



Scientific, Technical and Economic Committee for Fisheries (STECF)

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Evaluation of joint recommendations on the landing obligation, technical measures, and conservation measures necessary for compliance with obligations under Union environmental legislation (STECF 24-04)

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Abstract

Commission Decision of 25 February 2016 setting up a Scientific, Technical and Economic Committee for Fisheries, C(2016) 1084, OJ C 74, 26.2.2016, p. 4–10. The Commission may consult the group on any matter relating to marine and fisheries biology, fishing gear technology, fisheries economics, fisheries governance, ecosystem effects of fisheries, aquaculture or similar disciplines. This report contains a review of Joint Recommendations submitted by Member States Regional Groups for the implementation of the Landing Obligation in 2024 and beyond.

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SCIENTIFIC, TECHNICAL AND ECONOMIC COMMITTEE FOR FISHERIES (STECF) - Evaluation of joint recommendations on the landing obligation, technical measures, and conservation measures necessary for compliance with obligations under Union environmental legislation (STECF-24-04)

The STECF Expert Working Group EWG 24-04 took place online 13-17 May 2024. STECF reviewed the results of the EWG in a two-day virtual plenary meeting 12-13 June 2024. 18 members of the STECF participated in the plenary meeting and are marked with an asterisk in the contact list below.

Request to the STECF

STECF is requested to review the report of the STECF Expert Working Group meeting, evaluate the findings and make any appropriate comments and recommendations.

STECF response

INTRODUCTION

After consulting the relevant Advisory Councils, Member States cooperating at sea-basin level may provide the Commission with joint recommendations requesting exemptions from the landing obligation. Where the STECF's assessment reports that the proposed exemptions contribute to achieving the expected results, the Commission adopts delegated acts implementing these joint recommendations into EU law, in accordance with the relevant empowerment provision set in the multiannual plan for the fishery in question. Where there is no multiannual plan for the fishery in question, Article 15(6) and 15(7) of the Common Fisheries Policy (CFP Regulation) empowers the Commission to adopt delegated acts laying down on a temporary basis specific discard plans containing the exemptions.

The temporary discard plans under Article 15(6) with a maximum of 6 years in 2021 (with the exception to the existing discard plan for turbot fisheries in the Black Sea) have been replaced by provisions adopted under article 15(5) and specified in multiannual plans. Under the existing multiannual plans, provisions specify that the Commission is empowered to adopt delegated acts following Article 18 of the CFP (Regionalisation procedure).

The report of Expert Working Group 24-04 represents the findings of the meeting convened to review and address the implications associated with the implementation of the Member States' joint recommendations (JRs).

Summary of the Joint Recommendations submitted

One JR was submitted jointly by the HLGs of the North-western Waters group and the Scheveningen group (a *de minimis* exemption) and one JR was submitted by the Western Mediterranean HLG (PESCAMED) (one *de minimis* and three high survivability exemptions). The high survivability exemptions were requests to renew existing exemptions beyond the end of 2024, when the current Delegated Regulations implementing the landing obligation will expire. The two *de minimis* exemptions were new requests. EWG 24-04 reviewed all five exemption requests. The breakdown by region is shown in table 1.

1. *De minimis* exemption for catches of **lemon sole** by vessels using beam trawls (TBB)

of mesh sizes equal to and above 80 mm equipped with the Flemish panel in Union waters of ICES subareas 4 and 7d. The request is for a quantity of lemon sole which shall not exceed 5% of the total annual catches of that species in this fishery.

2. *De minimis* exemption for deep water shrimps (**blue and red shrimp** (*Aristeus antennatus*) and **giant red shrimp** (*Aristaeomorpha foliacea*)), up to a maximum of 5% (for 2025 to 2027) of the total annual catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).
3. High survivability exemption for **Norway Lobster** (*Nephrops norvegicus*) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) in the western Mediterranean Sea between January and June and September and December.
4. High survivability exemption for **Norway Lobster** (*Nephrops norvegicus*) caught by pots and traps (FPO, FIX) in the Mediterranean Sea in GFCM subareas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12.
5. High survivability of **Venus shells** (*Venus* spp.) below MCRS of 25 mm caught with mechanised dredges (HMD) (Annex IX Part A) with maximum breadth of 3 m (Annex IX Part C) in Mediterranean according to Regulation (EU) No 2019/1241).

Table 1. Number of exemption requests by type and region evaluated by EWG 24-04.

Regional Group	<i>De minimis</i> exemptions	High Survivability exemptions
NWW and Scheveningen	1	0
PESCAMED	1	3
Total	2	3

Source: EWG-24-04.

Evaluation of Regional Joint Recommendations

To assist the Member State groups, STECF PLEN 22-03 updated and refined the templates for the provision of fisheries information and the associated data to support *de minimis* and high survivability exemptions to the landing obligation. These templates were adapted from previous templates developed by STECF EWG 16-05 (See Annex I, II and III of the EWGs report).

Structure of Advice – *de minimis* exemptions

In assessing each of the *de minimis* exemptions requested, EWG 24-04 has used the templates as the basis for their conclusions including, for example, the following elements:

- Description of the problem.
- Detailed catch and fleet data for the stock and the fishery the exemption applies.
- Evaluation of what this data shows in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches).
- Indication of usage of the exemption by Member States.

Additionally, the EWGs conducted a review of existing supporting studies/literature reviews provided for the exemption in the past, as well as specific information on selectivity and disproportionate costs. The EWGs also considered the likely impact/risk of the exemption in

the context of the fishery. New information or studies that may be available and planned research to support the exemption were also considered.

Structure of Advice – high survivability

In assessing each of the high survivability exemptions requested, EWG 24-04 used the following elements for each exemption based on the information contained in the JRs:

- Description of the problem.
- Survival estimates provided and quality of these estimates.
- Assessment of the survivability estimates in the context of the discard rate in the fishery.
- Information on improvements in selectivity and operational practices on board fishing vessels to increase survivability.
- Projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used.
- New information, research or studies planned.

Categorisation of Exemptions

In reviewing the exemptions, the EWG used the below categorisation developed by STECF 23-04 and 23-06 to help to differentiate them as follows:

1. Exemptions supported by catch data from all Member States are well justified and shown to likely have a low impact on the relevant stock(s).
2. Exemptions where the justification is not based on dedicated studies (intuitive rather than scientifically proven) or on generic studies not specific to the exemption but likely to have a low impact on the stock(s).
3. Exemptions linked to the use of selective gears.
4. Exemptions where the *de minimis* volume of unwanted catches that could potentially be discarded under the exemption are below the level of unwanted catch as reported by ICES/FDI but there is no indication of additional measures to reduce such catches.
5. Exemption covers a broad range of species and/or gears/areas, making providing a justification covering the scope of the exemption challenging.
6. Exemptions that relate to stocks that are depleted and ICES has provided zero catch advice, or the stocks covered by the exemption are associated with other stocks where the scientific advice is for zero catch.
7. Exemptions based on further studies planned and the exemption is justified as a stop gap.
8. Exemptions where the catch data shows the unwanted catches are negligible or zero, but the exemption is needed “just in case” there are unwanted catches.

The EWG used this approach as a way of summarising the exemptions for DG MARE. However, the EWG recognized that it would require further refinement to make it useful for future assessments.

STECF observations

STECF reviewed the EWG report at a plenary meeting held online on the 12-13 June 2024. The plenary meeting was held to facilitate the provision of timely advice to DG MARE and to allow the preparation of the Delegated Regulations based on the JRs submitted by the Member State groups.

STECF reviewed the conclusions made by the EWG 24-04 for each exemption and focused on some key issues highlighted by the EWG regarding the process and methodology used to carry out the assessment.

STECF general observations

STECF notes and agrees with the general observations of the EWG 24-04 as detailed in section 3.1 of the EWG report, the most important of which can be summarised as follows:

- STECF reiterates that even though the landing obligation has been in force for nearly ten years, there is little evidence of a change in fishing behaviour or major improvements in selectivity in EU fisheries. Most of the time, the approach taken by Member States is to request exemptions to maintain the status quo (STECF 23-04 and 23-06).
- As already highlighted by previous EWGs (STECF 23-04 and 23-06), the quality of the catch data (landing and discard) supplied to support the proposed exemption is key for the assessment of the potential impact of the exemption, and its relevance to the current fisheries being executed. Quality catch data should contain information on the relevant gears, mesh size ranges and selectivity devices highlighted in the derogation. At the simplest of levels, the landings data provided should match the official declarations reported to other quality-controlled data sources such as Eurostat or FDI. If total landings reported in the JR cannot be corroborated in other data sources, it is unlikely that the estimates of discards can be used. The absence of this information renders it impossible to assess what the level of risk is associated with allowing discarding under the proposed exemption.
- It is pivotal that scientific species names (i.e., Latin names) or 3-alpha codes are used and a minimum standard of scientific annotation, citation and reporting should be striven for in the submission of JRs. This can avoid mistakes and misconceptions when reviewing the submissions.

Observations on *de minimis* exemptions

STECF notes and agrees with the observations of the EWG 24-04 on *de minimis* exemptions as detailed in section 3.2 of the EWG report, the most important of which can be summarised as follows:

- The catch (landings and discards) data provided to support *de minimis* exemptions did not allow for a meaningful assessment of the relationship between the volume of unwanted catches discarded under a *de minimis* exemptions and the total amount of unwanted catches. This is critical in assessing the impact of such exemptions. In many cases, estimates of landings and discards were not provided for the specific selectivity device mandatory under the proposed derogations.
- As already reiterated by previous STECF reports (EWG 21-05, 22-05), the lack of an

objective definition for disproportionate costs, the absence of species-specific studies to calculate the handling costs of unwanted catches, along with the limited literature provided on this topic, makes it difficult to objectively judge this criterion.

- **Lemon sole** is a data-poor category 3 stock, for which advice is given based on a biomass index trend to determine its status. The absence of a full analytical assessment with reference points (not proxy reference points) makes it difficult to evaluate the potential impact of the LO exemption on the overall stock status.
- As regards the requested *de minimis* exemption for **lemon sole**, fleets from Germany, France, and the Netherlands have not reported using Flemish panel, unlike Belgium where its use is mandatory. The lack of data makes it difficult to determine how many vessels could benefit from this exemption and thus the potential impact of the exemption.
- A full analytical stock assessment is not available for **lemon sole** and for certain areas where **red shrimps** are caught. While red shrimps are assessed in some GSAs.
- STECF observes that no, or negligible quantities, of discard data are reported for the **red shrimps fishery**, specifically for Spain (for *A. antennatus*) and Italy (*A. Antennatus* and *A. foliacea*). In France, landings (and discards) data for red shrimp species are zero as there is no deep-water fishery in GSA 7 and 8.
- For the two **red shrimps** (*Aristeus antennatus* and *Aristaeomorpha foliacea*), discard rates are too low (<0.05%) to justify a *de minimis* request. Discarded specimens consist of damaged individuals or on the portion of the fraction exceeding catch limits. Moreover, vessels fishing for deep-water shrimp during the day also operate in more coastal areas, complicating discard estimates in the shrimp fishery.

Observations on high survivability exemptions

STECF notes and agrees with the observations of the EWG 24-04 on high survivability exemptions as detailed in section 3.3 of the EWG report, the most important of which can be summarised as follows:

- **Norway lobster** accounts for only 1-1.7% of the catches landed by bottom trawl in the Western Mediterranean. Based on the information provided in the JR there is no evidence that this stock is a target species (catch volume or value) for this fishery based on the consistently very low (<1%) discard rates.
- The scientific articles submitted in support of the exemption request for **Norway lobster** (Garcia-De-Vinueasa et al. 2020) primarily reference studies on the vitality of specimens either on board or in the laboratory. Consequently, questions remain regarding the direct correlation between high vitality and high survival rates after discard for individuals residing at water depths greater than 300 meters. It would be beneficial to further investigate the survival after discard of this species in the Mediterranean, while acknowledging the challenges of conducting studies at such depths.
- Some existing exemptions for **Norway lobster** are tied to conditions like being available only during certain months based on temperature. Although temperature may affect the survival of discarded Norway lobster, there is no evidence in the JR that Member States are applying these conditions.
- The request of exemption did not present any new evidence of measures aimed at enhancing the selectivity of **Norway lobster** caught with trawl nets. It imprecisely mentions boats using more selective codends, but it's unclear what proportion of the fleet has adopted

these solutions.

- Several shortcomings and inconsistencies have been noted for **Norway lobster** caught with pots and traps, making it challenging to evaluate the application for exemption. Notably, discard data is only provided for France, while reported landings for Spain and Italy are minimal. Consequently, the expected impact and level of risk to the relevant stocks from the exemption, given the fishery and fishing gears used, appear minimal.
- Survival estimates for **Norway lobster** caught with pots and traps in the Mediterranean Sea are not provided. Instead, survival studies from the North Sea, depicting high survival rates, were presented. However, direct inference is not viable due to the warmer water and air temperatures in the Mediterranean, where higher temperatures have been found to negatively impact post-release survival rates.
- The studies supporting the exemption request for **Venus clam** refer to different areas and gear than those specified in the request. However, considering that 1) the seabed characteristics where the species resides are similar across areas, 2) some survival studies are from nearby regions, and 3) the gears used are similar (i.e., dredges), it can be inferred that Venus clam exhibits high survival rates (>90%) in the area relevant to the exemption request. Consequently, discarding immediately after capture might be beneficial to the stock. However, as highlighted in previous EWGs and in order to confirm the high survival rates of Venus clam observed in other areas and gears, it would be necessary to conduct specific survival studies in the areas and gears affected by the exemption request.
- No supporting information regarding the enhancement of gear selectivity for **Venus clam** was provided. Therefore, while the mechanised dredge is claimed to be highly selective, this assertion lacks robust scientific data beyond catch composition.
- No assessment for **Venus clam** caught by mechanized dredges in the Western Mediterranean is available, and the quantities landed, particularly for France and Italy, are too small to make predictions.
- The request for exemptions for **Venus clam** is not supported by information on the status of the resource, which makes it complicated to assess the effectiveness of measures taken previously.

Observations on Issues raised by EWG 24-04

STECF notes in reviewing the EWG report, that EWG 24-04 identified several key issues for STECF to discuss related to the process and methodology used to carry out the evaluation of exemptions and for future reviews. In addition to the observations made above, STECF observes the following relating to the issues raised by the EWG:

1. EWG 24-04: *The biggest weakness in the JRs provided by Member States is the catch data provided. The lack of consistency and presentation of the data made it difficult for the EWG completing meaningful assessments of the likely impact/risk of the exemption on the relevant or associated stocks. Therefore, the EWG requests STECF consider the data issues; identify the most reliable sources of data that could be used in the future; and identify any likely gaps in data that will be difficult to fill.*

STECF emphasizes the importance of accurate and consistent data for meaningful assessment of exemptions. While acknowledging the usefulness of additional data sources

like the FDI data extract, STECF underscores the need for detailed consideration of data issues identified by the EWG.

STECF highlights the potential of using catch data from Table A and effort summaries from Table J of the FDI report to provide context around exemption impacts and fisheries impacts. However, STECF notes that FDI data is limited and not specifically collected for evaluating exemptions to the landing obligation.

Additionally, STECF points out that the data reported through FDI calls focuses on scientific discard estimates, which may not capture all discards, particularly those from logbooks. STECF suggests that current data may not be sufficient for a comprehensive assessment of exemptions and advocate for additional data sources in the future.

STECF also raises concerns about the limited information provided by Member State groups regarding discarded unwanted catches against exemptions, suggesting a lack of reporting and monitoring.

2. EWG 24-04: *Evaluating the information provided to support de minimis exemptions due to disproportionate costs remains challenging. Most exemptions rely on generic studies outlining the costs of implementing the landing obligation. In some cases, such as the exemption requested for shrimps, reference is made to studies conducted in the same area but related to coastal trawling, which has a different catch composition, as evidenced by the graphs presented by Spain (other catch data are aggregated for all trawling sectors). An exception was the Belgian submission, which provided a detailed analysis, but then attributed all the extra costs of dealing with the by-catch only to lemon sole, inflating the disproportionately the cost associated with that species. Therefore, the EWG lacks the capability to assess these studies. STECF is urged to revisit prior guidance and revise their recommendations concerning disproportionate costs.*

STECF recognizes the efforts by the regional groups in providing information and analyses on disproportionate costs. However, on several occasions (EWG 21-05, 22-05), STECF has concluded that there is no scientific methodology or rationale to determine whether a specific level of additional costs is disproportionate. Despite very detailed calculations, STECF is unable to assess at what point costs become disproportionate, as there is no objective means to define what constitutes disproportionate costs.

