

**Joint Recommendation
of
the NWW and Scheveningen regional
groups**

**for amending specifying details of
the landing obligation for certain fisheries
in the Western Waters and the North Sea
2024-2027**

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Generalities

1. Background

1.1. Legal background

One of the main elements of the reform of the Common Fisheries Policy (CFP), introduced by Regulation (EU) No 1380/2013 (the “Basic Regulation”), is the introduction of a full landing obligation as from 1 January 2019. Article 15(5) of the Basic Regulation provides that details on the implementation of the landing obligation shall be specified in multiannual plans referred to in Article 9 and 10 of that Regulation and further specified in accordance with the rules for regional cooperation on conservation measures set out in Article 18.

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”). Article 11 of that Regulation provides that for all stocks of species in the North Sea, to which the landing obligation applies under Article 15(1) of the Basic Regulation, the Commission is empowered to adopt delegated acts in accordance with Article 16 of the North Sea MAP and Article 18 of the Basic Regulation in order to supplement the North Sea MAP by specifying details of the landing obligation as provided for in points (a) to (e) of Article 15(5) of the Basic Regulation.

According to Article 14 of the North Sea MAP Member States, having a direct management interest may agree to submit Joint Recommendations for measures containing provisions linked to the landing obligation as provided for in points (a) to (e) of Article 15(5) of the Basic Regulation. Since 2014, the North Sea Member States concerned cooperate in the Scheveningen Group. Upon agreeing Joint Recommendations, the Scheveningen Group may submit these to the Commission in order to adopt the recommended measures by means of a Delegated Act.

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”). Article 13 of that Regulation provides that for all stocks of species in the Western Waters to which the landing obligation applies under Article 15(1) of Regulation (EU) No 1380/2013, the Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation by specifying details of that obligation as provided for in points (a) to (e) of Article 15(5) of Regulation (EU) No 1380/2013.

The Commission is empowered to adopt delegated acts in accordance with Article 18 of the western waters MAP, article 16 of the North Sea MAP and article 18 of Regulation (EU) No 1380/2013 supplementing the MAPs by setting limits regarding the total capacity of the fleets of the Member States concerned so as to facilitate achievement of the objectives set out in Article 3 of these MAPs. Details for implementing the landing obligation for certain fisheries

in the Western Waters and in the North Sea are laid down in Delegated Regulations (EU) 2023/2623 and 2023/2459 specifying details of implementation of the landing obligation for certain fisheries for the period 2024-2027.

In this joint recommendation, both the North Western Waters Group and the Scheveningen group requests an amendment to the 2024-2027 discard plans.

On the basis of the power granted to the European Commission by Article 13 and 14 of the Western Waters MAP and Article 11 and 14 of the North Sea MAP to adopt measures concerning provisions linked to the landing obligation by means of delegated acts and Article 18 of the Basic Regulation, the North Western Waters group and the Scheveningen group hereby submit a Joint Recommendation for an amendment to the discard plans in the Commission Delegated Regulations (EU) No. 2023/2623 and 2023/2459.

1.2. NWW and Scheveningen High-Level Groups

This joint recommendation was jointly agreed by North Western Waters and Scheveningen High-Levels Groups (HLG). Both HLG are assisted by a technical group, a fisheries-environment group and a control group for discussions on control related issues in their respective areas (North Western Waters and North Sea respectively).

Members of the NWW Group are Belgium, France, the Netherlands, Spain and Ireland. A six-month chair, with Belgium chairing from 1 July 2024 to 31 December 2024, chairs the group.

Members of the Scheveningen Group are Belgium, Denmark, France, Germany, the Netherlands, and Sweden. An annual chair, with Sweden chairing from 1 January 2024 to 31 December 2024, chairs the group.

The UK participated in both groups until 31 January 2020, the date of withdrawal of the UK from the EU.

1.3 Relationship with the United Kingdom

As a result of its departure from the European Union (EU) the UK has not been involved in the development of this Joint Recommendation. The Scheveningen Group stresses the unprecedented nature of the current post-Brexit situation, where a landing obligation applies in EU and UK waters. This context of different regulatory regimes creates uncertainties. The Scheveningen and the NWW Groups therefore underline the need to further exchange on provisions on the landing obligation with the UK via the Specialised Fisheries Committee to ensure a level playing field of rules, as well as the need for early and more structured notifications of changes of discard plans, to facilitate better understanding of the rules by the fishing industry.

1.4 Consultation with relevant Advisory Councils

The NWW Group and the Scheveningen Group acknowledge the importance of meaningful input from stakeholders in the process of drafting Joint Recommendations for measures concerning provisions linked to the landing obligation referred to in Article 18(2) of the Basic Regulation, especially in relation to identifying challenges and solutions with view to the development of exemptions.

