

ANNEXES II and III

Annex II: List of exemption requests which the Commission intends to reject, based on its letters to the Scheveningen and North Western Waters regional groups. Annex IIa refers to exemption requests from the North Sea joint recommendation, Annex IIb refers to exemption requests from the North Western Waters joint recommendation. These tables specify for each exemption a summary of the issues raised by STECF's evaluation of the exemption requests and the missing information to be provided and conditions to be met to address them, before adoption, should it be resubmitted in future. The exemption description provided in the first column is based on the respective description in Tables 4.3.2 and 4.3.3 in the STECF PLEN-18-02 report¹. The second column specifies which parts of the STECF PLEN-18-02 report in the STECF 18-06 report² the information reflected in the third column is based on.

Annex IIa: Exemption requests from North Sea joint recommendation which the Commission intends to reject.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption (if re-submitted in future), in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
<i>De minimis (new):</i> Pelagic species under landing obligation for demersal vessels using bottom trawls (OTB, OTT, PTB, TBB) of mesh size 70-99mm (TR2, BT2) in the North Sea (area IV)	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.1.5, p. 103 • STECF PLEN-18-02 report: Table 4.3.2, p. 23 	<ul style="list-style-type: none"> • Disaggregated fishery information from other Member States than FR (UK, NL, SE, DK), since otherwise STECF cannot assess the <i>de minimis</i> amount • Supporting information demonstrating disproportionate costs and/or difficulties to improve selectivity, since STECF has not been able to assess this based on the provided information and suggested that the gear used in this fishery is relatively unselective 	Yes The Commission would reject this exemption. Note that exemption text was updated and further supporting information announced afterwards in the revised JR.

¹ Scientific, Technical and Economic Committee for Fisheries (STECF) – 58th Plenary Meeting Report (PLEN-18-02); Publications Office of the European Union, Luxembourg.

² Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-18-06). Publications Office of the European Union, Luxembourg, 2018.

Annex IIa continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption (if re-submitted in future), in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
<p>De minimis (new): Bycatch of industrial species for demersal vessels using TR1, TR2 or BT2 in areas IIIa and IV)</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.1.7, p. 105 • STECF PLEN-18-02 report: Table 4.3.2, p. 24 	<ul style="list-style-type: none"> • Fishery and catch data for all Member States which could use this exemption (no information on catches or fleets of involved beam trawl fisheries provided so far) • Supporting evidence demonstrating disproportionate costs and/or difficulties to improve selectivity, and to support the statement that there are no methods to reduce bycatch of industrial species in the respective fisheries • Clarify whether the <i>Pandalus</i> fishery would be included, and why sandeel was included (it is unclear based on the STECF PLEN comments, whether these points were addressed following the EWG) 	<p>Yes The Commission would reject this exemption. Note that it seems to be no longer included in the revised JR.</p>
<p>High survival (new): Turbot caught in towed gears with a codend larger than 80mm in area IV</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.7, p. 118 • STECF PLEN-18-02 report: Table 4.3.2, p. 29 	<ul style="list-style-type: none"> • Improve survival significantly, considering the current survival rates in combination with high discard rates would result in considerable amounts of dead discards • Provide supporting information subject to STECF review for all gears that this exemption is meant to apply for (including standard beam trawls, if these are meant to be covered) • Repeat studies to confirm the unusual result that survival was higher in summer than in winter, and do further studies considering effects of differing environmental conditions and fishing operations • Commit to further research regarding fish condition during the capture process and how that can be improved 	<p>Yes The Commission would reject this exemption. Note that the request is still included in the revised JR, which states that the 2015 and 2016 were not representative (due to a low TAC) and discard levels for 2017 and 2018 are expected to be lower. It also states that the request would be withdrawn for the time being if the COM still considers it unacceptable, but may be resubmitted in a future JR, especially in the light of the planned roadmap for the plaice fishery.</p>