3. EWG 24-04 raised the following points regarding the submission of data from the regional groups:

- *Previous EWGs (23-04/06), developed templates for provision of catch data and also for assessing the exemptions. While useful in assisting Member States formulate their JRs and for the EWGs in structuring the responses, these could be further refined. STECF is requested to consider these templates and suggest improvements where relevant.*
- *Giving guidance on appropriateness of requests, guidance on importance of scientific issues, with legal considerations staying in the background.*
- *In initiating future reviews, the EWG stresses it is vital that Member States and the Advisory Councils understand what information is needed to allow for a meaningful assessment to be carried out.*
- *The EWG emphasizes the importance of using scientific (i.e., Latin) species names, or at minimum, FAO abbreviations. This practice helps prevent errors and misunderstandings during the review of submissions, particularly in mixed fisheries where species with similar names are involved.*

STECF has provided templates and detailed guidance on multiple occasions to ensure that the information and analyses provided in the JRs are thorough and meet the required standards. However, despite these efforts, the JRs submitted to STECF have frequently fallen short of the requested data and the required level of detail. This has hampered STECF's ability to fully evaluate and assess the exemptions, thereby affecting the overall effectiveness of the review process.

STECF considers that a further review of the landing obligation, prompted by DG MARE in its Commission Communication,¹ presents an opportunity to evaluate the entire obligation and improve implementation. This review should include an examination of the exemption evaluation process, facilitating discussions on appropriate templates and guidelines to ensure consistent and coherent data submissions from the regional groups. STECF could contribute to this process through discussions in future plenary meetings or dedicated EWGs.

STECF conclusions

General conclusions

STECF concludes that EWG 24-04 addressed all TORs and provided information on all JRs. STECF agrees with the findings of EWG 24-04 regarding the JRs and endorses the report.

- STECF reiterates its conclusion from STECF 23-04 and 23-06 that even though the landing obligation has been in force for nearly ten years, and STECF has been assessing JRs submitted since 2014, it is apparent that there is little obvious change in fishing practices to avoid unwanted catches. Exemptions are used principally to maintain the fisheries status quo rather than as a last resort to cover small, residual unwanted catches. The majority of exemptions are still justified as being requested to avoid choke situations, yet there is little evidence of such situations occurring.
- As emphasized in previous STECF advice and acknowledging the efforts made by the regional groups in drafting the 2024 JRs, STECF concludes that the JRs lacked a robust scientific foundation, extrapolated data from other fisheries/species or simply referenced documents previously submitted to EWGs without offering any new insights. This has constrained the STECF evaluation process, with many of the previous observations by the STECF regarding exemptions still holding true in numerous instances.
- STECF concludes that further research on the adoption of innovative and selective fishing gears is necessary, emphasizing the need to investigate Political, Economic, Social, Technological, Ecological and Legal drivers of adoption to ensure that innovative gears contribute to the improved sustainability of fisheries.
- STECF concludes that a further review of the landing obligation, prompted by DG MARE in its Commission Communication², presents an opportunity to evaluate the entire obligation and improve its implementation. This review should include an examination of the exemption evaluation process, facilitating discussions on data

¹ COM(2023) 103 final. Communication from the Commission to the European Parliament and the Council – “The common fisheries policy today and tomorrow: a Fisheries and Oceans Pact towards sustainable, science-based, innovative and inclusive fisheries management”.

issues and templates for consistent and coherent submission of JRs from Member State groups. STECF could contribute to this process through discussions in future plenary meetings or dedicated EWGs.

Conclusions on *de minimis* exemptions

- STECF concludes that while short-term additional costs and/or reduced revenues might be unavoidable, reducing unwanted catch can lead to longer-term benefits if stocks' sustainability improve. As such, joint recommendations should include information on both short-term and potential long-term effects (of exemptions or mitigation measures) on the viability of the fleets and the sustainability of the stocks.
- STECF concludes that both *de minimis* exemptions requests lack clarity regarding discard data, either due to no past discarding or insufficiently collected and/or transmitted data. Indeed, discrepancies exist between Member States' submissions and discard data within the FDI.
- STECF concludes that the connection between the requested *de minimis* volumes and the level of unwanted catches remains unclear based on the information provided in support of the exemptions.
- STECF concludes that conceding the *de minimis* exemptions to accommodate high levels of unwanted catches, and consequently, high handling costs, could undermine the incentive to enhance selectivity. Thus, STECF concludes that it is essential to prioritize the improvement of selectivity or the adoption of avoidance methods to reduce unwanted catch levels.
- STECF reiterates that judging at which level costs are disproportionate is not possible as there is no way of assessing objectively what level of costs constitutes disproportionate. For this reason, in assessing *de minimis* exemptions, the relationship between the *de minimis* volume, the actual level of unwanted catches and the overall status of the stocks involved has been the focus of the assessments.
- STECF concludes that for certain requested exemptions, it's challenging to identify the underlying rationale from the submitted materials. Indeed, exemptions should be granted either when no improvements to gear selectivity are feasible or when costs are disproportionately high.

Conclusions on high survivability exemptions

- STECF concludes that determining what qualifies as high survivability remains challenging due to the limited evidence and variability in available estimates. Various factors influencing survival are not thoroughly understood, adding complexity to the assessment of survivability requests, as multiple factors must be considered.
- STECF concludes that there is a lack of scientific evidence supporting the request for high survivability of **Norway lobster** caught with pots and traps in the Western Mediterranean, rendering further evaluation of the proposed exemption unreliable. Additionally, considering the negligible catches of this species by Spain and Italy, and the absence of discards reported by France, the necessity of this exemption remains unclear.
- STECF concludes that concerning the survivability exemption for **Venus clam** caught with mechanised dredges, the available data and supporting scientific articles, although from different regions and for similar gears, indicate high survival rates for this species.

However, STECF emphasizes the importance of conducting specific survival studies in the areas covered by the exemption request.

Contact details of STECF members

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REPORT TO THE STECF

EXPERT WORKING GROUP ON Evaluation of joint recommendations on the landing obligation, technical measures, and conservation measures necessary for compliance with obligations under Union environmental legislation (EWG-24-04)

Virtual meetings, 13-17 May 2024

This report does not necessarily reflect the view of the STECF and the European Commission and in no way anticipates the Commission's future policy in this area

1. INTRODUCTION

1.1. Background

Following consultation with the relevant Advisory Councils under the Common Fisheries Policy (CFP), Member States cooperating at sea-basin level may submit collective recommendations to the Commission seeking exemptions from the landing obligation. If the Scientific, Technical, and Economic Committee for Fisheries (STECF) confirms that these exemptions align with the expected results, the Commission adopts delegated acts to incorporate these recommendations into EU legislation, as outlined in Article 15(6) of the CFP Regulation³. In cases where there is no established multiannual plan for the specific fishery, Article 15(6) grants the Commission to adopt delegated acts establishing temporary discard plans, including the aforementioned exemptions. These discard plans can encompass six potential elements, namely:

- Definitions of fisheries and species.
- Provisions for survivability exemptions.
- Provisions on *de minimis* exemptions.
- The fixation of minimum conservation reference sizes.
- Additional technical measures needed to implement the landing obligation.
- Documentation of catches.

The temporary discard plans prescribed in Article 15(6), which had a maximum duration of six years until 2021 (with the exception of the ongoing plan for turbot fisheries in the Black Sea), have been replaced by measures established under Article 15(5) and outlined within multiannual plans. Within these existing multiannual plans, provisions⁴ stipulate that the Commission is authorized to adopt delegated acts in accordance with Article 18 of the CFP Regulation (Regionalisation procedure). The majority of delegated regulations specifying the implementation details of the landing obligation have been adopted by the Commission under the existing multiannual plans (covering the Western Waters, North Sea, Baltic Sea, and Western Mediterranean Sea) and are set to expire by the conclusion of 2027.

The STECF has reviewed the joint recommendations submitted annually since 2014-2021 by the regional groups of Member States⁵ on fisheries subject to the landing obligation in the

³ Regulation (EU) 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC. OJ L 354, 28.12.2013, p. 22.

⁴ Article 13, Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008

Article 11, Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008

Article 7, Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007

Article 14, Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014

⁵ Scheveningen Group, North Western Waters Group, South Western Waters Group, BaltFish, PESCAMED, Adriatica, SudestMed

subsequent year. The implementation of the landing obligation has entered fully into force as of 1 January 2019. The STECF is requested through these working groups to review and evaluate the Member States' joint recommendations that would continue the implementation of the landing obligation beyond 2024.

Joint Recommendations on Technical Measures

All amendments, supplements, repeal or derogations from technical measures will be based upon Article 15 of the Technical Measures Regulation (Regulation (EU) 2019/1241). The entry into force of this Regulation resulted in the introduction of the process of regionalization in numerous fields as far as technical measures are concerned. In this process, the regional groups should develop joint recommendations that would need to go through the STECF in order to assess to what extent the recommendation proposed goes in line with achieving the objectives set out in the Regulation.

Joint Recommendations on Conservation measures necessary for compliance with obligations under Union environmental legislation (Article 11 CFP Regulation)

Member States are empowered to adopt conservation measures not affecting fishing vessels of other Member States that are applicable to waters under their sovereignty or jurisdiction and that are necessary for the purpose of complying with their obligations under Article 13(4) of Directive 2008/56/EC, Article 4 of Directive 2009/147/EC or Article 6 of Directive 92/43/EEC, provided that those measures are compatible with the objectives set out in Article 2 of the CFP Regulation, meet the objectives of the relevant Union legislation that they intend to implement, and are at least as stringent as measures under Union law.

Member States can submit joint recommendations with the relevant information on the measures required, including their rationale, scientific evidence in support and details on their practical implementation and enforcement. The Commission shall adopt these measures into delegated acts taken into account the available scientific advice – linked directly to this terms of reference for the STECF.

1.2. Terms of Reference for EWG-24-04

Based on the previous evaluations of the STECF, the Ad-hoc contract 19-01 on temporary *de minimis* exemptions, the joint recommendations that will be submitted by Member States regional groups, the following terms of reference are proposed

STECF is requested to:

1. Review the supporting documentation and catch data underpinning the requests for exemptions on the basis of **high survivability, as included in the joint recommendations submitted by the regional groups.**

In data-poor situations and for exemptions relating to very small quantities, the STECF is requested to look into the possibility to extrapolate the evaluations, studies or any relevant scientific material from other sea-basins. The STECF is requested to assess what further

supporting information may be available and how this could be supplied in the future (e.g. survival studies, tagging-release-recapture experiments).

Taking into account the proportionality approach (for instance the volume of catches/discards and the difficulty/cost for Member States to undertake studies or experiment for small fisheries).

In those cases where not sufficient data could be provided, the STECF is requested to provide recommendations on the future gathering of such data (preferably via existing databases).

2. Review the supporting documentation (biological, technical and/or economic) for **de minimis** exemptions on the basis that either increasing selectivity is very difficult to achieve, or to avoid handling unwanted catches would create disproportionate cost. This review should focus on the requests for de minimis exemptions as included in the joint recommendations put forward by the regional groups.
In data poor situations, assess what further supporting information may be available and how this could be supplied in the future (e.g. discard data collection, selectivity studies, test new bycatch reduction devices).
3. For any joint recommendations submitted on the elements of the Technical Measures Regulation, the STECF is requested to:
 - a. *Review whether there is sufficient information to support proposed minimum conservation reference size(s) that deviate from existing minimum landing sizes, and whether they are consistent with the objective of ensuring the protection of juveniles; as well taken into account Article 15(5) of the TMR stating mesh size specifications shall not lead to a deterioration of selectivity standards.*
 - b. *Review the supporting documentation provided for technical measures aimed at increasing gear selectivity for reducing or, as far as possible, eliminating unwanted catches including reducing fishing mortality on stocks in need of remedial measures for rebuilding biomass. This should include, if relevant, an indication of where further selectivity is currently difficult to achieve in a specific fishery, given the current state of technological developments.*
4. For any joint recommendation submitted on the elements of conservation measures under Article 11 of the CFP Regulation, the STECF is requested to:
 - Review the suitability and potential effectiveness of the proposed conservation measures to minimise the negative impacts of fishing activities on the marine ecosystem and ensure that fisheries activities avoid the degradation of the marine environment;
 - Assess to what extent the proposed conservation measures: a) correspond to the ecological requirements of the habitats and species protected in the relevant sites and contribute towards achieving conservation objectives of the sites; b) Assess to what extent the proposed conservation measures are capable of preventing deterioration of habitat types, habitat of the species and significant disturbance of species protected in the site. If the assessment shows that the proposed measures are insufficient, identify any additional measures needed to: a) prevent deterioration of habitat types, habitat of the

species and significant disturbance of species protected in the site; b) achieve conservation objectives of the sites;

- Comment on whether the proposed control and enforcement regime is adequate and sufficient to ensure a proper enforcement of the conservation measures proposed for the management zones;
- Comment on how the proposed conservation measures may affect fishing activity of the fleets that currently operate in the proposed management zones. This should include identification of the fleets concerned, their economic dependence on the proposed management zones, their potential to reallocate the fishing activity and potential economic and ecological consequences.

1.3. Summary of the Joint Recommendations submitted

JRs were submitted by:

a) the North-Western Waters group and the Scheveningen groups requested a de minimis exemption for catches of lemon sole by vessels using beam trawls (TBB) of mesh sizes equal to and above 80 mm equipped with the Flemish panel in Union waters of ICES subareas 4 and 7d. The request is for a quantity of lemon sole which shall not exceed 5% of the total annual catches of that species in this fishery;

b) the PESCAMED group requested for the Western Mediterranean Sea the continuation of the survivability exemptions provided in article 3 of Regulation n° 2021/2066 and in article 1 of Regulation n° 2022/2288 and expiring by December 2024, from 1st of January 2025 onwards, for a minimum period of three years: *i*) for Venus shell (*Venus* spp.) caught with mechanised dredges (HMD); *ii*) for Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) between January to June and September to December; for *iii*) Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX).

c) the PESCAMED group requested in the Western Mediterranean Sea a new de minimis exemptions from 1st of January 2025 onwards, for a minimum period of three years: for deep water shrimps (blue and red shrimps (*Aristeus antennatus*) and giant red shrimps (*Aristaeomorpha foliacea*)), up to a maximum of 5 % (for 2025 to 2027) of the total annual catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).

Planned submissions that were not submitted to the EWG:

North Western Waters:

- High Survivability exemption for spurdog.
- Management measures for the scallop fishery.
- Directed fisheries for squid (combined with North Sea)

North Sea:

- High survivability exemption for plaice.
- De minimis exemption for haddock

Marine protected areas and Natura 2000 sites:

- Joint Recommendation already at final stage of preparation by the Netherlands for six marine protected areas in the Dutch part of the North Sea, namely the Cleaver Bank, Southern Dogger Bank, Central Oyster Grounds, Frisian Front (MSFD), Brown Ridge and Borkum Reef Grounds (expected to be approved by the Scheveningen HLG on 17 April and then submitted in the first half of 2024, so for the EWG)
- Joint Recommendation already at final stage of preparation by Denmark for five sites Natura 2000 in the Danish part of the North Sea and Skagerrak (expected to be approved by the Scheveningen HLG on 17 April and then submitted in the first half of 2024, so for the EWG)

EWG 24-04 met virtually from 13-17 May virtually, to review the JRs submitted.

2. EVALUATION OF REGIONAL JOINT RECOMMENDATIONS

To help Member States groups, STECF PLEN 22-03 created templates for supplying fisheries information to facilitate *de minimis* and high survivability exemptions to the landing obligation. These templates were modified versions of previous templates devised by STECF EWG 16-05 and are included in Annex I.

2.1. Structure of Advice – *de minimis* exemptions

In evaluating each *de minimis* exemption request, EWG 24-04 has examined the following aspects for each exemption, drawing from the information within the Joint Recommendations (JRs):

- A detailed overview of the problem.
- Comprehensive data check on catches and fleets pertaining to the relevant stock and fishery for which the exemption is sought.
- An assessment of what this data reveals regarding the prevalence of unwanted catches in the fishery, both in terms of relative terms (discard rates) and absolute terms (volume of unwanted catches).
- Indications of Member States' utilization of the exemption.
- A review of previous supporting studies/literature reviews provided for the exemption, as well as any newly available information.
- Details regarding research endeavors aimed at enhancing selectivity.
- Information on the degree of disproportionate costs associated with implementing the landing obligation.
- Evaluation of the impact/risk of the exemption within the context of the fishery.
- Plans for forthcoming research intended to support the exemption.

The information has been collated using a template developed during the STECF PLEN 22-03 as shown in Annex I.

2.2. Structure of Advice – high survivability

When evaluating each requested high survivability exemption, EWG 24-04 has considered the following factors for each exemption, drawing from the information contained in the Joint Recommendations (JRs):

- A detailed overview of the problem.

- Provided survival estimates and the reliability of these estimates.
- Assessment of survivability estimates in relation to the discard rate within the fishery.
- Measures taken to enhance selectivity and operational practices aboard fishing vessels to improve survivability.
- Anticipated impact/level of risk on the relevant stocks due to the exemption, considering the fishery and fishing gear utilized.
- Planned new information, research, or studies.

The information has been collated using a template developed by the EWGs as shown in Annex II.

