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Recommendations of the Scheveningen Group for discard plans
Your letter of 9 June 2014

Dear Mr MacSween,

Dear Mr Sverdrup-Jensen

Dear Mr O'Donoghue,

On behalf of the Scheveningen Group I would like to thank you for your letter referred to above. As you are probably aware the Group was supposed to transmit to the Commission the discard plan on industrial fisheries and another one on pelagic fisheries by end of June 2014. They were transmitted on 30 June (industrial fisheries) and 4 July 2014 (pelagic fisheries). They are added to this letter for your information.

In this context you expressed your disappointment about the outcome of these plans with respect to your recommendations on implementing the EU landing obligation in pelagic fisheries. In this regard I would like to outline our position in the hope of further cooperation in the future.

To start with, according to Article 15 paragraph 6 of Regulation (EU) no 1380/2013 a discard plan is only required to deal with the matters referred to in paragraph 5 (a) to (e) of that Article. It is therefore not required to include any recommendation as to the application of the interspecies flexibility and force majeure. The Scheveningen Group took the view at the outset of its deliberations that it would be most appropriate for the discard plan to concentrate only on those elements specified at paragraph 5 (a) to (e), as the elements to be transposed into a delegated act by the Commission.

This does not however detract from the fact that members of the Scheveningen Group share some of your concerns, in particular with respect to a coherent approach of the interspecies flexibility and the equivalence of enforcement measures. Both these elements are due to be discussed by the Group in forthcoming business later this year.

In this context I also would like to draw your attention to the fact that a Commission proposal (the so called omnibus proposal) is currently being discussed at political level with a view to adjust as of 1 January 2015 i.a. the technical rules in the Regulation (EC) no 850/98 and the control provisions in Regulation (EC) no 1224/2009 to the landing obligation.

With respect to aspects of control, the Group will further consider at its next meeting what might be included in the discard plan in relation to documentation of catches (Article 15, paragraph 5(d)). The control experts of the Scheveningen Group have met on two occasions with the purpose of specifically evaluating different control methods for monitoring compliance with the pelagic landing obligation. They are due to finalise their report shortly. This report, that is to be discussed in the next High-Level Group meeting, is supposed to serve as a common guideline for a risk based monitoring by Member States of the implementation of the landing obligation. Furthermore, control issues in the North Sea are regularly discussed in the Scheveningen control expert group that meets twice a year.

With these arrangements we are optimistic about bringing about a comparable level of control in the waters of all Member States of the North Sea even if in view of national particularities control measures might differ in individual Member States to a certain extent. In any event, there is general agreement that the Control Regulation (EU) no 1224/2009, one of the most important goals of which is to ensure a level playing field, has to be fully applied. This will of course include the rules that will be incorporated or amended in the Control Regulation as part of the omnibus proposal.

As to minimum conservation reference sizes (MCRS) the two discard plans are fully in line with your recommendation as they do not recommend any change to the current MCRS. The plan for pelagic fisheries only calls for the creation of the necessary legal basis to allow for the automatic adjustment of common marketing standards to applicable MCRS to avoid the inherent contradiction of discrepant MCRS and these standards.

The discard plan for pelagic fisheries contains requests for a swift evaluation for a number of survivability exemptions as a basis for a future decision on their possible inclusion in the discard plan. These requests follow basically the same rationale as your recommendation on this issue. In view of the insufficient knowledge of these fisheries, the Scheveningen Group could not go further than that at the current juncture. These requests include stocks like mackerel in the northeast Atlantic and autumn spawning herring in the North Sea. The Scheveningen Group will come back on these issues as soon as the necessary scientific advice is available.

For *de minimis* exemptions we have held very intensive discussions on the basis of your recommendations. Reflecting the restrictions of Article 15(5) of Regulation 1380/2013 concerning *de minimis* exemptions we believed it important to address *de minimis* exemptions on the basis of specific case-by-case proposals put forward for specific fisheries in specific geographic areas.

In light of this, we finally agreed only to take on board the possibility of an exemption for the artisanal fleet in ICES areas IV b and c, even if in a modified form from your recommenda-

tion. As the knowledge is also insufficient for this fishery, STECF is to analyse this fishery before any definitive stance can be taken by the Scheveningen Group.

We understand your desire to have had pelagic fisheries considered under one unitary group covering all areas and we have discussed this with you at various meetings. It was considered but felt that one group would be large and risked losing the benefits of the regionalisation approach; also some fisheries are specific to only one area. With the close coordination of the different regional groups, we believe the separate plans will deliver the necessary common approach for straddling migratory stocks.

In conclusion, we would not share your sense of disappointment. We appreciated your valuable work on the landing obligation for pelagic species. We hope therefore that the fruitful dialogue on this and other issues will continue.

Yours sincerely,