There has been regular and detailed engagement between the regional groups, the North Western Waters Advisory Council (NWWAC), the North Sea Advisory Council (NSAC) and the Pelagic Advisory Council (PELAC) throughout the development of the Joint Recommendation. In order to have a continuous consultation during the process, the Advisory Councils have been invited to attend, in part, meetings of the NWW HLG, the Scheveningen HLG and the technical groups. On 27 March 2024 a draft of the Joint Recommendation was sent to the concerned Advisory Councils, the NWWAC and the NSAC, for consultation. The NWW Group and the Scheveningen Group refer to the comments made by the Advisory Councils at that point:

The NWWAC submitted on 11 April 2024 an advice on the present Joint Recommendation for a *de minimis* exemption for lemon sole for beam trawlers (TBB) using mesh equal to or above 80mm in Union waters of ICES areas 4 and 7d. As stated in the advice, the NWWAC supports in general terms the content of this Joint Recommendation.

Furthermore, NWWAC mentions that removing EU/UK TACs for lemon sole in ICES Divisions 3.a, Subarea 4, and Division 7.d may generate a lower risk of the stock being exploited unsustainably, based on ICES advice from 2018, that has been equally reviewed in 2022.

In addition, NWWAC suggests the application of this exemption to all types of trawlers operating in ICES areas 4 and 7d and not only to beam trawlers that are covered by the present Joint Recommendation. The NWW group underlines that this Joint Recommendation should be restricted to beam trawlers equipped with the Flemish panel and that this has been a joint decision of the member states, which is based on the evaluation of fisheries in this area. The NSAC submitted comments to the relevant draft Joint Recommendation for a *de minimis* exemption for lemon sole caught by vessels using beam trawls (TBB) of mesh equal to or above 80 mm in Union waters of ICES areas 4 and 7d to the Scheveningen group on the 22 April 2024¹. The NSAC states that the NSAC members generally support the *de minimis* exemption for lemon sole proposed by the North Western Waters and the Scheveningen groups.

¹ NSAC Advice Ref. 08-2324: NSAC Advice on *de minimis* exemption for Lemon sole

Furthermore, for the fleets concerned by the requested exemption, it is advised by the NSAC to amend the Dutch scenario to include the impact of the recent fleet decommissioning. The Scheveningen group, unfortunately, cannot include such impact assessment. A closer look at the Dutch data indicates that the decrease in lemon sole landings since 2019 cannot be solely attributed to the recent fleet decommissioning. Other factors also played a role in the decrease of these landings, which makes it very hard – if not impossible - to quantify the impact of the Dutch fleet commissioning for this JR.

Referring to the STECF report 2024-04 with the assessment of the JR, the European Commission decided not to move forward with a delegated act but encouraged the North Western and the Scheveningen regional groups to further finetune the JR with as much as possible elements and/or details in order to respond to some concerns STECF had raised in his report. The NWW Group and the Scheveningen Group remain committed to working in close cooperation with the NWWAC, the NSAC and the PELAC on the implementation of the landing obligation for the demersal and pelagic fishery in the North Western Waters and the North Sea area.

2. De minimis exemption for lemon sole caught with beam trawls (TBB) of mesh size equal to or above 80 mm in area 4 and 7d

Request

The NWW group and the Scheveningen group request **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**.

The request for a de minimis 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 de minimis exemptions already granted for demersal fisheries in the North Sea through regulation 2023/2459, such as de minimis exemption for common sole with TBB 80 -119mm in area 4 (article 11.1.(b)).

Additional note:

Only Belgium can provide at this stage information concerning the use of Flemish Panel. The member states agree that the Flemish Panel is a condition for the use of this exemption. It is hard to predict at this moment how many vessels are willing to install a Flemish panel to make use of this exemption. Even if vessels don't use the exemption so far, in the future it will be necessary to use this new exemption. And the member states groups believe that this should be an individual choice of the master.

2.1. Background

In the EU-UK Written Records on catch opportunities for 2024 both Parties decided that the designated and joint landing quotas of turbot and brill, lemon sole and witch flounder (part of the LO) would be split and maintained by species. By splitting turbot/brill and lemon sole/witch flounder, future catches of lemon sole could exceed the individual respective quotas. In certain fishing grounds (e.g. the coast of Denmark), lemon sole is important bycatch.

2.2. ICES special request advice 2022²

Lemon sole is mainly a bycatch species in mixed demersal fisheries, and ICES notes that there is currently little evidence of the species being targeted in the North Sea and the Eastern English Channel. In 2021, otter trawlers accounted for 62% and beam trawlers 33% of the landings of the species. Lemon sole is a very small part of the landings (by volume) of these fisheries in Subarea 4 and Division 3.a and forms an even smaller part of the landings for fleets in Division 7.d. Fishing mortality of lemon sole seems to be driven more by effort towards other species in otter trawl and beam trawl fisheries. Discards in weight of lemon sole have been fluctuating between 10% and 38% in most years, reaching a peak of 61% in 2013, although ICES noted that there were problems with data submissions in that year, which may have artificially inflated the estimated discard.