2.3. Categorisation of Exemptions

In reviewing the exemptions, the EWG has observed that they can be categorised as follows:

1. Exemptions supported by catch data from all Member States, are well justified and shown to likely have a low impact on the relevant stock(s).
2. Exemptions where the justification is not based on dedicated studies (intuitive rather than scientifically proven) or on generic studies not specific to the exemption but likely to have a low impact on the stock(s).
3. Exemptions linked to the use of selective gears.
4. Exemptions where the *de minimis* volume of unwanted catches that could potentially be discarded under the exemption are below the level of unwanted catch as reported by ICES/FDI but there is no indication of additional measures to reduce such catches.
5. Exemption covers a broad range of species and/or gears/areas, making providing a justification covering the scope of the exemption challenging.
6. Exemptions that relate to stocks that are depleted and ICES has provided zero catch advice, or the stocks covered by the exemption are associated with other stocks where the scientific advice is for zero catch.
7. Exemptions based on further studies planned and the exemption is justified as a stop gap.
8. Exemptions where the catch data shows the unwanted catches are negligible or zero, but the exemption is needed “just in case” there are unwanted catches.

The EWG used this approach as a way of summarising the exemptions for DG MARE. However, the EWG recognised that it would require further refinement to make it useful for future assessments.

3. EWG 24-04 OBSERVATIONS

Following from previous EWGs (EWGs 15-10, 16-10, 17-08, 18-06, 19-08, 20-04, 21-05, 22-05, EWG 23-04 and 23-06 as well as STECF PLEN 14-02, 19-02) set up to evaluate the Joint Recommendations, STECF has repeatedly made some general observations relating to the Joint Recommendations submitted by the Regional Groups of Member States. Many of these remain valid to the review carried out by EWG 24-04. These are divided into three categories: general observations, *de minimis* exemption-related observations, and high survivability exemption-related observations.

3.1. General Observations

- The role of EWG set up to evaluate Joint Recommendations remains to evaluate the scientific rigor and robustness of the underpinning information supplied by Member States to support the main elements of Joint Recommendations. The EWG cannot adjudicate on whether exemptions should be accepted or not.
- The EWG acknowledge the efforts made by the Member States and High-Level Groups in formulating the JRs for 2024. Some JRs were planned but were not submitted to the EWG in time.
- The EWG reiterate the need to improve the quality and consistency of catch data provided to support exemptions. Such data are important to understand the relationship between the level of potential discards under the requested exemptions and the actual level of unwanted catches in the relevant fishery and for the relevant stocks. In the absence of this information, for many exemptions the EWG could not assess the level of risk of allowing discarding under the exemptions would potentially have on the status of the stock or stocks involved.
- The EWG highlights the importance of providing the best possible catch information. The EWG notes that catch, fleet and effort data are quite clear and comprehensive only for some requested exemptions. However, some JRs used the templates and provided relative and absolute estimates of unwanted catches. Data were provided in different formats and for different years. Moreover, in some cases, such as the exemption requested for shrimp, the reported catch data encompass all trawling sectors combined (only Spain provided a higher level of detail, highlighting the composition of catches from the trawling sector dedicated to shrimp fishing). This has made it difficult to evaluate the request.
- The EWG notes that requests for renewal of exemptions are not supported by information on the status of the resource, which makes it complicated to assess the effectiveness of measures taken previously. The data needed to evaluate the potential impact of an exemption on a stock is often still incomplete, because Member States either do not meet the legal requirement to record all catches discarded or because there are no discards under an exemption. Furthermore, data on some of the relevant parameters are not routinely collected making any inferences difficult at fleet scale, however it must be noted that discards are supposed to be recorded in the fisher's log-book.
- The EWG notes that there are some discrepancies between the landings and discards data reported in some JRs and the data from the FDI data (STECF, 2023). Landings data reported in the JR and FDI should be an exact match as they form a baseline of official declarative data. Any variation in total landings in the JR to the FDI indicates that the JR is incomplete/incorrect. Discard estimates may vary significantly between both data sets as they are scientific estimates calculated for different reasons.
- The EWG notes that the discard estimates reported in some exemption requests are very low and such that they do not justify the requests.
- The EWG notes that some requests for exemption refer to documents submitted in previous EWGs. EWG reaffirms the importance of submitting all relevant documents for the JR evaluation each time, in order to enable experts to assess requests in the best possible manner. The EWG lauds the timely delivery of the JRs which were considered at this EWG.
- The EWG notes that the data supporting requests for exemptions relating to high survivability, in some cases relate to different areas and gears than those for which exemptions were requested. However, for some species (e.g. Venus clam) the available data and supporting scientific articles, although conducted in other areas,

support the high survival rates. EWG reiterates that it is preferential to conduct specific survival studies in the areas covered by the exemption request. This, for some JRs, has already been reiterated in previous EWGs. It is worth noting that in cases of data poor situations, inferences from other areas are better than nothing, as long as efforts are made to address the situation.

- The EWG observes that in some cases the requests for *de minimis* exemption due to “disproportionate costs of handling unwanted catches” are rather generic and lack substantiation with species-specific data or case studies.
- The EWG reiterates that the avoidance of unwanted catch through improved selectivity or other means should be the primary focus in implementing the landing obligation. While it is acknowledged that improving selectivity may lead to reduced revenues, these losses should be considered within the broader context of medium-term benefits to fish stocks, the risk of choke events, and the use of quotas to land lower-value catches. However, in the majority of the submitted JRs, there are no new selectivity studies or technological innovations that would allow for an increase in selectivity, and it is sometimes generically reported that it is not possible to increase gear selectivity without a solid scientific basis. EWG encourages more research on innovative/selective gears should be undertaken by incorporating socio-economic indicators on the performance of such devices to maintaining the fishers’ livelihood in the short and medium term.
- The EWG insists that scientific (i.e. latin) species names should be used, or at the very least FAO abbreviations. This can avoid mistakes and misconceptions when reviewing the submissions; especially when the mixed fisheries contain similarly named species.
- The EWG reiterates and insists that a minimum standard of scientific annotation, citation and reporting should be striven for. Absent units, figure captions and wrong/empty citations result in unnecessary doubts about the submitted material.
- The EWG encourages the submission of use of selectivity devices to the FDI. This information can be vital to assess their use and whether fleets fall under certain LO exemptions.
- The EWG observes that STECF has been requested several times in the first years after the adoption of the current basic regulation to provide an *ex-ante* feedback on possible effects of the landing obligation. In the first EWG report on the landing obligation (STECF 13-20, p. 9), the EWG stated that difficulties to improve selectivity may have more to do with economic implications (short term losses) than technical issues. This latest assessment supports this conclusion. It is apparent that exemptions have been introduced principally to reduce the short-term costs of the implementation of the landing obligation, rather than to solve problems in specific fisheries.

3.2. Observations on *de minimis* exemptions

- The EWG highlights that both *de minimis* exemptions are new requests that have not been submitted/granted before.
- The EWG notes for both exemptions the relationship between the *de minimis* volume requested and the level of unwanted catches is unclear from the information provided to support the exemption. In the case of the requested exemption for deep-sea shrimps, the discard rates range between 0 and 0.05%, thus not justifying the request. The discards consist of spoiled specimens or on the portion of the catch exceeding catch limits. On *Aristeus antennatus* and *Aristaeomorpha foliacea* there are ongoing

assessments by the GFCM on the possible introduction of a MCRS, but EWG believes that a request for a prior exemption is speculative at present.

- The EWG observes that there is limited literature on “disproportionate costs of handling unwanted catches”. There are a few specific projects (e.g., MINOUW project and a study from the Netherlands (Van Oostenbrugge et al. 2021)) where researchers have attempted to calculate the actual costs of handling unwanted catches on board. However, STECF has stated several times that it remains a judgement call when costs can be defined as ‘disproportionate’ (see STECF 2013, p. 10, STECF 2014b (EWG 13-17), p. 10). Therefore, there is still no objective threshold for ‘disproportionate costs.’
- The EWG notes that for both exemption requests, no species-specific studies were available to calculate the handling costs. Cost estimates for handling different species within the same fishing area are poor proxies to adjudicate what the real costs are. Belgium did provide a cost analysis for sorting bycatch falling under LO, but then attributed the entire extra cost to only the species under consideration, which is not scientifically justifiable.
- The EWG reiterates that Member States should base such exemptions on the wording contained in Article 15 which states, “To avoid disproportionate costs of handling unwanted catches, for those fishing gears where unwanted catches per fishing gear do not represent more than a certain percentage, to be established in a plan, of total annual catch of that gear”. The EWG interprets this to mean that disproportionate costs are a given and the focus should be on defining the percentage of unwanted catches that could be justifiably discarded under such an exemption, rather than whether costs are disproportionate or not.
- The EWG highlights the absence of species specific-selectivity studies in both *de minimis* exemption requests. A selectivity study was found by the EWG conducted on shrimps in Spanish waters.
- The EWG notes that for the exemption covering the deep-water shrimp more selective gear is available to the fisheries, and some fishers have taken up the larger mesh sizes but two crucial information points have not been presented: what do the bigger mesh sizes mean in selectivity for the deep water shrimps and what is the percentage of the fleet with larger mesh sizes.
- The EWG notes that for the *de minimis* exemptions, particularly in the western Mediterranean, the number of vessels that could avail of this exemption is potentially large. In fact, the area covered by the exemption request is theoretically very large, in the absence of a clear geographic connotation of the fishery; secondly, vessels fishing for deep-water shrimp during the day also explore more coastal fishing grounds. These factors complicate estimates of discard in shrimp fishery alone. Therefore the monitoring of discards under the exemption is potentially challenging, also considering the small volume of discards per vessels.
- The EWG encourages the continuation of the MEDITS survey to obtain relevant information to assess stock status of the deep-water shrimps. Thoughts should be given how to extend the area covered by stock assessments to cover the entire exemption area of both the deep water shrimp species.
- The EWG is concerned about the lack of reported use of the Flemish panel by fleets of Germany, France and Netherlands. Neither the request nor the FDI data does not contain any submissions on that topic; with the exception for Belgium where the use is compulsory. This makes it difficult to assess the total number of vessels to which this exemption would be available.

- The EWG highlights the absence of the reference for the study presented in the lemon sole exemption request. The only information that was given was ILVO 2024 and a non-functioning hyperlink.
- The EWG highlights the absence of assessments for lemon sole and for some of the area in which the deep-water shrimps occur and are caught. Although the deep water shrimps are assessed in certain GSAs, some GSAs are not covered. The lemon sole stock is a data poor stock and relies on an index-based approach to determine its state. The absence of assessments with reference points makes it difficult to assess the potential impact of the LO exemption on the overall stock status.

3.3. Observations on high survivability exemptions

- The EWG observes like EWG 23-04 did, that for complex survival exemptions (i.e. *Nephrops norvegicus*) that cover multiple gears and/or species/areas, it would be useful to carry out a detailed meta-analysis of survival studies to assess the overall effect of such exemptions. The EWG recognises that in data-poor situations and for exemptions relating to very small quantities, evidence may be extrapolated from other sea-basins and similar fisheries. EWG 24-04 emphasises that in such cases detailed comparisons of fishery conditions are critical to gauge representativeness and comparability of the studies. EWG 24-04 concludes that such extrapolations are less robust than empirical studies for a given species-fishery-area. If empirical survival observations are lacking, data-limited prognostic approaches may be an alternative.
- The EWG notes that ICES WGMEDs began with critical reviews and a meta-analysis as part of their ToR (e.g., for *N. norvegicus*) prior to the conclusion of the working group. EWG encourages the publication of the results of these efforts, because these will be highly relevant as input for future exemption proposals.
- The EWG notes that the studies supporting requests for exemptions relating to high survivability, in some cases relate to different areas and different fishing gears than those for which exemptions were requested.
- Some existing exemptions for *N. norvegicus*, for example, continue to be linked to conditions such as making the exemption only available during certain months depending on temperature. While temperature may influence survival of discarded *N. norvegicus*, there is no evidence provided as part of the JR that these conditionalities are being applied by Member States.
- The EWG notes that the three years high survivability exemption for *N. norvegicus* caught with bottom trawls was requested each year for the period January-June and September-December. Scientific data supporting the exemption (already reviewed by EWG 21-05) show that the survival of this species is strongly linked to air temperature, with a survival rate of 74% in winter and 36% in spring. Other studies supporting the request (conducted in the Gulf of Cadiz), show higher survivability rate in spring (68%) than in autumn (34%).
- The EWG appreciates that the Pescamed has provided water/air temperature records along the trajectory of fishing and handling. Although these data are to some extent useful, this is still insufficient to describe and correlate this event with stress response measurements; there is not a whole picture of temperature changes during fishing operations (air, sea surface and sea floor) and how these influence thermal shock and survival of discarded *N. norvegicus*.

- The EWG notes that the low survival rates of *N. norvegicus* during the summer (6%) seem to justify the suspension of the exemption during this period. However, a more in-depth investigation would be needed to actually verify which period is more suitable, especially in light of the prolonged hot season in the Mediterranean.
- The EWG notes that *N. norvegicus* represents between 1- 1.7% of the catches landed by bottom trawl in the Western Mediterranean. Therefore, it seems that a) *N. norvegicus* is not targeted by this fishery and B) discard rate is always very low (below 1%).
- The EWG notes that the causative link between “keeping them alive for the market” and long-term survivability at sea is not scientifically supported.
- The EWG notes that no new evidence of measures taken to improve the selectivity of Norway lobster caught with trawl nets was presented in the request, although information exists, such as the ICATMAR report (2021). Moreover, the request of exemption generically refers to boats using more selective codends, but it is not clear what portion of the fleet is actually using these solutions.
- The EWG highlights that appropriate on-board measures based on treatment with cool waters could have positive effects on the survival of *N. norvegicus* specimens.
- The EWG observed numerous shortcomings and inconsistencies that make it difficult to assess the application for exemption for *N. norvegicus* caught with pots and traps. EWG notes that limited information is provided for discards (France only, with zero discards reported between 2021 - 2023), while the reported landings for Spain and Italy are negligible and insignificant. Based on this information, the projected impact and level of risk to the relevant stocks from the exemption, considering the fishery and the fishing gears used, is minimal.
- The EWG notes that no survival estimates were provided for *N. norvegicus* caught with pots and traps in the Mediterranean Sea. Instead, survival studies from completely different areas (North Sea) were presented, showing high survival rates. EWG concludes it is not feasible to make direct inference as water and air temperatures in the Mediterranean are generally warmer than the North Sea and higher water and air temperatures have been found to negatively affect post release survival rates.
- The EWG highlights that a full-scale study in the *N. norvegicus* caught with pots and traps in the Mediterranean Sea would make for more robust survival estimates.
- The EWG reiterates that the considerations made about the survival of *N. norvegicus* in relation to temperature, described above for trawling, are also applicable to pot and trap fishing.
- The EWG notes there is no evidence of measures being taken to improve selectivity to reduce unwanted catches of *N. norvegicus* in pot and trap in the western Mediterranean.
- The EWG notes that the survivability exemption for Venus shell (*Venus* spp.) caught with mechanized dredges (HMD) is based on a high survival rate and the fact that mechanized dredges are highly selective gears that do not harm individuals released immediately back into the water.
- The EWG notes that the studies on the survival and vitality of Venus clam, brought in support of the exemption request, refer to different areas and gear than those for which the exemption is requested. However, considering that the seabed where the species lives have the same characteristics (albeit in different areas), that some survival studies come from areas in proximity with the area of the exemption (Algarve coast vs Alboran Sea) and that the gears in question are dredges, it is possible to

conclude that Venus clam has high survival rates (> 90%) and that therefore discarding immediately after capture is beneficial to the stock.

- As highlighted in previous EWGs (STECF 22-05, 21-05), the EWG 24-04 reiterates that in order to confirm the high survival rates of Venus clam observed in other areas and gears, it would be necessary to conduct specific survival studies in the areas and gears affected by the exemption request.
- The EWG notes that no supporting information is supplied by PESCAMED regarding the improvement of gear selectivity for Venus clam. However, mechanised dredge (HMD) is reported to be highly selective. This claim is not supported by robust scientific data (other than the composition of the catches). EWG notes the importance of initiating studies to improve gear selectivity.
- The EWG notes that there is no assessment for Venus clam caught by mechanized dredges in the Western Mediterranean and the quantities landed are too small (especially for France, and Italy) to make predictions.

4. WESTERN WATERS AND NORTH SEA – OVERVIEW OF JOINT RECOMMENDATIONS

Regulation (EU) 2018/973 establishes a multiannual plan for demersal stocks in the Union waters of the North Sea and the fisheries exploiting those stocks (the “North Sea MAP”).

Regulation (EU) 2019/472 establishes a multiannual plan for stocks fished in the Union’s Western Waters and adjacent waters and the fisheries exploiting those stocks (the “Western Waters MAP”).

The Commission has the authority to establish delegated acts under Article 18 of the western waters MAP, Article 16 of the North Sea MAP, and Article 18 of Regulation (EU) No 1380/2013, which complements the MAPs by defining limits on the overall capacity of the fleets of the relevant Member States. This aims to facilitate the fulfilment of the objectives outlined in Article 3 of these MAPs.

The specifics regarding the implementation of the landing obligation for select fisheries in the Western Waters and the North Sea are outlined in Delegated Regulations (EU) 2023/2623 and 2023/2459, which delineate the implementation details for certain fisheries during the period from 2024 to 2027.