Annex IIb: Exemption requests from the North Western Waters joint recommendation which the Commission intends to reject.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption (if re-submitted in future), in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
De minimis (new): Combined <i>de minimis</i> for Gadoids (cod, haddock, whiting) caught using bottom trawls, seines and beam trawls of greater than or equal to 80mm mesh size in the Celtic Sea and the Channel (ICES VIIb-c, e-k)	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.1.2, p. 126 • STECF PLEN-18-02 report: Table 4.3.3, p. 30 	<ul style="list-style-type: none"> • Supporting evidence demonstrating disproportionate costs and/or difficulties to improve selectivity (since STECF concluded that the supporting information is limited, only refers to one fleet, and overall does not allow for a proper assessment • Like for any other combined <i>de minimis</i> exemption, factor the <i>de minimis</i> amount into the TACs for all stocks to be covered by the exemption, as advised by STECF 	<p>Yes The Commission would reject this exemption.</p>
De minimis (new): Undersized whiting in the TR2 Nephrops trawl fishery in ICES division VIIa	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.1.3, p. 128 • STECF PLEN-18-02 report: Table 4.3.3, p. 31 	Significant selectivity improvements needed, since large majority of the whiting catch is currently discarded	<p>Yes The Commission would reject this exemption.</p>
De minimis (new): Undersized by-catches of haddock in the TR1 demersal trawl fisheries in ICES area VIIa	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.1.4, p. 129 • STECF PLEN-18-02 report: Table 4.3.3, p. 31 	STECF highlighted that the justification for this is 'weak' (and the argument of disproportionate costs ambiguous), and that the focus should be on improving selectivity for which several options are available	<p>Yes The Commission would reject this exemption.</p>

Annex IIb continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption (if re-submitted in future), in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
<p><i>De minimis (new):</i> By-catches of pelagic species (mackerel, horse mackerel, herring, boarfish, greater silver smelt) caught by vessels using bottom trawls and seines, and beam trawls in ICES subarea VI and VIIb-k</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.1.5, p. 130 • STECF PLEN-18-02 report: Table 4.3.3, p. 32 	<ul style="list-style-type: none"> • Supporting evidence demonstrating disproportionate costs and/or difficulties to improve selectivity (since STECF concluded that no supporting information is provided and it therefore cannot evaluate the exemption request) • Improve selectivity, considering STECF noted that levels of unwanted catches are among the highest in any demersal fisheries in the NE Atlantic, combined with relatively unselective gear 	<p>Yes The Commission would reject this exemption.</p>

Annex III: List of exemption requests which the Commission intends to adopt (albeit in some cases on a temporary basis), based on its letters to the Scheveningen and North Western Waters regional groups. Annex IIIa refers to exemption requests from the North Sea joint recommendation, Annex IIIb refers to exemption requests from the North Western Waters joint recommendation. These tables specify for each exemption a summary of the issues raised by STECF's evaluation of the exemption requests and the missing information to be provided and conditions to be met in order to address them, before adoption. It also indicates in the final column to what extent the Commission's intended approach addresses these points, highlighting outstanding concerns about its approach ('(No)' means that while the Commission has indeed requested missing information and attached certain conditions, it intends to approve the exemption before these points have been addressed). The exemption description provided in the first column is based on the respective description in Tables 4.3.2 and 4.3.3 in the STECF PLEN-18-02 report³. The second column specifies which parts of the STECF PLEN-18-02 report in the STECF 18-06 report⁴ the information reflected in the third column is based on.