2.3. High costs and selectivity

In the following, the development of (high) costs of handling unwanted catches and difficulties in improving selectivity is set out exemplarily for the Belgian fleet. The costs and issues involved however do similarly apply to other fleets comprised by this Joint Recommendation. The other national fleets also fish with beam trawls for sole and plaice in the same areas as the Belgian fleet.

In Belgium the fishing activity is mainly a beam trawl fishery for plaice and sole. Besides, there is some fishery for brown shrimp. Some vessels fish with otter trawls (OTB) or are flyshooting.

At the end of 2023 the Belgian fleet counted 55 vessels. Divided by fleet segment there were 32 vessels with an engine power of more than 221 kW (groot vlootsegment, GVS) and 23 vessels with an engine power of 221 kW or less (klein vlootsegment, KVS).

² EU/UK request to ICES on lemon sole, witch, turbot, and brill: review of ICES advice provided in 2018 on the contribution of TACs to fisheries management and stock conservation

The most important fish stocks in the different ICES areas are plaice (*Pleuronectes platessa*) and sole (*Solea solea*) with 21 and 15% of the landed quantities. The value of the landed quantities of both stocks is more than 50% of the total value (11 an 43%).

Lemon sole is one of the bycatches when fishing for plaice and sole.

The absence of a landing obligation exemption for lemon sole affects both the small and large Belgian fleet segment (<=221 kW an >221 kW respectively) in ICES area 4 and 7d. Removing undersized lemon sole from the catch to store in the ship's hold implies an 80 min sorting time per haul on top of usual catch sorting (source: seagoing observers). If this is extrapolated to an average of 42 (<=221 kW) or 44 hauls (>221kW) per trip, there is needed 56/58 hours extra. This means almost four working days for the small fleet segment and six working days for the large fleet segment.

The time needed to store lemon sole in the ship's hold is not of the essence because of the relatively small part of lemon sole in the total catch. But although a relative small part, this does not necessary mean that it requires much less time than the sorting time per haul indicated in table 1 to sort every single lemon sole < MCRS out of the total catch.

	areas	4abc, 7d		Data source	Calculation method
	exemption	art 11.11			
	Fleet Segment	<=221 kW	>221 kW		
COST	Sorting time per haul (in min)	80	80	Seagoing observers	Measured at sea
	Number of hauls per trip	42	44	Sampling at sea programme (DCF)	Average number of hauls per trip over the period 2018-2022
	Extra time needed to sort per trip (in hours)	56.00	58.67	/	= (sorting time per haul x number of hauls per trip)/60
	Extra time to sort in days of 24h per trip	2.33	2.44	/	= extra time needed to sort per trip in hours/24
	Number of working hours per day (in hours)	14.80	9.50	Annual Economic Report (2020)	Average number of working hours per day onboard of the vessel; = hours worked / total days at sea
	Extra time to sort in working days per trip	3.78	6.18	/	= extra time needed to sort per trip (in hours) / number of working hours per day
	Average cost of 1 crew member per day at sea	285.00	402.00	Balance sheets (2020-2021)	= (Total crew cost at sea / days at sea) / average number of crew members
	Average number of days at sea per trip	3.94	6.47	From "De Belgische zeevisserij 2020. Aanvoer en besomming. Vloot, quota, vangsten, visserijmethoden en activiteit" (https://publicaties.vlaanderen.be/view-file/48488)	= days at sea / number of trips (period 2019-2020)

Table 1: overview of additional cost for lemon sole . The average number of hauls/trip are calculated on the base of average hauls that were sampled by the observers in the period 2018-2020. The sorting time/haul is calculated as the maximum time in minutes for each haul to sort the discards as measured by the observers. (ILVO 2024)

Based on the figures in table 1, the extra labour at sea is calculated as follows:

- Figures³ show that 1 extra crew member is needed to sort the discards. This comes to a total additional cost for the whole Belgian fleet of 3.476.487 Euro.

³ it must be taken into account that it is very difficult to give an estimate of the real cost and to deduct the exact part of lemon sole out of the total, but fact is that the proportion of this species in the total catch is limited.

- For the small fleet segment (< 221kW) the cost for an extra crew member/seaday is 285 Euro. The average number of days at sea (2020-2023) was 1394 seadays. That makes $285 \times 1394 = 397290$ euro for the whole small fleet segment in 1 year;
- For the big fleet segment (GVS) the cost for an extra crew member/seaday is 402 Euro. With an average number of seadays of 2370 (period 2020-2023)-2020) the additional cost for the big fleet segment is $402 \times 2370 = 952740$ Euro in 1 year.