The North Western Waters group and the Scheveningen group submitted a Joint Recommendation for an amendment to the discard plans in the Commission Delegated Regulations (EU) No. 2023/2623 and 2023/2459. The request was for **a *de minimis* exemption for catches of lemon sole by vessels using beam trawls (TBB) of mesh sizes equal to and above 80 mm equipped with the Flemish panel in Union waters of ICES subareas 4 and 7d. The request is for a quantity of lemon sole which shall not exceed 5% of the total annual catches of that species in this fishery.** This request was based on article 15, 5 c) (ii) and (i) of regulation (EU) No 1380/2013 due to disproportionate costs of handling lemon sole catches and difficulties to increase selectivity.

The joint recommendation was jointly agreed by North Western Waters and Scheveningen High-Levels Groups (HLG), supported by a technical group, a fisheries-environment group and a control group. Members of the NWW Group are Belgium, France, the Netherlands, Spain and Ireland. Members of the Scheveningen Group are Belgium, Denmark, France, Germany, the Netherlands, and Sweden.

The main elements of the 2024 JR are summarised in table 4.1.

Table 4.1. Main elements assessed by the EWG for lemon sole *de minimis* exemptions request in the Western Waters and North Sea beam trawling.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	<p>De minimis exemption for lemon sole, up to a maximum of 5 % of the total annual catches of that species by vessels using beam trawl gear with a mesh size of ≥ 80mm equipped with Flemish panel, to catch common sole in ICES subarea 4 and 7d.</p> <p>This is a request for a new exemption. The request for a <i>de minimis</i> exemption is based on article 15, 5 c) (ii) and (i) of regulation (EU) No 1380/2013 due to disproportionate costs of handling lemon sole catches and difficulties to increase selectivity. The quantity of 5% of the total annual catches of that species in this fishery for the exemption is requested in order to ensure consistency with the similar <i>de minimis</i> exemptions already granted for demersal fisheries in the North Sea through regulation 2023/2459, such as <i>de minimis</i> exemption for common sole with TBB 80 -119mm in area 4 (article 11.1.(b)).</p>
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	<p>The exemption is requested on the basis of:</p> <ul style="list-style-type: none"> - disproportionate costs of handling undersized lemon sole - challenges to increase selectivity <p>Belgium was the only Member State to provide a justification for the exemption based on disproportionate costs due to handling the unwanted catches of lemon sole on board. The information provided in the JR suggests that the handling of undersized lemon sole in accordance with the landing obligation would result in the need for an additional crew member on each vessel, resulting in a cost of almost €3.5 million per year, for the 55 vessels in the Belgian fleet.</p> <p>Justification for impacts on selectivity were presented from historical research which indicated that that increasing the mesh size from 80 to 90 mm would improve selectivity for plaice and common sole. However, it would have a significant short-term economic impact for sole with economic losses estimated at 8-12% of revenue. This does not directly refer to lemon sole.</p>
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	<p>Varying levels of catch and fleet data have been provided by each Member State. This variation presented a challenge to comparing the data provided in the JR directly to the requested exemption and to the FDI. A summary of the variation in total landings and discards between the JR and the FDI can be found in Table 4.4.</p> <p>In cases when the official landings differed between the JR and FDI it was deemed not feasible to use the data for</p>

	<p>the purposes of the review (i.e. Netherlands). It was accepted by EWG 24-04 that discards could vary between data set as they were estimated for different purposes, for example Belgium have reported more discards to the JR then FDI, and this was deemed valid by EWG 24-04.</p>
<p>What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?</p>	<p>Four Member States provided information on the extent of unwanted catches of lemon sole: Belgium, Germany, Netherlands and France.</p> <p>The format, aggregation level and relevance of this information to the proposed derogation varied significantly between MSs. For this reason, EWG 24-04 used additional information sources: FDI STECF 2023 & ICES 2023 a,b,c,d,e,f) to corroborate this information.</p> <p>The discard rates reported in the JR ranges between 8% and 63%. However, a number of these fleets are not relevant to this proposed derogation. For this review EWG 24-04 focused on the data provided for the relevant fleets, TBB \geq 80 mm mesh, utilising Flemish panels. Data reported to FDI is grouped into mesh size ranges therefore any TBB_DEF metier within these two categories were explored: TBB_DEF_70-99 & TBB_DEF_\geq120. Only Belgium provided information on the use of a Flemish panel (TBBFP). It was not possible to determine if other MS were using this selectivity device.</p> <p>France only provided landings, stating that no discard occurs in this fishery (based on observers trips and logbook records). The total landings and discards of Lemon Sole in this area reported to FDI differed substantially from those reported to FDI (Table 4.4). In some cases, there are higher quantities of discards reported in the JR then in FDI (i.e. + 80% for Belgium in ICES Division 4 in 2019), and in other cases there are less discards reported to the JR then FDI (i.e. >99% for Netherlands in ICES Division 4 in 2019) (Table 4.4).</p> <p>Despite these inconsistencies and data limitations it can be concluded that discarding lemon sole is a consistent feature of the TBB fleet targeting demersal species. In 2023 TBB gears accounted (all mesh sizes and selectivity devices) for 25% of lemon sole landings in this area (377 tonnes)(ICES 2023b). ICES report that historical annual discard rates for all gears this stock range between 10% and 38% (ICES 2023b), which if applied to TBB landings in 2023 may result in between 37 and 142 tonnes of unwanted catch. It is not possible to determine the impact of the Flemish panel on this value as this information is not reported to ICES.</p> <p>The structure of the Belgium data submission provides a basis on which to evaluate the impact of total unwanted catches which relate directly to the fleet. According to the JR submission Belgium beam trawls using mesh \geq80</p>

	mm, ranging from 6 to 34 tonnes in over the years 2019 – 2022.
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	Not applicable, this is a new exemption.
Supporting Information	
What supporting information/literature reviews has been provided?	<p>Information supporting disproportionate costs have been provided based on ILVO (2024) data obtained through onboard and DCF samplings. However, no reference was supplied so it was impossible to verify.</p> <p>The potential economic loss reported that would generate from an increase in mesh size (from 80 mm to 90 mm).</p> <p>No lemon sole specific selectivity supporting information was supplied.</p>
Is this information taken from the actual fishery/fisheries relating to the exemption?	<p>Due to the resolution of the data provided it was not possible to determine if the discard values provided were based on vessels using the Flemish panel, except for Belgium who reported this information to the JR and FDI.</p> <p>However, general conclusions could be drawn about the fishing patterns of the beam trawl fleet for these four Member States, which was corroborated with FDI data and ICES advice. Member States should be encouraged to report selectivity information to FDI.</p>
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	Not applicable
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	<p>The selectivity material supplied in the JR relates to common sole (<i>Solea solea</i>) and not lemon sole (<i>Microstomus kit</i>) which have a different selectivity and ecology. Therefore, EWG 24-04 could not use the material supplied in the JR could not be used to justify the selectivity argument.</p> <p>The JR reports calculations for the Belgian fleet showing that using 90 mm cod end instead of 80 mm to improve the size selectivity leads to a decreased catches of common sole with an estimated economic loss 8% in division 7d and 12 % in subarea 4, but gives no details of the selectivity impact on lemon sole. EWG 24-04 notes that the economic effects presented in the JR represents short-term (immediate) losses by increased selectivity, whereas long-term economic implications are not</p>

	<p>presented. No supporting material or reference was supplied for this study.</p> <p>EWG 24-04 recalls the findings of EWG 23-06 that STECF previously (EWG 17-08) reviewed the sole selectivity results of the Flemish panel selection device, which were assessed previously by EWG 17-08 and was shown to be effective. However, very limited information has been provided on the use of the Flemish panel and there has been no assessment of the continued effectiveness of this gear modification since its introduction as a condition of the existing de minimis exemption for common sole (art 11.1b of (EU) 2023/2459 and art 13(3) of (EU) 2023/2623).</p>
<p>Is this based on pilot studies or trials?</p>	<p>This study is referred to as ('LOT3') in the JR. The basis of this study is unclear as the source and reference material were not supplied. A hyperlink reference was provided for this however it was not accessible, and therefore could not be used to evaluate the proposed derogation.</p>
<p>Disproportionate costs</p>	
<p>Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?</p>	<p>Estimates of the disproportionate costs resulting from the additional time required for handling and sorting unwanted lemon sole catches on board small and large Belgian vessels in the relevant fisheries is provided. The other member states did not provide any evidence on disproportionate costs.</p> <p>The evidence provided suggest that the exemption is required due to increased costs associated with the handling of undersized lemon sole in accordance with the landing obligation. Potentially resulting in the requirement for additional crew at a cost €3.5 million per year, impacting 55 Belgian vessels.</p> <p>EWG 24-04 concluded that this argument is not credible as it is an oversimplified and unsubstantiated estimate. As a mixed demersal fishery crew will be required to handle and sort all catch, for all species to ensure that they are complying with the requirements of the Landings Obligation. There is no evidence to suggest that a small minority of lemon sole, which this proposed derogation would cover, would result in incurring disproportion costs. To apply all additional handling costs to just one species (lemon sole in this case) is unrepresentative of the demersal fisheries being executed.</p> <p>Due to the difficulty to determine if the catch and fleet information provided were based on vessels using the Flemish panel or not, a meaningful assessment of the relationship between the permitted volume of unwanted catches discarded under the exemption and the estimated total amount of unwanted catches in the relevant fleets could not be done. Given that limitation, EWG 24-04 however notes that reported discard rates (whether using FDI or JR data) for the fleets using beam trawls with 80-99 mm mesh size are much higher than the 5% sought for in the proposed exemption. Thus, the economic calculation presented in the JR of how the exemption</p>

	would mitigate against increased sorting time also needs to consider that most of the unwanted lemon soles caught would still need to be sorted, registered and landed in accordance with the landing obligation if the exemption implemented. Related to this, EWG 24-04 notes that there is no indication of additional measures to reduce the unwanted catches to the 5% limit.
Is this based on pilot studies or economic model simulations?	The source is unclear, just referenced as 'ILVO 2024', but no actual reference provided.
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	Unclear, as details of data source, analysis and study have not been provided, just referenced as 'ILVO 2024'.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	Due to the lack of discard estimates by selectivity device (i.e Flemish panel) available in the JR it was not possible to assess the projected impact on the proposed exemption.
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	Yes, this is a mixed fishery, and any derogation will impact other demersal fisheries (ICES 2023a). However, without the information provided in JR or FDI it would be impossible for EWG 24-04 to identify the species which would be impacted by this derogation. Relevant stocks to consider are common sole and plaice which are considered the target species in this fishery and will likely be impacted by the proposed derogation. Two sole stocks (sol.27.4 and sol.27.7d) and two plaice stocks (ple.27.420 and ple.27.d) occur in this area, all four stocks are in a poor state with fishing pressure being above FMSY and below Bpa/Blim (ICES 2023 c,d,e,f). Therefore, this proposed new exemption could have a potentially negative impact on these stocks.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	The JR does not detail any planned future work relating to the proposed de minimis exemption (i.e. studies about increased selectivity or disproportionate costs). The JR however briefly describes existing and planned studies of discard survival of lemon sole. The provision of information about ongoing survival work can be interpreted as that a high survival exemption for lemon sole is the first-hand choice but that a de minimis exemption is sought for meanwhile until more favourable survival information is available.
EWG 24-04 Conclusions	

The information provided does not objectively demonstrate the JR's suggested losses to the fleet in the absence of the proposed de minimis exemption. The proposed exemption should only be used on gears using Flemish panel. Based on the data provided in the JR and that in FDI it would be only the case of the Belgian fleet. However, this may be due to varying levels of data aggregation provided by the Member States in JR.

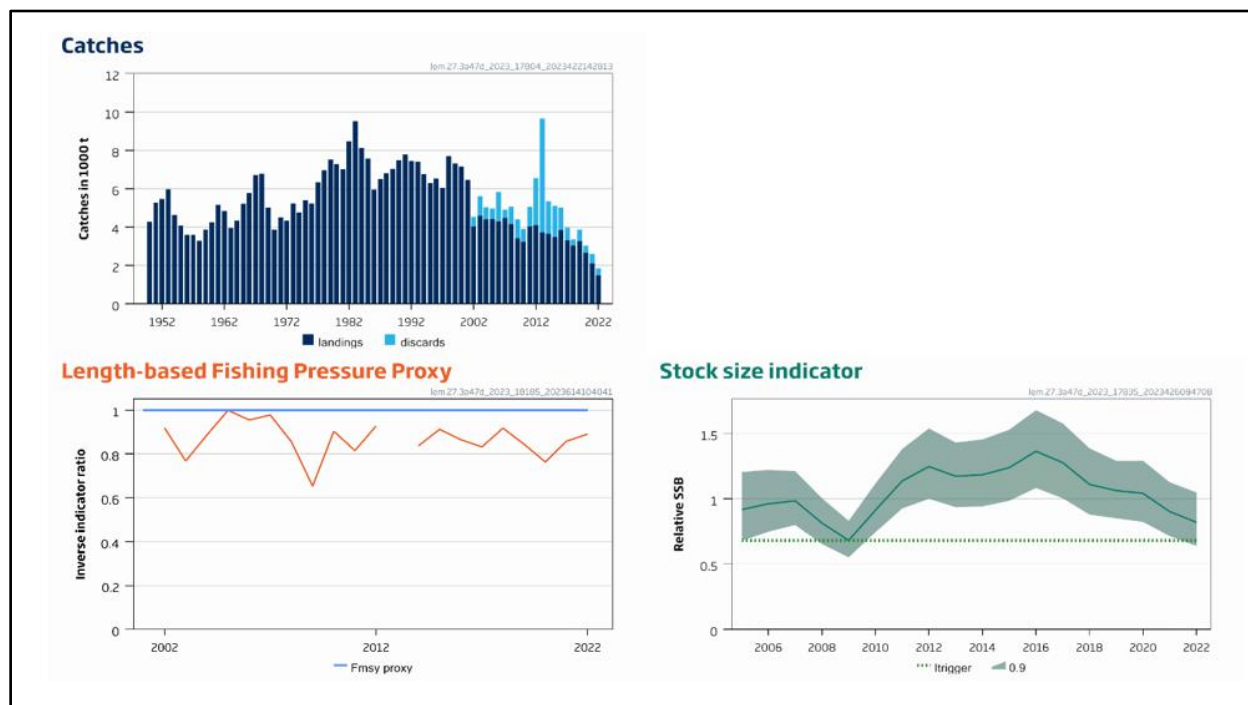
The discarding patterns outlined in the JR contained several inconsistencies in terms of totals and relevance to the proposed derogation. Therefore, additional information sources (FDI data and ICES stock information) were also used to determine the potential impact of this derogation on the fishery. For a meaningful assessment of the implications of the exemption to be possible, the relationship between the permitted volume of unwanted catches discarded under the exemption and the estimated total amount of unwanted catches in the relevant fleets is needed.

Lemon sole TAC is historically underutilised (ICES 2023c), and there is currently little evidence of the species being targeted in the North Sea and the Eastern English Channel (ICES 2023b). Despite being considered a valuable bycatch species in a mixed fishery, discard rates are considered high for this stock with discard total estimated to be between 10% and 38% in most years (ICES 2023a). This proposed derogation would impact the beam trawl fleet which accounted for 25% of landings in 2023.

Given the stock status of lemon sole is declining, and fishing pressure on the stock is below the FMSY proxy, and the stock size indicator is above Itrigger (Figure 1)(ICES 2023b), the proposed exemption could have a negative impact on this stock and lead to potential increases of lemon sole discarding in this fishery. However, it was not possible for EWG 24-04 to fully quantify the potential impact due to above mentioned data challenges.

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

Figure 1. Lemon sole in Subarea 4 and divisions 3.a and 7.d. Summary of the stock assessment. Discards are available since 2002. Indicator ratio $LF = M/L_{mean}$ (inverse of the indicator ratio, f) from the length-based indicator (LBI) method is used for the evaluation of the exploitation status. The proxy fishing pressure is less than that corresponding to the FMSY proxy ($LF = M$) when the indicator ratio value is lower than 1 (shown by the horizontal blue line). Stock size indicator expressed as relative SSB based on survey-based assessment (SURBAR).



Source: own elaborations.

Table 4.2. Lemon sole in Subarea 4 and divisions 3.a and 7.d. Catch distribution by fleet in 2022 as estimated by ICES (ICES 2023a).

Catch	Landings					Discards*
	Otter trawl	Beam trawl	Seine	Gillnet	Other	
1851 tonnes	67%	25%	4%	3%	1%	345 tonnes
	1506 tonnes					

* Discards include BMS landings from EU and UK fleets.

Source: ICES.

Table 4.3. Lemon sole in Subarea 4 and divisions 7.d. Landings (L), Discard (D) and Discard rates (D%) by the TBB fleets using a mesh size larger than 80 mm (80D100; 100D110; 110D120; 120DXX) from FDI data. For Netherland's TBB fleet the mesh size 120DXX is not used.