Annex IIIa: Exemption requests from the North Sea joint recommendation which the Commission intends to approve.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
De minimis (existing): Whiting and cod caught using bottom trawls (OTB, < 100mm (TR2))	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.1.1, p. 101 • STECF PLEN-18-02 report: Table 4.3.2, p. 22 	Additional data (from other Member States than FR, e.g. NL) to support extending the scope of the exemption to the whole of area IV	(No) The Commission has requested the missing information, but would approve this exemption, before this information is provided, for 1 year.
De minimis (new): Ling (<i>Molva molva</i>) for vessels using bottom trawls (OTB, OTT and PTB) > 100mm in the North Sea (area IV)	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.1.6, p. 104 • STECF PLEN-18-02 report: Table 4.3.2, p. 24 	<ul style="list-style-type: none"> • Supporting information demonstrating that selectivity improvements are difficult to achieve, since no new information had been submitted after the EWG and STECF could thus not assess whether this is the case • Fishery and catch information from other Member States (than FR) active in the fishery, i.e. DE and UK 	(No) The Commission has requested the missing information, but would approve this exemption, before this information is provided, for 1 year. Note that based on the revised JR the regional group is planning to use this exemption to gather the missing information, rather than providing it beforehand.

³ Scientific, Technical and Economic Committee for Fisheries (STECF) – 58th Plenary Meeting Report (PLEN-18-02); Publications Office of the European Union, Luxembourg.

⁴ Scientific, Technical and Economic Committee for Fisheries (STECF) – Evaluation of the landing obligation joint recommendations (STECF-18-06). Publications Office of the European Union, Luxembourg, 2018.

Annex IIIa continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
High survival (new): Nephrops caught by demersal trawls with a codend larger than 80mm (70mm/35mm)	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.1, p. 110 • STECF PLEN-18-02 report: Table 4.3.2, p. 25 	Additional data on the east coast fisheries in the North Sea and the fisheries in the Skagerrak, specifically supporting information for the inclusion of the <i>Pandalus</i> fishery, since STECF questioned the representativeness of the provided studies for extrapolation across the whole area and different fisheries (noting that the <i>Pandalus</i> fishery has very different characteristics to the <i>Nephrops</i> fishery)	(No) The Commission has requested the missing information, but would approve this exemption, before this information is provided, for 2 years.
High survival (new): Skates and rays caught by all fishing gears in the North Sea (areas IIIa, IV and EU waters of IIa)	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.6, p. 117 • STECF PLEN-18-02 report: Table 4.3.2, p. 28 	<p>The EWG voiced clear concerns about the wide scope of the exemption and extrapolation of results of certain studies across species, fisheries and seasons, and recommended limiting the exemption to 1 year to allow for a quick review in light of emerging data. Therefore, the following is needed:</p> <ul style="list-style-type: none"> • Clear and detailed roadmap (subject to scientific assessment by STECF) to be submitted by Member States about further planned research and measures regarding data collection, survival, and improvements in selectivity and survivability, which clearly specifies which fisheries will implement which measures and what progress needs to be achieved within the given timeline • Annual reporting on progress and modifications/adjustments made to the roadmap in order to increase survivability, subject to review by STECF • Fully documented fisheries to provide reliable catch data by species 	(No, partially) The Commission has attached several conditions to this exemption and excluded cuckoo ray due to low survivability, but has not requested fully documented fisheries and would adopt this exemption on a 'temporary' basis for three years without the missing information having been provided beforehand. Not much detail is given about the roadmap requested by the Commission.

Annex IIIa continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
High survival (new): Plaice below MCRS caught by 80-119mm beam trawls (BT2) in area IV	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.4, p. 114 • STECF PLEN-18-02 report: Table 4.3.2, p. 27 	<p>STECF raised concerns about the low and highly variable survival rates in combination with high discard rates, meaning there are likely to be significant amounts of dead discards, and questioned the extrapolation of results from the pulse trawl fishery to standard beam trawls, as well as the application of this 'temporary' exemption for three years. Therefore, the following is needed:</p> <ul style="list-style-type: none"> • Supporting information for all gears the exemption is requested for (non-pulse beam trawls) • Clear and detailed roadmap (subject to scientific assessment by STECF) to be submitted by Member States about further planned research and measures regarding data collection, survival, and improvements in selectivity and survivability, which clearly specifies which fisheries will implement which measures and what progress needs to be achieved within the given timeline • Annual reporting on progress and modifications/adjustments made to the roadmap in order to increase survivability 	<p>(No, partially)</p> <p>The Commission has attached several conditions to this exemption, however without requesting the missing studies / information regarding standard beam trawls, but would adopt this exemption without the missing information having been provided beforehand, for 1 year. Not much detail is given about the roadmap requested by the Commission.</p>
High survival (new): Bycatch of plaice using trawl (OTB, PTB) of mesh sizes ≥120mm in areas IIIa and IV in winter	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.5, p. 116 • STECF PLEN-18-02 report: Table 4.3.2, p. 28 	<ul style="list-style-type: none"> • Apply exemption only in winter months, as specified in request and highlighted by STECF • Condition should be included regarding minimisation of sorting times since longer sorting times are associated with significantly lower survival • Exemption should not apply where large quantities of <i>Nephrops</i> are present in the catch, since this negatively influences survival 	<p>(No, partially)</p> <p>The Commission would approve this exemption as requested, only in winter, but without adding further conditions regarding sorting times or presence of <i>Nephrops</i> in the catch.</p>