In area 7d the Belgian TBB fleet fishes only with mesh size 70-99mm. This means in fact mostly with 80mm.

In the framework of the landing obligation in accordance with article 15 of regulation (EU) No 1380/2013, a de minimis exemption is requested for lemon sole up to a maximum of up to 5% of the total annual catches for this fishery of that species by vessels using TBB gear with mesh size of equal to or above 80 mm equipped with Flemish panel in area 7d and 4. The request for an exemption for de minimis is specifically based on article 15.5.c.i) and ii) of this regulation: where scientific evidence indicates that increases in selectivity are very difficult to achieve or to avoid disproportionate costs of handling unwanted catches.

Since the 1st January 2016 all Belgian vessels are obliged by ministerial decree to use the panel with large mesh extension (see ministerial decree⁴ of the 20nd December 2023, article 5, point 9). It is a clear condition to be able to use this exemption for a de minimis. The “Flemish panel” is defined in previous delegated acts on the landing obligation (currently in 2023/2459 and 2023/2623).

A further increase of the average mesh size would mean for the fishermen an additional loss of sole, most important for the Belgian fishery. From an economic point of view, this is not recommended.

The economic importance for Belgium of using 80mm mesh size instead of 90mm is shown in figure 1. The raise of the mesh size from 80mm to 90mm would create high economic loss.

⁴ <https://www.ejustice.just.fgov.be/eli/bsluit/2023/12/20/2024000030/staatsblad>

Economic loss of marketable sole with 90mm cod-end

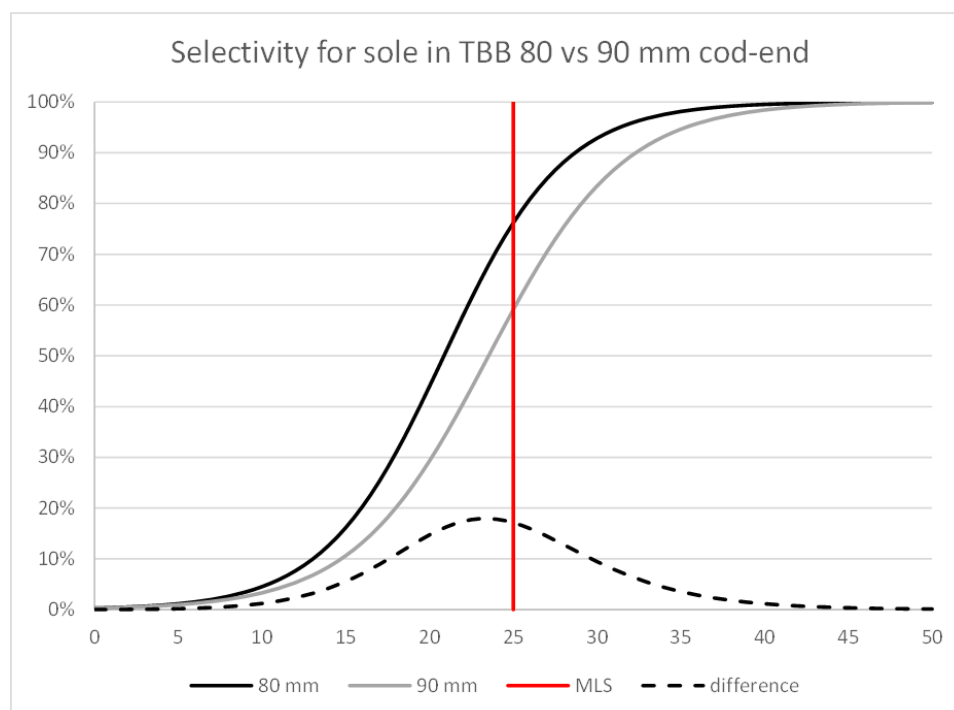


Figure 15:^[1] Selectivity curves for sole caught in beam trawls with an 80 mm cod-end (black line) and a 90 mm cod-end (grey line). The relative difference between the catch in the 80 mm cod-end and the 90 mm cod-end is shown by the dotted line. The minimum landing size is indicated by the red line. (SOURCE: Polet, H.; Depestele, J.; Van Craeynest, K.; Andersen, B.S.; Madsen, N.; van Marlen, B.; Buisman, E.; Piet, G.J.; Van Hal, R.; Tidd, A.N.; Catchpole, T.L. (2010). *Studies and pilot projects for carrying out the Common Fisheries Policy. Topic: LOT 3, Scientific advice concerning the impact of the gears used to catch plaice and sole. Report submitted to the DG for Fisheries and Maritime Affairs, European Commission. Tenders FISH/2007/7. Instituut voor Landbouw- en Visserijonderzoek (ILVO-Visserij): Oostende. 440 pp.*)

The beam trawl fleet (80-119 mm + Flemish Panel) targets sole (with an MCRS of 25 cm – Belgian legislation), but also catches some lemon sole in area 7d and 4. Average prices for sole are higher than for lemon sole: 17,44 EUR/kg compared to 5,2 EUR per kg respectively in 2023.