Country	2020			2021			2022		
	L (t)	D (t)	D%	L (t)	D (t)	D%	L (t)	D (t)	D%
BEL	365.0	53.2	12.7	316.5	76.8	19.5	166.1	12.8	7.2
DEU	2.8	5.4	65.7	2.8	4.2	59.8	2.6	10.8	80.6
NLD	234.0	64.5	21.6	314.1	76.0	19.5	157.1	38.9	19.8
FRA	0.7	0.0	0.0	0.6	0.0	0.0	0.4	0.0	0.0

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

Table 4.4. Lemon sole in Subarea 4 and divisions 7.d. A comparison of catch data (landings and discards) by country, mesh size range and year as reported in the joint recommendation and corresponding catch data in the FDI database. The numbers in the table represents the ratio JR/FDI, i.e. the quantity reported in the JR divided by the quantity in the FDI database. Ratios that differs with more than +/- 20% is indicated with bold numbers. Empty cells indicate cases where either the JR or the FDI database lacks data.

Area	Country	Year	Landings		Discards		Calculated Discard Rates	
			Mesh >100	Mesh 80-100	Mesh >100	Mesh 80-100	Mesh >100	Mesh 80-100
4	BEL	2019	1,0	1,0	1,80		1,73	
4	BEL	2020	1,0	1,0	1,28	1,8	1,26	1,39
4	BEL	2021	1,0	1,0	1,43	3,1	1,34	1,78
4	BEL	2022	1,0	1,0	1,0		1,0	
7d	BEL	2019		1,0		0,5		0,6
7d	BEL	2020		1,0		0,7		0,8
7d	BEL	2021		1,0		0,3		0,4
7d	BEL	2022		1,0		0,8		0,8
7d	FRA	2019		1,0		**		
7d	FRA	2020		1,0		**		
7d	FRA	2021		1,1		**		
7d	FRA	2022		1,1		**		
4	NL*	2019		0,45		0,0021		0,011
4	NL*	2020		0,58		0,0022		0,007
4	NL*	2021		0,56		0,0003		0,001
4	NL*	2022		0,64		0,0016		0,004
4	GER	2020		1,0		1,8		0,0

4	GER	2021		1,0		1,1		1,3
4	GER	2022	1,0	1,0		0,6		0,7

*Data for Netherlands is grouped either as 80-119 mm or >120 mm mesh size in accordance with the data presented in the JR

**zero discards in both datasets

Source: JRs submitted by MS regional groups to the Commission, FDI data, and own elaborations.

5. WESTERN MEDITERRANEAN – OVERVIEW OF JOINT RECOMMENDATIONS

Regulation (EU) n. 2019/1022 of the European Parliament and the Council of 20 June 2019 established a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) n. 508/2014.

The Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022, extended the high survivability exemption to the landing obligation for Venus shells (*Venus spp.*) until 31 December 2024 in the western Mediterranean Sea. Moreover, two exemptions regarding Norway lobster (*Nephrops norvegicus*) were due on 31st December 2024 according to the Delegated Regulation (EU) n. 2021/2066.

5.1. De minimis exemptions

The PESCAMED group requested new *de minimis* exemptions from 1st of January 2025 onwards, for a minimum period of three years for the deep-water shrimps (blue and red shrimps (*Aristeus antennatus*) and giant red shrimps (*Aristaeomorpha foliacea*)), up to a maximum of 5 % (for 2025 to 2027) of the total annual catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).

The main elements of the 2024 JR are summarised in table 5.1a.

Table 5.1a. Main elements assessed by the EWG for deep-water shrimps de minimis exemptions request in the Western Mediterranean bottom trawling.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	<p>Deep water shrimps (blue and red shrimps (<i>Aristeus antennatus</i>) and giant red shrimps (<i>Aristaeomorpha foliacea</i>)), up to a maximum of 5 % (for 2025 to 2027) of the total annual catches of those species caught by vessels using bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX).</p> <p>Articles 3 and 4 of Commission Delegated Regulation (EU) n° 2023/2462 should be amended accordingly.</p> <p>COMMISSION DELEGATED REGULATION (EU) 2023/2462 of 22 August 2023 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea.</p>
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	<p>Since the implementation of catch limits for the blue and red shrimp and giant red shrimps by the multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean in 2022, these species are under the landing obligation when catches are above the established catch limits. Without this exception, there is a risk of choke species leading to</p>

	<p>economic losses, due to the high economic importance of these species.</p> <p>Currently, there is no EU minimum conservation reference size (MCRS) defined for these species in the Western Mediterranean. However, the possible adoption at the national level of a MCRS for the two shrimp species is one of the measures of the compensation mechanism allowed in the WestMED MAP (as established in Council Regulation EU 2024/259, of 10th January, article 8.f) could make necessary in the future the <i>de minimis</i> exemption. Therefore, the granting of this exemption for the period of three years requested would facilitate its possible implementation. The basis for justifying the exemption relates to disproportionate costs as well as the difficulties to increase selectivity in this mixed demersal fishery.</p>
Supporting Data	
<p>Has detailed catch and fleet data been provided for the stock and for the fishery?</p>	<p>The Spanish bottom trawl fleet in the Mediterranean currently comprises around 570 vessels, down from 950 vessels in 2006. The vessel length ranges from 9 to 28 m, (mean 20.4 m). Approximately, only 250 vessels target blue and red shrimp in GSA 1, 2, 5, 6, and 7. The selectivity measure commonly used is a 40-mm-square mesh codend, with a shift to the more selective 45-mm-square mesh for coastal waters and a 50-mm-square mesh codend for deeper water. No specific information was provided on the number of vessels using the selective codends. Additionally, a reduction of the fishing effort (number of fishing days) has been established with the multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean (Regulation EU 2019/1022). In total the number of fishing days has fallen from approx. 110,100 in 2020 to approx. 73,400 in 2024 (approx. -33%).</p> <p>The fishery is multispecies and operates in depths from 50–1,000m, with blue and red shrimp targeted between 500 and 1,000m. The key target species are the red mullet (<i>Mullus barbatus</i>), European hake (<i>Merluccius merluccius</i>), deep water rose shrimp (<i>Parapenaeus longirostris</i>), Norway lobster (<i>Nephrops norvegicus</i>) and the blue and red shrimp (<i>Aristeus antennatus</i>). The blue and red shrimp are the 6th most important species in terms of biomass landed and 1st in terms of value representing 23% of all landings.</p> <p>There is no Minimum Conservation Reference Size (MCRS) for the blue and red shrimp. No information is provided on market sizes. Discards occur when catch limits are exhausted or when</p>

	<p>damaged individuals that have no commercial value are encountered.</p> <p>There is no information on the stock status in the JR.</p> <p>France presented a description of the fleet, including compositions of catches, values, and discards, which will be covered by the exemption for areas GSA 7 and 8, mainly targeting octopus and demersal fish such as hake, anglerfish, gurnard, common mackerel, horse mackerel, and red mullets. The document highlights recent decreases in the number of trawlers by 15 vessels due to permanent cessation in 2022 and 2023. As a result, the fleet has been reduced by 50 percent in terms of vessel numbers since 1998 and currently numbers 48. Fishing vessels are distributed across 16 harbours. The numerous landing places spread around the coast over 388 km result in insufficient and irregular discards, which are not enough to create economic benefits. This is underscored by the fact that transportation costs outweigh the potential revenues from the exploitation of unwanted catches. The studies address the lack of infrastructure on land and the impossibility of creating a discard reprocessing system, leading to a worsening context. In fact, several crises have occurred in the sector.</p> <p>Restricted activities occur at depths ranging from 50 to 1000 m, with fishing operations limited to no more than 15 hours per day and five times per week (Saturdays, Sundays, and public holidays are closed to fishing). Additionally, specific schedules are established for certain periods and depths, in different zones. Measures to reduce Mediterranean trawlers' fishing effort and implement spatio-temporal closure areas have been taken in recent years as part of the western Mediterranean management plans (both national and European). Fishing license issuance and calculation of fishing effort are applied to the fleet. According to Council Regulation EU 2024/259, a compensation mechanism has been established, slightly increasing the fishing days in a reward system that benefits certain selectivity improvements: in 2024, there are 7,602 days allocated for GSA 7 (8,172 days after the first 4.5% from the compensation mechanism) and 973 days for GSA 8. In 2022, the total catches of shrimp represented 2% of catches with bottom trawls.</p> <p>The Italian bottom trawl fleet operating in the Western Mediterranean in 2023 comprises around 700 vessels with numbers decreasing since 2020. Distributed around several ports and operating in GSA 8 to 11, vessels range from 9 to 35 m of length. About 45% of the vessels are</p>
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	<p>between 12 and 18m, 31% between 18-24m, 17% of the vessels are less than 12m, and the remaining vessels are more than 24m. Many vessels use a 40-mm-square mesh codend, although some of them are equipped with a 50-mm-diamond mesh codend. According to national legislation, vessels cannot operate on Saturday, Sunday and bank holiday. Additionally, a reduction of the fishing effort (number of fishing days) has been established with the multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean (Regulation EU 2019/1022). In total, the number of fishing days has fallen from approx. 92,500 in 2020 to approx. 59,000 in 2024 (approx. 36%). Finally, activities of the bottom trawl fleet are permanently forbidden in some FRA have been established and enforced with the multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean.</p> <p>The Italian trawl fishery is multi-specific and is characterized by different fishing strategies, depending on the depth range and the target species exploited. The catch data presented for 2022 showed that the most important species in terms of biomass landed are <i>Parapenaeus longirostris</i>, <i>Mullus</i> spp, <i>Merluccius merluccius</i>, <i>Octopus vulgaris</i>, <i>Chlorophthalmus agassizi</i>, <i>Engraulis encrasicolus</i>, <i>Aristaeomorpha foliacea</i>, <i>Illex coindetii</i>, and <i>Aristeus antennatus</i>. The first 15 landed species account for more than 72% of the total landed biomass. In terms of value per landed catches <i>Aristaeomorpha foliacea</i> and <i>Aristeus antennatus</i> are the 1st and the fourth respectively.</p>
<p>What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?</p>	<p>The supporting data provided includes only limited information on unwanted catches, and the data appears to be aggregated. Overall, in the Tables presented by the PESCAMED (tables 8 and 9, pages 61-63 of the document “<i>Elements to support the request</i>”), discards rates are near zero; France and Italy show zero unwanted catches and discards for both species while Spain has presented data for 2022 on unwanted catches and discards for blue and red shrimps of 0.5 and 0.06t respectively, from a total catch of 848.77t, with zero unwanted catches and discards in 2021 and 2023.</p>
<p>Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?</p>	<p>Spain, France, and Italy are expected to use this exemption. The levels of unwanted catches presented are near zero. Italy have estimated a <i>de minimis</i> volume but is it unclear how this was calculated and there are discrepancies in the total numbers when catches, landings, and the volume of <i>de minimis</i> used, are considered together.</p>

Supporting Information

What supporting information/literature reviews has been provided?

Although this is a request for a new *de minimis* exemption, the JR provides also a limited overview of historical information on disproportionate costs, management measures and the improvement of knowledge to support the request. The main source of this supporting information is the GALION project, carried out in France in GSA 7 and GSA 8 in 2015-2018 in coastal waters up to 90 m deep with hake *M. merluccius* being the main species caught. The project aimed *inter alia* to analyse the economic impacts of various selectivity devices on bottom trawl fisheries.

Additionally, the results of MEDITS – surveys are addressed in the JR as a source of new knowledge.

Disproportionate costs.

One of the main conclusions of the GALION project was that the implementation of a selective grid, or a change in the mesh size or shape, would generate commercial losses between 5% and 26%, depending on the species considered.

Management measures.

The GALION project dealt also with the modelling of hake management scenarios in the Gulf of Lion, by using all the work and studies carried out in this area, with the calibration of an ISISFISH model. The approach enabled an analysis of the consequences of the management scenarios and an assessment of the robustness of these diagnoses. The document, however, states that the data (mainly the fleet and their fishing areas) must be updated to allow an optimum use of this management tool.

Improvement of knowledge.

As part of the European Commission's "Data Collection Framework", the MEDITS survey is the Mediterranean component of the Sea surveys project. The geographical coverage of the program includes all trawl fronts from 12 countries in the Mediterranean Sea (Spain, Italy, France, Greece, Cyprus, Malta, Slovenia, Croatia, Montenegro and Albania). For the French part, the trawl areas are East Corsica and the Gulf of Lion. The sampling strategy is common to all countries and standardized since 1994. The standardization of the observation methods allows the reproduction of bottom trawling under similar conditions and thus the comparison of abundance indices of different species between different areas from year to year.

<p>Is this information taken from the actual fishery/fisheries relating to the exemption?</p>	<p>The main source of supporting information provided stems from experimental studies performed during the GALION project in 2018 and 2019 in French waters of Western Mediterranean Sea. However, the argument presented in the supporting document on disproportionate costs, that increasing the selectivity by implementation of a selective grid, or a change in the mesh size or shape, would generate commercial losses between 5% and 26%, cannot be directly attributed to the exemption requested, since it is not clear to which species the range provided applies.</p> <p>The arguments provided on management measures and enhancing of knowledge presented in the supporting information are generic and do not relate directly to the relevant request for exemption.</p>
<p>If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?</p>	<p>No information relating to similar fisheries has been provided.</p>
<p>Improvements in selectivity</p>	
<p>Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?</p>	<p>There is limited information on selectivity in these fisheries for <i>A. antennatus</i> and <i>A. foliacea</i>. However, the argument is that because they are mixed fisheries, it is difficult to increase selectivity for all species equally. Currently, there are slightly different selectivity measures between the three countries: both France and Italy use 40 mm square-mesh codends or 50 mm diamond mesh codends. Spain typically uses 40-mm-square mesh codend, with a shift to the more selective 45-mm-square mesh for coastal waters and a 50-mm-square mesh codend for deeper waters.</p> <p>Under the GALION project (France), 40 mm square-mesh- and 50 mm diamond-mesh-codends with and without escapement windows were compared. The 50 mm diamond mesh codend showed a higher rate of escapement compared to the 40 mm square mesh. The GALION project estimated an overall economic loss of between 6 and 10 % in this fishery, depending on the selectivity measure used. No information is given on what the impact of the different codends will be on the selectivity of <i>A. antennatus</i> or <i>A. foliacea</i>.</p> <p>While no information was presented on selectivity measures in Italy it is assumed to be the same as the French, because they use the same gear configurations.</p> <p>No information was provided in the JR from Spain on why there has been a shift to more selective codends or on how many vessels are</p>

	<p>likely using them. However, it is possibly related to Article 8 of Council Regulation (EU) 2024/259, whereby a compensation mechanism is in place for using the larger codend meshes, with an additional allocation of fishing days of 4.5%. Additionally, a Technical report from ICATMAR (2021) assesses the selectivity of <i>A. antennatus</i> in 50 mm square-mesh codends. The report shows that the 50 mm codend will reduce numbers (mostly small) <i>A. antennatus</i> by up to 19%, with an associated 5% economic loss. This underscores the benefit of swapping meshes and supports the reward system devised, but would seem to be contrary to the notion that improvements in selectivity are difficult to achieve, and thus corrode the perceived benefit of the <i>de minimis</i> exemption.</p>
<p>Is this based on pilot studies or trials?</p>	<p>The information from France is based on selectivity trials—the GALION project (https://amop.fr/le-projet-galion/), however it is not specific to <i>A. antennatus</i> or <i>A. foliacea</i>.</p> <p>A technical report (ICATMAR, 2021) from Spain, which was left out of the JR, assesses the selectivity of <i>A. antennatus</i> using 50 mm square-mesh codends in GSA6.</p> <p>There is no information on selectivity trials or studies from Italy.</p>
<p>Disproportionate costs</p>	
<p>Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?</p>	<p>There is general information provided on the geographical spread of harbours along the Mediterranean coast, the expected low quantities of unwanted catches which need to be handled on board, the lack of infrastructure on land, and, therefore, the impossibility of creating an unwanted catch processing system. Concerns were raised regarding the utilization of the total allowed catch which may result in further unwanted catches which are then not allowed to be discarded. These factors lead to disproportionate handling and processing costs. However, based on 2018-2022 FDI data, the discards of blue and red shrimps (<i>Aristeus antennatus</i>) and giant red shrimps (<i>Aristaeomorpha foliacea</i>) have been low. Evaluating whether the scenario provided is credible, is difficult, due to the unavailability of detailed data on expected disproportionate costs. The only indication that was gathered from the ICATMAR (2021) report, would nonetheless suggest otherwise.</p>
<p>Is this based on pilot studies or economic model simulations?</p>	<p>It is stated that the justification based on disproportionate costs were provided in the Joint Recommendation from 2018, based on two studies on landing obligation. The Discardless1 project (Fitzpatrick et al., 2017) presents studies</p>