Annex IIIa continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
<p>De minimis (new): Whiting caught by beam trawls 80-119mm in the North Sea (area IV)</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.1.8, p. 106 • STECF PLEN-18-02 report: Table 4.3.2, p. 25 	<ul style="list-style-type: none"> • Re-submit the additional supporting information (provided in Dutch) in English for proper STECF review before adopting exemption • Limit the <i>de minimis</i> amount to 2% since it would otherwise allow for higher than previously reported discards 	<p>No The Commission does not seem to have requested the additional supporting information to be resubmitted in English for STECF review, but would accept the exemption, before this information is provided, for 3 years. Note that the <i>de minimis</i> percentage has been clarified as 2% in the revised JR.</p>
<p>High survival (existing): Common sole (undersized only) caught with trawl gears in area IVc</p>	<ul style="list-style-type: none"> • STECF 18-06 report: no new in-depth evaluation • STECF PLEN-18-02 report: Table 4.3.2, p. 25 	<p>Clear definition of location of nursery areas (this has been highlighted by STECF for several years and reiterated again this year)</p>	<p>No The Commission would approve this exemption without requesting the missing information.</p>
<p>High survival (new): Bycatch of plaice by vessels using setnets in areas IIIa and IV</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.2, p. 111 • STECF PLEN-18-02 report: Table 4.3.2, p. 26 	<ul style="list-style-type: none"> • Additional studies in line with the EWG 18-06's recommendations to address the 'limited scope' of the provided study (see p. 112 of the STECF 18-06 report): repeat studies in the North Sea with a more complete analysis (more samples, considering environmental conditions and fishing handling practises, long term mortality, air exposure etc.) in representative fisheries • Follow the EWG's recommendation to specify clear handling procedures regarding the minimisation of air exposure in the discard plan 	<p>No The Commission would approve this exemption without requesting the missing information or specifying handling conditions.</p>

Annex IIIa continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
High survival (new): Bycatch of plaice by vessels using Danish seine in areas IIIa and IV	<ul style="list-style-type: none"> • STECF 18-06 report: Section 6.2.3, p. 113 • STECF PLEN-18-02 report: Table 4.3.2, p. 26 	<ul style="list-style-type: none"> • Further studies with longer sorting times that are more representative of the fishery in question, since STECF concluded that the survival rates in the fishery would be significantly lower than the observed ones (sorting time 30 mins) as the average sorting time in the fishery is 45 mins • Follow the EWG's recommendation to specify clear handling procedures regarding the minimisation of air exposure in the discard plan 	<p>No</p> <p>The Commission would approve this exemption without requesting the missing information or specifying handling conditions.</p>

Annex IIIb: Exemption requests from the North Western Waters joint recommendation which the Commission intends to approve.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
High survival (existing): Common sole (undersized only) caught with trawl gears in area VIId	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.2.1, p. 136 • STECF PLEN-18-02 report: Table 4.3.3, p. 32 	<ul style="list-style-type: none"> • Clear definition of location of nursery areas (this has been highlighted by STECF for several years and reiterated again this year) • Clarification needed on source and context of information submitted following Plenary by France • Information from UK regarding nursery areas along the English coast 	<p>(No)</p> <p>The Commission has requested the missing information and attached some conditions, but would approve this exemption, before this information is provided, for 3 years.</p>