It was calculated that increasing the mesh size to improve the size selectivity has substantial negative economic implications, when using 90 mm cod end instead of 80 mm. Mentioning the influence of a mesh size increase to e.g., 90mm in relation to the sole catch is an important issue. Sole is a targeted species in the Belgian mixed demersal fisheries with

beam trawls and lemon sole is an (esteemed) bycatch. Raising the mesh size to improve selectivity in case of lemon sole is therefore hardly an option because of the loss of marketable sole.

For the Belgian beam trawlers, an economic loss of 640 773 Euro from sole landings in 7d is calculated, if nets of 90mm are used instead of 80mm. This is about 8% loss in yield in 2021 for sole in 7d. For ICES area 4 there would be a loss of 341 000 Euro from sole if nets of 90mm were used. This is about 12% loss in revenue (calculations based on figures 2020).

The regional groups understand that the selectivity material supplied in this JR relates to common sole (*Solea solea*) and not lemon sole (*Microstomus kit*) which have a different selectivity and ecology.

However, lemon sole is a bycatch in mixed fisheries using TBB. Sole is clearly the target species (in terms of value) in the 80mm-99mm beam trawl fisheries in all countries contributing to this JR. Therefore, the regional groups believe that material proving that an increase in mesh size leads to major losses in yield from the main target species are a valid basis for argumentation. Because it is a mixed fishery and even if an increased mesh size would be possible for lemon sole, the major losses in sole catches are an argument against an increase in mesh size. In contrast, Flemish Panels seem to have a less problematic effect on wanted catch and are therefore made mandatory as condition to use this exemption and reduce bycatch of lemon sole before making use of this exemption.

TBB fisheries with mesh sizes 100mm – 119mm are targeting plaice and ≥ 120 mm fisheries target plaice and gadoids. Available data suggest that discard rates for lemon sole are considerably lower in the fisheries with larger mesh sizes compared to the 80-99mm mm fishery for sole. Also here the Flemish panel is used as additional condition to potentially reduce (future) discard rates in all national fleets involved.

2.4 Status of relevant stocks

The regional groups are convinced that this exemption does not have a negative impact on the two main target species in the TBB fisheries, namely sole and plaice. All four stocks (plaice 27.7d, sole 27.7d, plaice27.420, sol 27.4) in the relevant region are now fished below FMSY according to the latest ICES advice from 2024 indicating that there is currently no overfishing.

While sole and plaice are target stocks in TBB fisheries, lemon sole is only a bycatch. It is unlikely that management of a bycatch stock has a major influence on the target stocks. STECF writes in its evaluation: „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)“. Therefore, the fishing effort in these fisheries is likely determined by TACs and management of the target stocks and not by the management of the lemon sole stock.

The lemon sole stock itself is declining towards I_{trigger} (see ICES advice from 2024). However, available data and information give no indications that the stock is overfished. The fishing pressure on the stock is below the F_{msy} proxy and also the harvest rate (catch/stock-size indicator; harvest rate 2023 = 2559) is currently well below the defined MSY proxy harvest rate (4066). Therefore, also natural variability is likely responsible for the observed current decline in stock size.

2.5. Characteristics of fleets concerned by the requested exemption, landings and discards

2.5.1 Belgium

As stated above, in Belgium the fishing activity is mainly a beam-trawl fishery for plaice and sole. Besides, there is some fishery for brown shrimp. Some vessels fish with otter trawls (OTB) or are flyshooting. At the end of 2023 the Belgian fleet counted 55 vessels. Divided by fleet segment there were 32 vessels with an engine power more than 221 kW (groot vlootsegment, GVS) and 23 vessels with an engine power of 221 kW or less (klein vlootsegment, KVS).

When looking at the total landings of lemon sole for BE in the North Sea and Eastern English Channel during the period 2019-2022 compared to the total landings of the stock, most of lemon sole is caught in area 4. On average it is 328t or 16% compared to the average total landings.

In the area 7d the average landing is, over the period 2019-2022, 43,5t or 48%.