	<p>on the disproportionate expense of transporting small quantities of unwanted catches from small ports lacking processing facilities for such catches. However, there are no studies on disproportionate costs with focus on shrimps, if we do not consider the ICATMAR (2021) report. This report states that using 45- and 50mm square mesh codend with respect to 40mm square mesh codend during recruitment periods the small individuals are more abundant. However, economic losses range of blue and red shrimp are 5.0-5.1%.</p>
<p>How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?</p>	<p>No specific figures on magnitude of disproportionate costs related to the shrimp fisheries were provided in JR. France, Spain and Italy have listed factors which increase the general disproportionate costs.</p>
<p>Projected impact/risk associated with the exemption</p>	
<p>What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?</p>	<p>The JR refers to risks associated with not implementing the exemption, i.e., the consequences that would result to the industry, and not the risks associated with the implementation.</p> <p>Since the implementation of the West Med MAP, in 2019, trawling effort has been controlled, and days at sea have been reduced every year. The mullet stock's situation is assumed to be improving, which is highlighted as an example of the MAP effort reduction plan's benefits. Setting-up spatio-temporal closure zones in the Gulf of Lion (between bathymetry 90/100m and the so-called GFCM box) for the protection of hake spawning and hake and mullet juvenile concentration areas is supported as a positive measure, certified by IFREMER and approved by SCTEF, which has permitted France to benefit from the compensation mechanism established in the TAC and quota regulation in 2022 and 2023.</p> <p>Against this highly positive background, the notion of not being able to discard is viewed as an additional burden for the industry.</p> <p>On the other hand, the JR states that information on the catches is available from the bottom trawl fleet and that the observer program allows Member States to continuously monitor the abundance, biomass, and size structure of the catches of these species, which can be used to assess possible problems and impacts of the fishery and use of derogations.</p> <p>However, FDI data provided only relate to landings, and not observer reports or biological parameters. Therefore EWG 24-04 is not able to</p>

	<p>assess any possible effects of the current practice, as reported in the JR.</p>
<p>Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?</p>	<p>The stock is exploited with other stocks that, in general, seem to be in a relatively stable condition.</p> <p>Hake is known to be in a precarious situation in this area, which is highlighted in the Med MAP, where hake stocks in the western Mediterranean are considered depleted. Nothing in the JR is indicative of whether or not there are any interactions between the fleet exploiting the shrimps, and stocks of hake, but EWG 24-04 would stress the importance of assessing any possible interactions.</p>
<p>New research/studies planned</p>	
<p>Are new information/research/studies planned to support the exemptions?</p>	<p>The already existing MEDITS and Data Collection Framework programme allows EU Member States of Western Mediterranean to monitor the abundance, biomass and size structure of the catches of these demersal species in general and specifically also of the blue and red shrimp and the giant red shrimps.</p> <p>EWG 24-04 looked at the information cited as references in the PESCAMED documentation provided to the WG. Specifically, data from the GOLDYS programme were downloaded and scrutinized. EWG 24-04 noted that the catch data do not include the deep shrimp species and therefore consider that this information is not suitable to support/justify the <i>de minimis</i> request or to follow up possible problems and impacts on this topic, as stated.</p> <p>Considering the latest information about the stock status EWG 2023-09 reported that in the WM GSAs analysed (specifically 5, 6 and 7 for Blue and Red Shrimp and 9, 10 and 11 for the Giant Red Shrimp), deep-water shrimps are overfished, the current level of fishing mortality being well above the reference point.</p> <p>Further, the GFCM report of the twenty-fourth session of the Scientific Advisory Committee on Fisheries (SAC, FAO 2023) confirm an overexploitation of the deep-water red shrimp fisheries – giant red shrimp (<i>Aristaeomorpha foliacea</i>) and blue and red shrimp (<i>Aristeus antennatus</i>)- (see Table 5.1b).</p> <p>Considering the studies planned to support the exemptions, no specific details are given by the PESCAMED consortium.</p> <p>Finally, it is worth of note that the Subregional Committee for the Western Mediterranean (SRC-WM), as reported in FAO (2023) proposed to advance towards establishing the basis for new minimum conservation reference sizes (MCRS) for the deep-water red shrimp. For that purpose, a roadmap for 2024 was foreseen to be</p>

	<p>implemented in a stepwise manner with short, medium and long-term goals.</p> <p>This roadmap prioritizes the determination of MCRS for ARS and ARA to get a possible compromise range of plausible MCRS, seen as a trade-off operational range that considers all relevant factors (e.g., biological factors and selectivity) and is based on information in the literature and on the analysis of available length data from catches and surveys.</p> <p>Moreover, considering that the two species are targeted by the same fishery and have broadly similar overall life-histories, the SAC committee suggest that the range of MCRS should be the same for both species. The determination of the above-mentioned compromise range is foreseen to be narrowed, in a second stage, taking into account a socioeconomic evaluation of different options, involving stakeholders.</p> <p>The timeline established to achieve the roadmap goal is May 2025 during the SRC-WM and June 2025 during the 25th session of the SAC.</p>
<p>EWG 24-04 Conclusions</p>	
<p>EWG 24-04 finds that the documentation provided within the JR does not fully support the requested for the <i>de minimis</i> exemption. The data supporting the exemption request show zero or insignificant discard-rates, making the deep-water shrimp trawling a discard-poor fishery. The information provided on disproportionate costs does not fully support the need for this exemption because it does not match the currently observed near zero discard rates obtained from available sources. EWG further concludes that there is limited selectivity information (GSA 6, only) available for <i>A. antennatus</i> and no selectivity information available <i>A. foliacea</i>. There is no information on the stock status of shrimp within non-EU countries and how the stocks are shared between the countries across the distribution area.</p>	

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

Table 5.1.b Table of advice from SRC-WM Demersal species report (deep shrimps only).

GSA	Species	Method	Current Levels	Reference Points	Quantitative Status	Stock Status	Scientific Advice	WG Comments
1	<i>Aristeus antennatus</i>	a4a	Fc = 0.39, Bc = 322	F0.1 = 0.42	F/Fref = 0.92	Sustainable exploitation	Do not increase fishing mortality	Update assessment ; relatively high biomass
2	<i>Aristeus antennatus</i>	XSA	Fc = 0.62, Bc = 160	F0.1 = 0.41	F/Fref = 1.51	In overexploitation	Reduce fishing mortality	Revised assessment ; relatively high biomass
5	<i>Aristeus antennatus</i>	a4a	Fc = 1.47, Bc = 102	F0.1 = 0.331	F/Fref = 4.45	In overexploitation	Reduce fishing mortality	Updated assessment with relatively low biomass
6	<i>Aristeus antennatus</i>	a4a	Fc = 1.67, Bc = 237	F0.1 = 0.34	F/Fref = 4.91	In overexploitation , with relatively low biomass	Reduce fishing mortality	Revised assessment with additional data
9,10,11.1 , 11.2	<i>Aristaeomorpha foliacea</i>	a4a	Fc = 0.77, Bc = 466	F0.1 = 0.43, Bpa = 381.3, Blim = 190.6	F/Fref = 1.8 , B/Bthreshold = 1.22 , B/Blimit = 2.45	Biomass above reference point and in overexploitation	Reduce fishing mortality	Update assessment with biomass reference points

Source: JRs submitted by MS regional groups to the Commission.

5.2. High survivability exemptions

According to Article 3 of Commission Delegated Regulation (EU) 2021/2066, of 25 August 2021, last amended by Commission Delegated Regulation (EU) 2023/2462, of 22 August and to Article 1 of Commission Delegated Regulation (EU) 2022/2288, the PESCAMED (including France, Italy and Spain) requested the continuation of three survivability exemptions in the western Mediterranean Sea, expiring by December 2024: high survivability exemption for a) Norway lobster (*Nephrops norvegicus*) caught with all bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX); b) Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX); high survivability exemption for Venus shells (*Venus* spp.) caught with mechanised dredges (HMD).

The PESCAMED requested the prolongation of the abovementioned exemptions for the period: from January 1st, 2025 until December 31st, 2027.

- **Survivability exemption for Norway lobster (*Nephrops norvegicus*) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX)**

The main elements of the 2024 JR are summarised in table 5.2a.

Table 5.2a. Main elements assessed by the EWG for Norway lobster high survivability exemption request in the Western Mediterranean for bottom trawling.

Description of the Exemption	
<p>Title of Exemption and relevant delegated act and article</p>	<p>Extension of an existing exemption expiring 31/12/2024 (Commission Delegated Regulation (EU) 2021/2066). Requested for the period: from January 1st, 2025 until December 31st, 2027</p> <p>Article 3.1.d: Request on the continuation of the survivability exemption for Norway Lobster (<i>Nephrops norvegicus</i>) caught with bottom trawls (OTB, OTT, PTB, TBN, TBS, TB, OT, PT, TX) in the western Mediterranean Sea between January and June and September and December.</p> <p>The existing exemption applies to the following multispecific fisheries:</p> <p>French trawlers with an average size of 22.2 m, using a mesh size from 40 mm square to 50 mm diamond operating depths ranging from 50 to 1000 m.</p> <p>Spanish trawlers with an average of 20.4 m, using a 40-mm-square mesh codend, although some of them are changing to more selective meshes of 45-mm-square for coastal or 50-mm-square mesh codend for deep shrimps fisheries.</p> <p>Italian trawlers with an average of 18 m for the majority of the fleet. Many vessels use a 40-mm-square mesh codend, although some of them are equipped with a 50-mm-diamond mesh codend.</p> <p>For the three fisheries, Norway lobster represents between 1-1.7% of the catches landed in 2022.</p> <p>Discard rates range from 0 to 0.40% depending on the metier.</p>
Description of the Problem	
<p>Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)</p>	<p>This exemption is requested in view of the good survival capacity of this species once discarded during colder months. This is supported by a 2020 study that shows a survival rate of 0.74 in winter and 0.36 in spring, in bottom trawl fisheries in the Mediterranean (García de Vinuesa et al., 2020). Other studies on other areas show similar survival rates for this species caught using bottom trawls are presented. The existing evidence was already reviewed by EWG 21-05.</p> <p>Additionally, the request is also justified by the moderate impact of gears on the survival capacity of this species (though this is not supported by evidence) and the need to sell these species alive, and therefore the need for fishers to have the least impacting fishing methods.</p>

Supporting Data	
<p>Have survivability estimates been provided?</p>	<p>No new survival evidence was provided for the request of the extension (PESCAMED, 2024). The existing evidence was already reviewed by EWG 21-05. The survival rate of Norway lobsters discarded from trawl catches in the western Mediterranean showed seasonal differences, varying between 6% in summer and 74% in winter, with values of 36% in spring (García de Vinuesa et al., 2020). Other studies in other areas show similar survival rates for this species caught using bottom trawls are presented (see page 22 in PESCAMED, 2024).</p>
<p>Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?</p>	<p>Yes- The estimates provided are based on captive observation and vitality assessments in the Mediterranean. Other studies in other areas have also been provided.</p> <p>The research evidence that was presented (PESCAMED, 2024) followed the guidelines for assessing the survival of discarded animals as described by the ICES Workshop on Methods for Estimating Discard Survival (WKMEDS). A more recent guidance was published by ICES in 2021 (see Breen and Catchpole, 2021).</p> <p>From an overview of this document, with the limitations and uncertainties of survivability studies, the research undertaken uses appropriate methods for assessing the survival of discarded animals.</p> <p>Additional studies, not mentioned in the request for the extension but relevant to this work, were identified and reviewed by this EWG 24-04. One, is also mentioned in the EWG 21-05 (see Barragán-Méndez C., et al., 2020). These authors also found seasonal differences in the survival rates for Norway lobster after bottom trawling in the Gulf of Cádiz (south Spain, Atlantic waters), with a higher survivability rate in spring (68%) than in autumn (34%) (Barragán-Méndez et al., 2020). Survivors of these species managed to completely recover their physiological homeostasis within the first 24 h after capture.</p> <p>Also, a follow-up research undertaken by García-de-Vinuesa et al. (2022) evaluated post-catch vitality parameters of Norway lobster comparing three different handling treatments (for more information see dedicated section below).</p>
<p>Does the provided information allow putting the survivability into the context of the discard rate for the fishery?</p>	<p>Yes, PESCAMED (2024), for supporting the survival of Norway lobster, provided a better overview of the fishery (section II) and a comprehensive effort table (section III) as requested by STECF. For the three countries, Norway lobster represents between 1-1.7% of the catches landed with discard rates ranging from 0 to 0.40% depending on the fleet/metier, which is applied to the total landings average between 2021-2023, results in 0.15 tons for France per year, 0.65 tons for Spain per year and 0 tons for Italy per year of unwanted catch. Based on the data provided, showing fairly low catches, it seems that Nephrops are not targeted by this fishery.</p> <p>PESCAMED (2024) reviewed the survivability estimates of García de Vinuesa et al. (2020) in the context of the discard rates in the fishery using data from the official data call. The</p>

data shows discard rates ranging from 0 (third trimester), up to 0.87 (second trimester) concluding a very low impact due to the low discards associated with this fishery. However, from the table presented, it is not clear to which fleets they refer, as the authors have not provided a proper legend attached to it. EWG 24-04 assumed that this table shows discard rates by quarter aggregated across all fleets. This should be considered when/if presenting new data in upcoming years.

Taking into account catch and discard data provided, along with the survival rates of 36-74% (excluding summer), the impact on the stock would be limited.

GFCM assesses the stock in GSA5, GSA6 and GSA9 (<https://www.fao.org/gfcm/data/star/en/>). EWG 24-04 notes that the stock status for GSA6 and GSA9 is “in overexploitation or overexploited” with fishing mortality being above reference values, which is a bit of concern for a fishery with low catches and discard registered. For GSA5, on the contrary, is “sustainable exploitation”. However, out of the 11 GSAs comprising the Western Mediterranean, only 3 Nephrops stocks are being assessed. This makes it difficult to reach a general conclusion on the stock status for all fisheries combined.

Previous EWGs (18-06, 21-05), acknowledged that Norway lobster survival is challenged by depth and air temperature after catch. Based on this, EWG 21-05 requested temperature records along the trajectory of fishing and handling to help understand thermal stress physiology.

PESCAMED (2024) has provided water/air temperature records along the trajectory of fishing and handling (figure 8 and 9) as well as sea surface and bottom temperature records (figure 11 in PESCAMED, 2024).

EWG 24-04 acknowledges the usefulness of these data, albeit they are still insufficient to describe and correlate with stress response measurements.

In the report provided by PESCAMED (2024), it is noted that for most stations, air temperature is circa 5°C higher with some stations being double. As expected, during spring/summer, the difference between sea bottom and surface temperature is greater (over 5°C) than in autumn/winter.

However, these data, as presented, are insufficient to describe the whole frame of temperature changes during fishing operations (ambient air, sea surface and sea floor) and how these influence thermal shock and survival of discarded Nephrops.

EWG 24-04 based on a review of several studies (e.g., García de Vinuesa et al., 2020; Barragán-Méndez et al., 2020; Fox et al., 2020; Castro et al., 2003; Lund et al., 2009; Merillet et al., 2018) update evidence that the process of trawling (depth changes) and air-exposure during sorting is much more stressful in summer than in winter, leading to low survival rates during these months.