Annex IIIb continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
<p>High survival (new): Skates and ray species caught by any gear in the North Western Waters (areas VI and VII)</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.2.4, p. 138 • STECF PLEN-18-02 report: Table 4.3.3, p. 34 	<p>The EWG voiced clear concerns about the wide scope of the exemption and extrapolation of results of certain studies across species, fisheries and seasons, and recommended limiting the exemption to 1 year to allow for a quick review in light of emerging data. Therefore, the following is needed:</p> <ul style="list-style-type: none"> • Clear and detailed roadmap (subject to scientific assessment by STECF) to be submitted by Member States about further planned research and measures regarding data collection, survival, and improvements in selectivity and survivability, which clearly specifies which fisheries will implement which measures and what progress needs to be achieved within the given timeline • Annual reporting on progress and modifications/adjustments made to the roadmap in order to increase survivability, subject to review by STECF • Fully documented fisheries to provide reliable catch data by species 	<p>(No, partially) The Commission has attached several conditions to this exemption and removed cuckoo ray, but has not requested fully documented fisheries and would adopt this exemption on a 'temporary' basis for three years without the missing information having been provided beforehand. Not much detail is given about the roadmap requested by the Commission.</p>
<p>High survival (new): <i>Nephrops</i> in the TRI fisheries in Area VII and in the TR2 fisheries in Area VII in combination with highly selective gears</p>	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.2.2, p. 136 • STECF PLEN-18-02 report: Table 4.3.3, p. 33 	<p>Supporting information demonstrating high survival for other gears covered by this exemption than SELTRA trawls, or demonstrating that survival rates in the provided studies are representative for all other gears and areas covered by this exemption (which the EWG suggested may not be the case), and allowing for a full assessment of the overall impact of this exemption across the extensive <i>Nephrops</i> fisheries in VII</p>	<p>No The Commission would approve this exemption without requesting further information.</p>

Annex IIIb continued.

Exemption description	Source of information in the STECF EWG and Plenary reports	Missing information to be provided and conditions to be met, before adoption of the exemption, in order to address issues raised in STECF's evaluation.	Does the Commission's position as indicated in its letters to the regional groups address all outstanding concerns?
High survival (new): Plaice caught with beam trawls in ICES subareas VIIa to VIIk	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.2.9, p. 141 • STECF PLEN-18-02 report: Table 4.3.3, p. 36 	<ul style="list-style-type: none"> • Submit fishery information for Belgium (key participant in the fishery according to STECF) • Clarification of source of Irish fishery data • Further focus on improving selectivity and survival, as recommended by STECF • Provide additional studies and data (as suggested by STECF) to allow for full assessment of the impact of this exemption, and in the meantime limit exemption to those situations for which reliable data demonstrating high survival have been provided, considering high variability in survival rates as noted by STECF • Full documentation of all catches and discards of plaice in area 7h-k which has been below B_{lim} since the early 2000s, in order to reliably quantify (dead) discard levels 	<p>No</p> <p>The Commission would approve this exemption 'partially' for 1 year, but did not specify any conditions or further information to be submitted.</p>
High survival (new): Fish caught in pots, traps and creels in North Western Waters	<ul style="list-style-type: none"> • STECF 18-06 report: Section 7.2.10, p. 142 • STECF PLEN-18-02 report: Table 4.3.3, p. 37 	<ul style="list-style-type: none"> • Clarification on interpretation of Irish fishery data (as STECF noted that some of the provided are difficult to interpret) • Add conditions regarding mitigation measures to minimise avian post-release predation in order to maximise survival 	<p>No</p> <p>The Commission would approve this exemption without requesting further information or specifying conditions.</p>