Table 2: official landings (ICES advice sheet)

				Stock	Country (BEL)	
Species	Country	Year	Area	Total landings by area	Total landings by area	% of landings country (BEL) in stock
lemon sole	BEL	2019	4	2808	467	16,6%
lemon sole	BEL	2020	4	2221	376	16,9%
lemon sole	BEL	2021	4	1757	320	18,2%
lemon sole	BEL	2022	4	1135	150	13,2%
lemon sole	BEL	2019	7d	104	49	47,1%
lemon sole	BEL	2020	7d	96	46	47,9%
lemon sole	BEL	2021	7d	91	40	44,0%
lemon sole	BEL	2022	7d	72	39	54,2%

Although the most lemon sole is caught in ICES area 4, Belgium is fishing a smaller share in ICES area 4 compared to ICES area 7 (in the period 2019-2022).

Regarding discard rates, an overview of the discard rates (BE) can be found in the next tables. The data corresponds to beam trawlers equipped with the Flemish panel. Table 3: discard rates, ICES estimates and BE data (seagoing observers) (2018-2021)

	Year	Discard rate	Métier
ICES estimate ⁶	2018	9.79%	
	2019	15.60%	
	2020	12.86%	
	2021	19.23%	
BEL ⁷	2018	23%	TBB_DEF_70-99
	2019	26%	
	2020	35%	
	2021	35%	
	2019	9%	TBB_DEF_>=120
	2020	8%	
	2021	22%	

Table 4: total landings, discards 2019-2022 for lemon sole, based on ICES advice sheet and ILVO database

⁶ WGNSSK report https://ices-library.figshare.com/articles/report/Working_Group_on_the_Assessment_of_Demersal_Stocks_in_the_North_Sea_and_Skagerrak_WGNSSK_/22643143?file=43722663

⁷ Belgian information, data collection seagoing observers

LEM de minimis - alle gewichten in ton												
				Stock	Country (BEL)				Country			
Species	Country	Year	Area	Total landings by area	Total landings by area	% of landings country (BEL)	in stock	Métier	Total landings	Total discards	Total catch	Discard rate (%)
lemon sole	BEL	2019	4	2808	467	16,6%	TBB_DEF_70-99		47,5	NA	NA	NA
lemon sole	BEL	2020	4	2221	376	16,9%	TBB_DEF_70-99		14,9	14,1	29,0	48,7%
lemon sole	BEL	2021	4	1757	320	18,2%	TBB_DEF_70-99		5,5	9,4	14,9	63,3%
lemon sole	BEL	2022	4	1135	150	13,2%	TBB_DEF_70-99		2,8	NA	NA	NA
lemon sole	BEL	2019	4	2808	467	16,6%	TBB_DEF_>=120		336,6	34,0	370,6	9,2%
lemon sole	BEL	2020	4	2221	376	16,9%	TBB_DEF_>=120		307,2	28,2	335,4	8,4%
lemon sole	BEL	2021	4	1757	320	18,2%	TBB_DEF_>=120		272,0	74,8	346,8	21,6%
lemon sole	BEL	2022	4	1135	150	13,2%	TBB_DEF_>=120		125,0	6,4	131,4	4,9%
lemon sole	BEL	2019	7d	104	49	47,1%	TBB_DEF_70-99		46,8	8,0	54,8	14,6%
lemon sole	BEL	2020	7d	96	46	47,9%	TBB_DEF_70-99		43,0	17,2	60,3	28,6%
lemon sole	BEL	2021	7d	91	40	44,0%	TBB_DEF_70-99		39,0	7,0	46,0	15,1%
lemon sole	BEL	2022	7d	72	39	54,2%	TBB_DEF_70-99		38,3	4,8	43,0	11,1%

In Area 4, the Belgian sector uses 2 métiers for the landing of lemon sole: beamtrawls 70-99mm (TBB_DEF_70-99) and beamtrawls more than 120mm (TBB_DEF_>=120). The latter (>=120) has the largest catches of lemon sole (260 t on average). The discard rate of that fleet is on average 11%. But we must take into account that Belgium has a small part in the total catches of lemon sole in area 4 (16,2%) with a relatively small discard rate. So, a de minimis exemption for the fleet seems justified.

The discard rate for the TBB_DEF_70-99 métier is higher than for the TBB_DEF_>=120 for the Belgian fleet. However, as catches are substantially lower for the former fleet, the overall proportion of the Belgian TBB_DEF_70-99 fleet discards on stock level is low (<1%)⁸.

In area 7d, an average of 48.3% of the total stock is fished. Only the TBB_DEF_70-99 fleet is active here. We estimate that the discard rate here averages 17.4%. This is in the same range as the >=120 fleet in Area 4.

So even due to the fact that Belgium catches a large part of the stock in 7d, the discard rate of 17.4% on average (and a total discard weight of 9.2 tons) is quite low for a species that is not considered a target species. Nonetheless it is considered a valuable bycatch in the mixed sole/shellfish fishery.