EWG 24-04, in agreement with previous EWGs, observes that a survival exemption to allow post-release discarding, in months when the changes in temperature are much drastic from bottom to sea surface and ambient air (i.e.,

	<p>spring/summer), would be ineffective. However, the appropriateness of the chosen months (i.e., July and August) as the only months more likely to influence thermal shock and survival of discarded nephrops once returned back to the sea is questionable.</p> <p>In this regard, EWG 24-04 suggests the need for further research on potential climatic shift and/or extreme temperature conditions during the months of the exception that could support further requests for a high survivability exemption for this species.</p>
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Improvements in selectivity and operational practices on board fishing vessels to increase survivability

<p>Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?</p>	<p>No new evidence of measures being taken to improve selectivity by this fishery have been presented by PESCAMED (2024).</p> <p>Although it is noted that the three French, Spain and Italy trawlers are using square mesh codends*, which we appreciate are measures to improve selectivity. However, accurate data on the exact numbers of vessels using selective gears and if they do so on a voluntary basis, have not been provided. Therefore EWG 24-04 cannot assess to what extent the fleets are moving towards more selective gears.</p> <p>*French trawlers: from 40 mm square to 50 mm diamond. Spanish trawlers: 40-mm-square mesh codend, 45-mm-square and 50-mm-square mesh codend for deep shrimps fisheries. Italian trawlers: 40-mm-square mesh codend, although some of them are equipped with a 50-mm-diamond mesh codend (PESCAMED, 2024).</p>
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<p>Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?</p>	<p>No evidence has been presented in the request for the extension document apart from the following statement “The individuals discarded, for size reasons, are alive and returned immediately to the sea” (PESCAMED, 2024).</p> <p>However, relevant evidence has been identified and reviewed by EWG 24-04. In this regard, and in line with what suggested the reviewed scientific literature (i.e., García de Vinuesa et al., 2020; Barragán-Méndez et al., 2020; Fox et al., 2020; Castro et al., 2003; Lund et al., 2009 and Merillet et al., 2018), the process of trawling (depth changes) and air-exposure during sorting is much more stressful in summer than in winter, leading to low survival rates during these months. In this regard, it has been suggested that altering fishing practices to keep catches cool during catch sorting may thus improve discard survival, particularly in summer (e.g. Fox et al., 2020).</p> <p>In order to test this, García-de-Vinuesa et al. (2022) evaluated post-catch vitality parameters of Norway lobster comparing three different handling treatments (control or normal commercial conditions, treatment 1 or placing a white cloth over the catch and wetted every 5 min with sea water and treatment 2 or placing the animals in containers filled with seawater at 13-14°C based on temperature cited by Hopking 1985). The authors conclude that onboard vitality of Norway lobster improved significantly when treated with cool</p>
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	<p>water (treatment 2), and, based on the direct relationship between onboard vitality and discard survival, the authors recommend introducing the whole catch in a container with cooled sea water after arriving onboard as a way to improve the post-release survival of trawling of <i>N. norvegicus</i>, especially during the warm months. However, the usefulness and practicalities of such a system onboard has not been tested in practice.</p> <p>The “discard chute system” proposed by Mérillet et al. (2018) could considerably reduce the discards’ time onboard and consequently reduce exposing time, increasing their chances of this species survival.</p> <p>EWG 24-04 recommends further studies on Norway lobster discard survivability following the most recent ICES guidelines (Breen and Catchpole, 2021) and testing the suitability of the best recommended practices onboard.</p>
Projected impact/risk associated with the exemption	
<p>What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?</p>	<p>Assuming the survival rates are in the range of 36-74% (excluding summer) and both, catch and discard rates and volumes are low, along with the fact that the Minimum Conservation Reference Size (MRCS) for <i>N. lobster</i> is below the mean size at maturity in the Mediterranean, the impact of the exemption is likely to be low.</p>
New research/studies planned	
<p>Are new information/research/studies planned to support the exemptions?</p>	<p>None that have been presented in the PESCAMED, 2024 request for extension report.</p>
EWG 24-04 Conclusions	
<p>Assuming the survival rates are in the range of 36-74% (excluding summer) and both, catch and discard rates and volumes are low, along with the fact that the Minimum Conservation Reference Size (MRCS) for <i>N. norvegicus</i> is below the mean size at maturity in the Mediterranean, the impact of the exemption is likely to be low.</p> <p>EWG 24-04 is aware on observations made in past EWGs (21-05; 17-08) regarding the complexity for assessing survivability, limited data available, the difficulties to assess survivability from one study, the pooled catch and discard data across the whole fishery, the challenges for compliance and enforcement of such measures and the lack of evidence on conditions being applied.</p> <p>EWG 24-04, recommends that the quantities of unwanted catches need to be properly accounted for.</p> <p>EWG 24-04 suggests to routinely monitor average bottom/sea surface temperature of fishing operation for a representative reference fleet. This would allow to appropriately define which months are likely to influence thermal shock and survival or returned animals back to the sea in order to</p>	

gain a better understanding about the link between acclimated, environmental temperatures vs temperature shocks on vitality and condition of catches.

Controlling and enforcing such measures to any degree will be challenging. A balance is needed between extrapolating the survival evidence from the conditions observed in the studies, and the practical considerations of enforcing and complying with the regulated measures.

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

- **Survivability exemption for Norway lobster (*Nephrops norvegicus*) caught with pots and traps (FPO, FIX)**

The main elements of the 2024 JR are summarised in table 5.2b.

Table 5.2b. Main elements assessed by the EWG for Norway lobster high survivability exemption request in the Western Mediterranean for pot and trap fishing.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	<p>Extension of an existing exemption expiring 31/12/2024 (Commission Delegated Regulation (EU) 2021/2066). Requested for the period: from January 1st, 2025 until December 31st, 2027</p> <p>Article 3.1.e: Request on the continuation of the survivability exemption for Norway Lobster (<i>Nephrops norvegicus</i>) caught by pots and traps (FPO, FIX) in the Mediterranean Sea in GFCM subareas 1, 2, 5, 6, 7, 8, 9, 10, 11.1, 11.2 and 12.</p>
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	<p>Based on the information provided by PESCAMED (2024), the exemption is requested to avoid risking an unnecessary increase in fishing mortality for this bycatch species, and to facilitate compliance with the landing obligation for small-scale fisheries with a low impact on the fishing resources.</p> <p>The exemption allows fishers to release individuals (noted specifically undersize) instead of landing them - although no discards were reported in any of the tables or text of the application.</p> <p>The proposal also believes and states that releasing juveniles into the water is a good way to improve the stock state, although there is no evidence to back it up.</p>
Supporting Data	

<p>Have survivability estimates been provided?</p>	<p>No survivability estimates provided for the requested fisheries in the Mediterranean Sea. Instead, survival exemption reasoning is inferred from Fox et al. (2020).</p> <p>Fox et al. (2020) demonstrates survivability of <i>N. norvegicus</i> caught in trawl fisheries in the North Sea and Skagerrak. Pot caught <i>N. norvegicus</i> were used as controls (to assess holding conditions) or purely to assess survival. Two results: Survival 94% (214 individuals) and 97% (390 individuals).</p> <p>See also (not included by PESCAMED (2024)): Oliver et al. (2017) survival of pot caught <i>N. norvegicus</i> - 98% summer (count: 204 individuals)</p> <p>However, to reiterate EWG 21-05, it is not possible to make direct inference as to the applicability of the results that were obtained from another area, outside of the Mediterranean. Water and air temperatures in the Mediterranean are generally warmer than the North Sea. Studies have highlighted the negative link between increased air temperatures and <i>N. norvegicus</i> survival (Spicer et al., 1990; Ridgway et al., 2006). Since metabolic costs are linked to temperature, elevated energetic costs might reduce an animal's capacity for recovery in warm conditions.</p>
<p>Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?</p>	<p>No survival estimates are provided. Reasoning for high post-release survival is based on a survival study from the North Sea and Skagerrak and a contextual comparison of the fisheries and environmental conditions of fishing activities of the study and of the fleet in general are not presented.</p> <p>It is not possible to make direct inference as to the applicability of the results obtained in other areas to the Mediterranean.</p>
<p>Does the provided information allow putting the survivability into the context of the discard rate for the fishery?</p>	<p>The provided information in the JR does not allow us to make any recommendation.</p> <p>Previous EWG 21-05 noted: to make any assessment of the exemption in the context of the <i>N. norvegicus</i> stock, additional data should be provided indicating the scale of the fishery and level of catches.</p> <p>Limited catch information is provided for discards- France only (PESCAMED (2024) - Section III).</p> <p>Spain and Italy: report catches of <i>N. norvegicus</i> by small scale vessels with pots and traps are negligible and insignificant.</p> <p>Catches (not defined as landings or discards)</p> <p>Spain <4 Kg in 2022 (unknown per vessel or fleet) Italy <40 kg in 2022 (unknown per vessel or fleet) (caught mainly with gillnets). NOTE: Pots and traps are included within a category of "miscellaneous small-scale gear" together with set nets (gillnets or trammel nets) and hooks and lines</p> <p>France: The evidence provided for the relevant fleet/metier show 0 tons of <i>N. norvegicus</i> discarded for the years 2021,</p>

	2022 and 2023 (FDI data). There is also a reduction in the number of vessels from five vessels in 2021 to one vessel in 2023.
Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	<p>No evidence of measures being taken to improve selectivity to reduce unwanted catches of <i>N. norvegicus</i>.</p> <p>It is noted that some retained <i>N. norvegicus</i> are landed to the live market. It is therefore a priority for fishers to keep <i>N. norvegicus</i> alive post capture. However, no explanation on how <i>N. norvegicus</i> are kept alive onboard was provided in the JR.</p> <p>Studies have highlighted the negative link between increased air temperatures and <i>N. norvegicus</i> survival (Spicer et al., 1990; Ridgway et al., 2006). Since metabolic costs are linked to temperature, elevated energetic costs might reduce an animal's capacity for recovery in warm conditions.</p>
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	<p>No evidence was provided in the JR. Some retained <i>N. norvegicus</i> are landed live which indicates possible facilities onboard to promote <i>N. norvegicus</i> survival while onboard and transit to landing location.</p> <p>There is no mention of soak duration for this passive gear and how these and other environmental, biological and technical parameters representative for this fishery compare against the fishery from the North Sea that was cited as evidence.</p>
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	<p>Spain and Italy have reported catches of <i>N. norvegicus</i> by small scale vessels with pots and traps are negligible and insignificant.</p> <p>France reported zero discards between 2021 - 2023.</p> <p>Based on this information, the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used is minimal.</p>
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	No information was provided in the JR on any new information/research/studies planned to support the exemptions.

EWG-24-04 conclusions

No scientific evidence of pot-caught-and-released undersized *N. norvegicus* in the Western Mediterranean was provided in the JR to support the request based on high survivability of *N. norvegicus* and thus no further evaluation of the proposed exemption is possible. Given that the Spanish and Italian catches of *N. norvegicus* are deemed negligible and France have no reported discards, similar to EWG 21-05 comment, question whether the exemption is required at all.

A full-scale study in the requested fisheries and locations would make for more robust survival estimates taking into account the characteristics of the fisheries and environmental parameters. Recognising the expense and logistics involved in these studies, other approaches that can generate survival estimates in the absence of being able to conduct full survivability studies are possible, e.g. McKenzie et al., 2024. However, potentially not as robust as full-scale survivability study.

Although no survival assessments were conducted in these fisheries, it may be worth considering a pragmatic approach:

- These fisheries work passive gear on small vessels in inshore waters (within 12 miles from shore).
- *N. norvegicus* catch volumes appear low - reported negligible for Spain (<4kg in 2022), Italy (<40kg in 2022) and 0.102 t for France (2023).
- *N. norvegicus* landings for the live market suggest at least some post-catch survival.
- The cited paper (Fox et al., 2020) demonstrates high post catch survival. Oliver et al. (2017) also demonstrated high post-catch *N. norvegicus* survival from pots. All above 90%.
- But uncertainties remain about the potential deleterious effects of more challenging environmental conditions in the Mediterranean climate.

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

● **Survivability exemption for Venus shell (*Venus* spp.) caught with mechanised dredges (HMD)**

The main elements of the 2024 JR are summarised in table 5.2c.

Table 5.2c. Main elements assessed by the EWG for Venus clam high survivability exemption request in the Western Mediterranean for mechanised dredges.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	<p>Venus shells (<i>Venus</i> spp.) below MCRS of 25 mm caught with mechanised dredges (HMD) (Annex IX Part A) with maximum breadth of 3 m (Annex IX Part C) in Mediterranean according to Regulation (EU) No 2019/1241).</p> <p>According to Article 3 of Commission Delegated Regulation (EU) 2021/2066, of 25 August 2021, last amended by Commission Delegated Regulation (EU) 2023/2462, of 22 August and to Article 1 of Commission Delegated Regulation (EU) 2022/2288, survivability exemptions from the landing obligation pursuant to Article 15(4), point (b) of Regulation (EU) 1380/2013 for species for which scientific evidence demonstrates high survival rates, in the Western Mediterranean Sea, shall apply to Venus shells (<i>Venus</i></p>

	<p>spp.) caught with mechanised dredges (HMD) until 31 December 2024.</p> <p>PESCAMED Group request for the extension of survivability exemption from 1st January 2025 until 31st December 2027.</p> <p>Based on the supporting information provided by PESCAMED (2024) the exemption applies to the following fisheries:</p> <p>In France, 8 vessels with an average size of 9.3 m used mechanised dredges and operated along the coastline and in ponds of GSA 7 in 2022. This fishery primarily targets octopus and Murex, which together constitute more than 65% of the catches.</p> <p>In Spain, the mechanised dredge fleets operate in GSA 01, whereas since 2020 in GSA 6 this fishery was closed and only pilot studies are carried out. In GSA 01 the fleet had an average size of 8.3 (2023) and their number increased from 40 to 75 during 2020-2023.</p> <p>In Italy, the mechanised dredge fleet with size between 6 and 12 m operate in GSAs 9 and 10. Venus shells (Venus spp.) concern only marginally catches (5%) for this fishery, since target species are other types of bivalve molluscs (Donax spp) (95%).</p> <p>Catch data for mechanised dredge fleet for Venus shells (Venus spp.) have been provided only for Italy (37.1 t) for 2021-2022. In both years all catches are landed with no discard quantities reported. For Spain, very low catch data for Venus shells have been only provided for GSA 6 from one authorized mechanised dredge vessel during two months of 2023. For GSA 1 the biomass of discarded specimens above the minimum catch size was 4 %.</p>
Description of the Problem	
<p>Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)</p>	<p>This exemption is requested due to the Venus shell's high rate of survival as well as the fact that mechanized dredges are highly selective gears and will not damage the individuals released immediately into the water.</p> <p>The exemption is also justified by the moderate impact of gears on the survival capacity of this species and the need of the species to be landed alive on the market.</p>
Supporting Data	
<p>Have survivability estimates been provided?</p>	<p>PESCAMED (2024) for supporting the survival of Venus clam presents studies that have been already reviewed by EWG 22-05 (Urre et al., 2021a and Bargione et al., 2021), as well as up-to-date evidence.</p> <p>Regarding the first study (Urre et al., 2021a), EWG 22-05 concludes that albeit the study conducted in the area issued for the requested exemption (northern Alboran Sea,</p>

	<p>Western Mediterranean), survival estimates are determined from a bivalve species (<i>D. trunculus</i>) not covered by the landing obligation. Thus, EWG 22-05 reiterates the risks in extrapolating survival evidence between species.</p> <p>Regarding the second study (Bargione et al., 2021), EWG 22-05 concludes that given the study were conducted in an area outside the requested exemption, a range of factors might impact survival and cautions against extrapolating survival evidence for the same species across fisheries (e.g., from hydraulic dredge to mechanised/towed dredges).</p> <p>Two new studies were presented by PESCAMED (2024) concerning Mediterranean areas outside the requested exemption:</p> <p>Anjos et al. (2018): The study undertook field surveys in the Algarve coast (southern Portugal) using two types of dredges (“DDredge” targeting <i>Donax trunculus</i> and “SDredge” targeting <i>Spisula solida</i> and <i>Chamelea gallina</i>). The mean survival rates obtained for the target species <i>C. gallina</i> caught by both gear types used were 100 %.</p> <p>Bargione et al. (2023): The study assessed the impact of hydraulic dredging on Venus clam <i>C. gallina</i> populations in the mid-Adriatic waters. The study demonstrated that the discarded portion of the catch was higher than in other Mediterranean areas (41.3% ±8.5%). Experiments in sea cages on both damaged and undamaged discarded clams, demonstrated that <i>C. gallina</i> shows high survivability (93.8 ± 0.7 %) of the entire discarded fraction.</p> <p>These data reveal that Venus shell’s individuals returned to the sea have a high chance of survival.</p>
<p>Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?</p>	<p>The survivability exemptions for Venus clam are based on survival studies and vitality observations performed in Mediterranean areas outside the requested exemption (e.g., Adriatic Sea, Algarve coast-southern Portugal).</p> <p>This made the recommendations more complex as a range of operational factors might impact survival and cautions against extrapolating survival evidence for the same species across fisheries (e.g., from hydraulic dredge to mechanised/towed dredges).</p> <p>The environmental component could also be incorporated. Environmental parameters could contribute to discard mortality. Populations of Venus clam undergo inter-annual fluctuations in relation to environmental variability (e.g., salinity, temperature, oxygen, and summer blooms of phytoplankton) (southern Adriatic Sea-Central Mediterranean Sea: Carlucci et al., 2024; Gulf of Cádiz-SW Spain: Delgado et al., 2023, 2013). This is crucial for a species showing a relatively low tolerance to fluctuating environmental conditions (e.g., water and air temperature salinity) (Northern Adriatic Sea: Moschino et al., 2006).</p>

	<p>This highlights the need to integrate environmental information in the assessment of Venus clam stocks to better understand climate change effects on the fluctuations and to support effective ecosystem-based fishery management.</p>
<p>Does the provided information allow putting the survivability into the context of the discard rate for the fishery?</p>	<p>Based on supporting information supplied by PESCAMED (2024), a study conducted in the area issued for the requested exemption (northern Alboran Sea, Western Mediterranean) shows that discards derived from Venus clam fisheries exhibit a discarded fraction up to 42.4% of the total catches. Only a limited quantity of this fraction is discarded for Venus clam <i>Chamelea gallina</i> (3.2%) (Urta et al., 2019; Urta et al., 2021b).</p> <p>This study has also been presented in the previous EGW (STECF EWG 22-05) to support the request for exemption. EWG 22-05 reiterated the risks in extrapolating survival evidence between species.</p> <p>Due to lack of studies conducted in the area issued for the requested exemption (Western Mediterranean), PESCAMED (2024) also used as supporting information localised studies to argue the point of putting the survivability into the context of the discard rate for the fishery.</p> <p>PESCAMED (2024) provide a recent study from other Mediterranean areas outside the requested exemption that shows that albeit the discarded Venus clam in the mid-Adriatic Sea contributed 41.3% ($\pm 8.5\%$) to the total catch, the overall survivability of damaged and undamaged clams was high (93.8% $\pm 0.7\%$) (Bargione et al., 2023), confirming previous results in the same area concerning the survival probability of intact clams, tested both in laboratory tanks and sea cages (Bargione et al., 2021).</p>
<p>Improvements in selectivity and operational practices on board fishing vessels to increase survivability</p>	

