end of the year. More generally, the SWW AC points to a lack of coordination and knowledge-sharing for all the studies carried out or under way to allow an estimation of the survival of the various species of ray.

Furthermore, professionals are required to ensure that their fishery products are safe and fit for consumption. In this framework, the members representing the sector are in favour of introducing an exemption for health risks which is more generalised than the exemption for damage when the fish caught presents an obvious risk for human consumption due to pathogenic agents likely to be transmitted. However, the environmental NGOs are against the introduction of this new exception concerning health risks linked to pathogenic agents because it may be difficult to determine and confirm this condition, which gives rise to a legal void.

The SWW AC therefore proposes underlining the following points:

- the year 2019 marks the full implementation of Article 15 and it is too early to be able to assess the relevance of the exemptions allowed;
- the exemptions set out in the discard plans are extremely important when it comes to avoiding the impact of limiting species in mixed fisheries;
- it must be possible to use the arguments taken from existing studies to transpose the results, where allowed by the conditions, to particular and local issues;
- studies have been launched into specific issues, in particular the survival of the Cuckoo ray, but the results will be available in the second half of 2019.