In some cases the discards rates reported under this JR are higher than those in the FDI database used by the EC, due to the fact that the calculation of the BE figures (eg 2019, TBB>120mm, ICES area 4) is based on quarter 4 only. The supply in the 4th quarter of 2019 was 187t (figure in yellow in table 5). In table 4 on the other hand, a discard quantity for a total landing of 336t was calculated for all quarters. Therefore differences could occur between FDI and national data.

⁸ 14,4t on a total catch of the stock 3044t

Table 5: extraction FDI database 2019, TBB>120mm, lemon sole

	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
	COUNT	YEAR	QUART	VESSEL	FISHING	GEAR	TARGET	MESH	METIER	METIER	DOMAIN_DISCARDS	DOMAIN	SUPRA	SUB_RE	EEZ_INI	GEO_INI	NEP_SU	SPECIES	DEEP	SPECIES	TOTWG	TOTVAL	DISCAR
17	BEL	2019	1	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	EU	NGI	NA	NA	NA	LEM	1.376	6330.76	NK
26	BEL	2019	2	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	EU	NGI	NA	NA	NA	LEM	35.979	143585.6	NK
35	BEL	2019	3	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	EU	NGI	NA	NA	NA	LEM	97.015	317236.3	NK
46	BEL	2019	4	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	BEL_4_27.4.a-27.4.b-27.4.c-27.7.d_TBB_DEF_120DXX_N	BEL_4_27	NAO	27.4.b	EU	NGI	NA	NA	NA	LEM	176.305	763346.6	17.797
49	BEL	2019	2	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	NA	NGI	NA	NA	NA	LEM	1.98	8819.11	NK
58	BEL	2019	3	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	NA	NGI	NA	NA	NA	LEM	12.137	36731.15	NK
67	BEL	2019	4	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	BEL_4_27.4.a-27.4.b-27.4.c-27.7.d_TBB_DEF_120DXX_N	BEL_4_27	NAO	27.4.b	NA	NGI	NA	NA	NA	LEM	10.819	44738.7	1.092
67	BEL	2019	3	VL2440	TBB	TBB	DEF	120DXX	TBB_DEF_>=120_0_0	NA	NK	NK	NAO	27.4.b	UK	NGI	NA	NA	NA	LEM	0.999	2188.23	NK

2.5.2 France

Regarding catches reported with TBB, French fleet caught lemon sole (LEM) using TBB only in area 27.7.d. The average yearly landing is **0.7 t** for French fleet during the period 2019-2022, which account for only **0.8%** of total LEM landings by the French fleet. Indeed, most of lemon sole landings in area 4 and 7d are caught by OTB and SDN and TBB represents a minority of landings for this specie. The two metier using TBB (TBB_CEP_0_0_0 and TBB_DEF_70_99_0) represent only a limited fraction of total French Landings, respectively **1.4% and 0.8% over both area 4 and 7d**. In average during the period 2019-2022, only 7 vessels were involved in those catches of lemon sole using TBB each year.

Table 6: Landings of Lemon sole in ICES division 27.7d by FRA using **TBB gear**

Country	sp_code	sp_name	metier	Year	Area	Landings FRA (t)	% of Landings FRA in the total
FRA	LEM	Lemon sole	TBB_CEP_0_0_0	2019	27.7.d	0,85	0,82
FRA	LEM	Lemon sole	TBB_DEF_32_69_0	2019	27.7.d	0,01	0,01
FRA	LEM	Lemon sole	TBB_DEF_70_99_0	2019	27.7.d	0,25	0,24
FRA	LEM	Lemon sole	TBB_CEP_0_0_0	2020	27.7.d	0,48	0,50
FRA	LEM	Lemon sole	TBB_DEF_70_99_0	2020	27.7.d	0,23	0,24
FRA	LEM	Lemon sole	TBB_CEP_0_0_0	2021	27.7.d	0,40	0,44
FRA	LEM	Lemon sole	TBB_DEF_70_99_0	2021	27.7.d	0,22	0,24
FRA	LEM	Lemon sole	TBB_CEP_0_0_0	2022	27.7.d	0,17	0,24
FRA	LEM	Lemon sole	TBB_DEF_70_99_0	2022	27.7.d	0,20	0,27

On period 2019-2022, there are nearly no reported discards. Data from onboard scientific observers in 2020 do not report discards of lemon sole from monitored trips using TBB in area 7d. The limited number of trips and catches with this gear for lemon sole do not allow to extrapolate a discard rate for this species by French vessels using TBB, however, those data are consistent with declarative data which indicate no discards for lemon sole.

2.5.3. Netherlands

The number of Dutch vessels that reported landings of Lemon Sole (*Microstomus kitt*) in ICES area 4 an 7d has slowly decreased throughout the years from 153 vessels in 2019 to 100 vessels in 2023. The number of landings has decreased as well: in 2019 approximately 480 tons was landed while in 2022 only 248 tons of lemon sole was landed. In 2023 this number decreased further to 101 tons.