<p>Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?</p>	<p>There was no supporting information supplied by PESCAMED (2024) regarding this evidence.</p> <p>Based on supporting information provided in past EWG (22-05), mechanised dredge (HMD) is reported to be highly selective, being more than 75% of the catch in weight composed of Octopus, murex and scallop (PESCAMED, 2023).</p> <p>EWG 24-04 also provides updated evidence on this issue from other Mediterranean areas outside the requested exemption. A study conducted along the southern coast of the Marmara Sea (Turkish waters) using a mechanical dredge (MD) and a hand dredge (HD) targeting the Venus clam <i>C. gallina</i>. The study shows that the species were the main target species caught (38.57%) and a lower commercial bycatch quantity in terms of weight (5.08%) was observed for the HD compared to the MD (10.78%) (Çolakoğlu, 2020).</p> <p>This highlights the importance of testing different gears to mitigate unwanted catches.</p>
<p>Is there evidence of measures being taken to improve survivability through onboard handling or other operational practices (e.g., shorter towing times)?</p>	<p>There was no supporting information supplied by PESCAMED (2024) regarding this evidence.</p> <p>EWG 24-04 reviewed the existing literature to provide further evidence on this issue from other Mediterranean areas outside the requested exemption.</p> <p>Based on update literature review, a recent study on Venus clam caught with hydraulic dredges in the mid-Adriatic Sea (Bargione et al., 2023) demonstrated that the dredge alone causes a lower damage to clams compared to the whole fishing process (dredge + mechanised vibrating sieve). Indeed, in the first case (only dredge) the percentage of intact shells was $86.7 \pm 3.3\%$, whereas in the second case (dredge and vibrating sieve) it lowered to $80.3 \pm 3.3\%$. However, the survival rate calculated on the discarded clams (undamaged + damaged) returned to the sea was estimated to be $93.8 \pm 0.7\%$.</p> <p>EWG 24-04 also provides updated evidence on this issue from other areas outside the requested exemption. In the coast of Algarve (Anjos et al., 2018) a low percentage of the targeted Venus clam by mechanised dredge was affected and injured (5.4% and 5.0%, respectively).</p> <p>Experimental surveys on the mechanical stress effects due to dredging and sorting of Venus clam <i>C. gallina</i> were conducted in laboratory simulation experiments and in field surveys in the northern Adriatic Sea (Moschino et al., 2003). Results shows that dredging at high water pressure (inlet pressure 2.5 bar) and mechanical sieving for sorting, as in commercial fishing, present a higher fraction (up to $28.5 \pm 3.1\%$) of shell damage to by-catch samples compared with low water pressure (inlet pressure 1 bar, the lowest allowing dredging) and manual sorting (up to $14.4 \pm 1.4\%$).</p> <p>Based on a study conducted in the area issued for the requested exemption (northern Alboran Sea, Western Mediterranean), albeit in a different species not including in</p>

	the exemption (<i>Donax trunculus</i>), survival proportions of the wedge clam (<i>Donax trunculus</i>) and shell damage invoke by the impact of mechanized dredging do not differ significantly among towing speed (Urrea et al., 2021a). Here, it is also worth to reiterate the risks in extrapolating evidence between species.
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	There is no assessment for these species and with the available limited fisheries data it is not possible to make predictions.
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	There is no new information/research/studies planned to support the exemptions.
EWG 24-04 conclusions	
<p>EWG notes that the studies on the survival and vitality of Venus clam, brought in support of the exemption request, refer to different areas and gear than those for which the exemption is requested. However, considering that the seabeds where the species lives have the same characteristics (albeit in different areas) and that the gears in question are dredges, it is possible to conclude that Venus clam has high survival rates (> 90%) and that therefore discarding immediately after capture is beneficial to the stock.</p> <p>EWG 24-04 concludes that further research is needed from areas within the requested for the exemption, as extrapolations from other areas, fisheries and species studied have their caveats.</p>	

Source: JRs submitted by MS regional groups to the Commission, own elaborations.

6. ISSUES TO BE CONSIDERED BY STECF

The main issues that the EWGs suggest STECF consider are as follows:

1. The biggest weakness in the JRs provided by Member States is the catch data provided. The lack of consistency and presentation of the data made it difficult for the EWG completing meaningful assessments of the likely impact/risk of the exemption on the relevant or associated stocks. Therefore, the EWG requests STECF consider the data issues; identify the most reliable sources of data that could be used in the future; and identify any likely gaps in data that will be difficult to fill.
2. Previous EWGs (23-04/06), developed templates for provision of catch data and also for assessing the exemptions. While useful in assisting Member States formulate their JRs and for the EWGs in structuring the responses, these could be further refined. STECF is requested to consider these templates and suggest improvements where relevant.
3. Evaluating the information provided to support *de minimis exemptions* due to disproportionate costs remains challenging. Most exemptions rely on generic studies

outlining the costs of implementing the landing obligation. In some cases, such as the exemption requested for shrimps, reference is made to studies conducted in the same area but related to coastal trawling, which has a different catch composition, as evidenced by the graphs presented by Spain (other catch data are aggregated for all trawling sectors). An exception was the Belgian submission, which provided a detailed analysis, but then attributed all the extra costs of dealing with the by-catch only to lemon sole, inflating the disproportionately the cost associated with that species. Therefore, the EWG lacks the capability to assess these studies. STECF is urged to revisit prior guidance and revise their recommendations concerning disproportionate costs.

4. Giving guidance on appropriateness of requests, guidance on importance of scientific issues, with legal considerations staying in the background.
5. In initiating future reviews, the EWG stresses it is vital that Member States and the Advisory Councils understand what information is needed to allow for a meaningful assessment to be carried out.
6. The EWG emphasizes the importance of using scientific (i.e., Latin) species names, or at minimum, FAO abbreviations. This practice helps prevent errors and misunderstandings during the review of submissions, particularly in mixed fisheries where species with similar names are involved.

7. CONCLUSIONS

The conclusions reported below are general observations on the quality and weaknesses identified with the exemptions submitted across all the Regional Groups. In this regard, EWG 24-04 concludes that:

7.1. General conclusions

- The role of STECF EWGs established to assess Joint Recommendations remains focused on evaluating the scientific validity and reliability of the information provided by Member States or High-Level Groups to support the key components of Joint Recommendations. The EWG or STECF cannot make determinations regarding the acceptance of exemptions.
- The main objective in implementing the landing obligation should be the reduction of unwanted catch through enhanced selectivity or alternative methods. While acknowledging that improving selectivity may lead to some loss in revenue, such revenue decrease should be considered within the broader context of medium-term benefits, including enhanced stock sustainability through increased selectivity, reduced risk of choke events, and improved utilization of quotas to capture a higher proportion of more valuable catches.
- EWG advocates for increased research on innovative and selective fishing gears, emphasizing the need to include socio-economic indicators to assess the performance of these devices in line with supporting fishers' livelihoods in the short and medium term.
- Recognizing the significant work carried out by the Regional groups in preparing the 2024 JRs, the EWG notes that sometimes the JRs lacked solid scientific basis or referred to documents submitted in previous EWGs without adding anything new. This has limited the assessment that the EWG has been able to carry out, and in many cases, the previous observations of the STECF regarding exemptions remain

valid.

- Some of the submissions were short on providing fisheries-relevant information, in so far as extrapolations were made from fisheries for other species. This leads to uncertainty whether this is representative. Efforts need to be made to provide information that are stemming from the fisheries at hand.
- In initiating future reviews, the EWG stresses it is vital that Member States, HLGs and the Advisory Councils understand what information is needed to allow for a meaningful assessment to be carried out.

7.2. Conclusions on de minimis exemptions

- Under Article 15 of the CFP Basic Regulation Member States have a legal requirement to record all catches discarded under *de minimis* exemptions. Both *de minimis* exemption requests have been lacking in clarity in the data on discards. Either no discarding was performed in the past or insufficient data have been collected and passed on. This can be seen in the data discrepancies between some of the submissions of the MS and the data on discards within the FDI.
- For either *de minimis* exemptions, the relationship between the *de minimis* volume requested and the level of unwanted catches is unclear from the information provided to support the exemption.
- The case for *de minimis exemptions* should not be improved by having high levels of unwanted catches, and therefore high handling costs, where the incentive to improve selectivity should be maintained. Improving selectivity or the adoption of avoidance-methods to reduce the level of unwanted catches should be the priority.
- Judging at which level costs are disproportionate is difficult because there is no objective way for the EWG to assess what level of costs constitutes disproportionate. For this reason, in assessing *de minimis* exemptions, the relationship between the *de minimis* volume, the actual level of unwanted catches and the overall status of the stocks involved has been a focus of the assessments.
- The PESCAMED request contained no information that increases of selectivity are not possible and neither that disproportionate handling costs are incurred as there are no or negligible unwanted catches to date.
- The stock size indicator for lemon sole has been declining since 2016 and as it is unclear what number of vessels would be using this derogation as well as the precise *de minimis* discard volume requested, it is difficult to make a scientific sound statement upon the impact of this derogation on the stock. It is clear that the potential to have a negative impact on a already declining, data poor stock is there.
- For some of the requested exemptions it is difficult to discern the *raison d'être* of the exemption from the submitted material. As mentioned above, an exemption should either be granted because no improvement to gear-selectivity are possible or due to disproportionate costs. Some submissions seem to prepare for hypothetical eventualities that could or could not occur.

7.3. Conclusions on high survivability exemptions

- For *Nephrops norvegicus* caught with bottom trawls in the Western Mediterranean, with the research and data presented, a survival exemption to allow post-release

discarding in months when the changes in temperature are much drastic from bottom to sea surface and ambient air (i.e., spring/summer) would be ineffective. Assuming survival rates range from 36-74% (excluding summer), and both catch and discard rates and volumes are low, combined with the fact that the Minimum Conservation Reference Size (MRCs) for Norway lobster is below the average size at maturity in the Mediterranean, the impact of the exemption is likely minimal. However, considering previous challenges highlighted by the EWGs (21-05; 17-08)—such as the complexity of assessing survivability, limited available data, the difficulties of evaluating survivability based on a single study and pooled catch and discard data across the entire fishery, as well as the challenges in compliance and enforcement of such measures, and the lack of evidence on the conditions being applied—the EWG concludes that if this exemption is granted, the quantities of unwanted catches need to be properly accounted for. EWG suggests to routinely monitor average bottom/sea surface temperature of fishing operation for a representative reference fleet. This would allow to appropriately define which months are likely to influence thermal shock and survival or returned animals back to the sea in order to gain a better understanding about the link between acclimated, environmental temperatures vs temperature shocks on vitality and condition of catches.

- For *Nephrops norvegicus* caught with pots and traps in the Western Mediterranean no scientific evidence supporting the request based on the high survivability of Norway lobster was provided, making unreliable further evaluation of the proposed exemption. Considering that Spanish and Italian catches of *Nephrops norvegicus* are negligible and France has reported no discards, as noted in EWG 21-05, it is unclear as to the necessity of this exemption.
- For the survivability exemption for Venus shell (*Venus* spp.) caught with mechanised dredges (HMD) the available data and supporting scientific articles, although from other areas and for similar gears (hydraulic dredges rather than mechanized towed dredges), support the high survival rates of this species. However, EWG reiterates that it is essential to conduct specific survival studies in the areas covered by the exemption request.

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- Council Directive 92 /43 /EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora.
- Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive).
- Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds.
- Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC.
- Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005.
- Council Regulation (EU) 2024/259 of 10 January 2024 fixing for 2024 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Mediterranean and Black Seas.
- Commission Delegated Regulation (EU) 2021/2066 of 25 August 2021 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council regarding details of implementation of the landing obligation for certain demersal stocks in the western Mediterranean Sea for the period 2022-2024.
- Commission Delegated Regulation (EU) 2023/2459 of 22 August 2023 supplementing Regulation (EU) 2018/973 of the European Parliament and of the Council by specifying details of the landing obligation for certain fisheries in the North Sea for the period 2024-2027.
- Commission Delegated Regulation (EU) 2023/2623 of 22 August 2023 supplementing Regulation (EU) 2019/472 of the European Parliament and of the Council by specifying

details of the landing obligation for certain fisheries in Western Waters for the period 2024-2027.

Commission Delegated Regulation (EU) 2023/2462 of 22 August 2023 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council by specifying details of the landing obligation for certain demersal stocks in the western Mediterranean Sea.

Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014.

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007.

Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008.

Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008.

Commission Delegated Regulation (EU) 2022/2288 of 16 August 2022 amending Delegated Regulation (EU) 2021/2066 supplementing Regulation (EU) 2019/1022 of the European Parliament and of the Council as regards the extension of the high survivability exemption to the landing obligation for Venus shells (*Venus* spp.), Scallops (*Pecten jacobaeus*) and Carpet clams (*Venerupis* spp.) in the western Mediterranean Sea.

Commission Delegated Regulation (EU) 2017/86 of 20 October 2016 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

Commission Delegated Regulation (EU) 2020/4 of 29 August 2019 amending Delegated Regulation (EU) 2017/86 establishing a discard plan for certain demersal fisheries in the Mediterranean Sea.

10. ANNEXES

Annex I - Template used for the evaluation of *de minimis* exemptions.

Description of the Exemption	
Title of Exemption and relevant delegated act and article	
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	
Supporting Data	
Has detailed catch and fleet data been provided for the stock and for the fishery?	
What does this data show, in relation to the extent of unwanted catches in the fishery both in relative terms (discard rates) and absolute terms (volume of unwanted catches)?	
Is there an indication of which Member State fleets are using this exemption? Is there any indication as the level of unwanted catch recorded and reported by the Member State against the exemption?	
Supporting Information	
What supporting information/literature reviews has been provided?	
Is this information taken from the actual fishery/fisheries relating to the exemption?	
If not, has information relating to similar fisheries using the same fishing gears from other areas been provided? If so, how representative is it of the fishery/fisheries covered by the exemption?	
Improvements in selectivity	
Are credible arguments put forward that supports the argument that selectivity in the relevant fishery/fisheries is very difficult to achieve?	
Is this based on pilot studies or trials?	
Disproportionate costs	

Are credible arguments provided that supports the argument for the exemption based on disproportionate costs?	
Is this based on pilot studies or economic model simulations?	
How do the disproportionate costs relate to the fishery in relative terms compared to the value of landings?	
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	
Is the stock relevant to the exemption exploited together with other stocks that are in a depleted state?	
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	
EWG 24-04 Conclusions	

Annex II - Template used for the evaluation of high survivability exemptions

Description of the Exemption	
Title of Exemption and relevant delegated act and article	
Description of the Problem	
Is there an explanation provided of why the exemption is needed (i.e., what is the basis for the exemption?)	
Supporting Data	
Have survivability estimates been provided?	
Are these estimates based on survival studies, vitality observations or estimates from similar fisheries in other sea basins? How robust are they?	
Does the provided information allow putting the survivability into the context of the discard rate for the fishery?	

Improvements in selectivity and operational practices on board fishing vessels to increase survivability	
Is there evidence of measures being taken to improve selectivity in the relevant fisheries to reduce the level of unwanted catches discarded under this exemption?	
Is there evidence of measures being taken to improve survivability through on board handling or other operational practices (e.g., shorter towing times)?	
Projected impact/risk associated with the exemption	
What is the projected impact/level of risk on the relevant stocks of the exemption in the context of the fishery and the fishing gears used?	
New research/studies planned	
Are new information/research/studies planned to support the exemptions?	
EWG 24-04 Conclusions	

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¹ - Information on EWG participant's affiliations is displayed for information only. In any case, Members of the STECF, invited experts, and JRC experts shall act independently. In the context of the STECF work, the committee members and other experts do not represent the institutions/bodies they are affiliated to in their daily jobs. STECF members and experts also declare at each meeting of the STECF and of its Expert Working Groups any specific interest which might be considered prejudicial to their independence in relation to specific items on the agenda. These declarations are displayed on the public meeting's website if experts explicitly authorized the JRC to do so in accordance with EU legislation on the protection of personnel data. For more information: <http://stecf.jrc.ec.europa.eu/adm-declarations>

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12. LIST OF BACKGROUND DOCUMENTS

Background documents and Dols are published on: <https://stecf.ec.europa.eu/meetings-calendar/past-meetings>

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EU open data

The portal data.europa.eu provides access to open datasets from the EU institutions, bodies and agencies. These can be downloaded and reused for free, for both commercial and non-commercial purposes. The portal also provides access to a wealth of datasets from European countries.

STECF

The Scientific, Technical and Economic Committee for Fisheries (STECF) has been established by the European Commission. The STECF is being consulted at regular intervals on matters pertaining to the conservation and management of living aquatic resources, including biological, economic, environmental, social and technical considerations.

Science for policy

The Joint Research Centre (JRC) provides independent, evidence-based knowledge and science, supporting EU policies to positively impact society



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