In ICES area 4 most lemon sole was caught by de Dutch BT1 fleet (licensed to use beam trawls with mesh sizes equal to or larger than 120mm). Its main target species is plaice. The active BT1 fleet has varied in size slightly over time, but shows a gradual decline since 2019, partly explaining the decreasing number of lemon sole landings over the years. Lemon sole is bycatch in this fleet.

In ICES area 7d all Dutch catches of lemon sole were caught with seines, mainly Scottish seines/flyshoot (97%) and some Danish Anchor seines (3%). The majority of these vessels (92%) used a mesh size of 80 mm.

A number of Dutch vessels currently use already the Flemish Panel for landing obligation exemptions with such condition. However, there is for the moment no complete overview of the exact number of vessels using a Flemish Panel since full registration is not required by EU law.

Table 7: Landings and discards of TBB dutch fleet over 2019-2023 in area 4

Year	Country	Species	Area	Gear type	Total catches (entire NL fleet)	Total catches (relevant fleet)	Total landings (relevant fleet)	Unwanted catches (relevant fleet)	Discards (relevant fleet)	Discard rate (relevant fleet)
2019	NL	LBM	ICES4	TBB 80-119mm	475.439	96.784	96.266	478	478	0,49%
2019	NL	LBM	ICES4	TBB >120mm	475.439	195.824	195.299	672	475	0,24%
2020	NL	LBM	ICES4	TBB 80-119mm	385.201	75.431	75.219	241	212	0,28%
2020	NL	LBM	ICES4	TBB >120mm	385.201	161.857	161.787	70	70	0,04%
2021	NL	LBM	ICES4	TBB 80-119mm	422.641	56.893	56.872	21	21	0,04%
2021	NL	LBM	ICES4	TBB >120mm	422.641	255.117	255.107	31	10	0,00%
2022	NL	LBM	ICES4	TBB 80-119mm	244.163	51.999	51.939	63	60	0,12%
2022	NL	LBM	ICES4	TBB >120mm	244.163	125.962	125.962	0	0	0%
2023	NL	LBM	ICES4	TBB 80-119mm	97.739	35.981	35.981	0	0	0%
2023	NL	LBM	ICES4	TBB >120mm	97.739	19.362	19.362	0	0	0%
Inkg										
Source: logbooks - landing declarations										

2.5.4 Germany

It is expected that vessels using TBB and mesh sizes ≥ 80 mm will use a Flemish panel to make use of this new exemption. Therefore, Germany provides landings and discard data for its whole TBB fleet using mesh sizes ≥ 80 mm. The amount of landings and discards provided is therefore fully representative for the maximum amount of catch and discard rates expected under this new exemption.

The German Beam Trawl fleet mainly uses 80 mm to target sole in ICES areas 4c and 4b. In recent years some larger mesh (100 mm and 120 mm) fisheries targeting plaice were also observed (Table 2.5.4). The German lemon sole landings (bycatch only) from beam trawls were low (≤ 5 Tonnes per year; Table 2.5.4) between 2020 and 2023. Raised unwanted catch estimates are also low in absolute terms, although the estimated unwanted catch rates in the 80 mm fisheries are high. Overall, 14 -18 vessels were active per year in the German beam trawl flatfish fisheries between 2020 and 2023. Many of these vessels, however, are shrimper which only very sporadically fish for flatfish. The bulk ($>90\%$) of the catches comes from 6 vessels each year.

Table 8. German lemon sole landings and unwanted catch (raised estimates from the scientific observer program under DCF) for beam trawl fisheries with mesh sizes ≥ 80 mm in subarea 4.

YEAR	GEAR_TYPE	MESH_SIZE_RANGE	Landings (t)	Unwanted catch (t)	Unwanted catch rate
2020	TBB	80D100	2.831	9.5	77%
2021	TBB	80D100	2.814	4.58	62%
2022	TBB	80D100	1.731	6.38	79%
2022	TBB	100D110	0.507	NK	
2022	TBB	120DXX	0.348	NK	
2023	TBB	80D100	2.3	NA	
2023	TBB	100D110	1.5	NA	
2023	TBB	120DXX	1.2	NA	

2.6. Request from the NWW and Scheveningen regional groups

Taking account of the cost in sorting the lemon sole, no possibility for more selectivity and the low discard percentage, the regional groups request that the joint recommendation for exemptions to the 2024-2027 landing requirement can be expanded to include a de minimis exemption for lemon sole for beam trawlers (TBB) using mesh equal to or above 80 mm and equipped with the Flemish panel in ICES areas 4 and 7d.