



## **DRAFT MINUTES**

### **23<sup>rd</sup> meeting of LDAC Working Group 2 Regional Fisheries Organisations and North Atlantic Fishing Agreements**

**Tuesday 13 November 2018, 11:00 am - 4:00 pm  
Meliá White House Hotel, Albany Street, Regent's Park London NW1 3UP**

#### **1. Welcome by the Chair.**

The Vice Chair, Mr. Gerard van Balsfoort, welcomes those present in his capacity as acting Chair at the meeting since the Chair, Ms. Jane Sandell, is not present and sends her apologies. The complete list of attendees is included in Annex I.

#### **2. Approval of the minutes of the last WG2 meeting - 17 April 2018.**

The minutes are approved without any comments or changes.

#### **3. Approval of the agenda.**

The agenda is approved without any additions or suggestions.

#### **4. Fisheries agreements and bilateral issues.**

##### **4.1. Norway**

The representative of the EC, Ms. Kristel Jurado, informs about consultations carried out in the last round held in Bergen to discuss management measures for joint stocks and the exchange of fishing opportunities. They hope to conclude negotiations prior to the EU Council to be held in December, reaching an equitable agreement that will bear in mind the aims of the CFP.

This year, the new multiannual plan was adopted for management of demersal stocks replacing the previous one for the North Sea and Skarregak, following the EU plan for shared stocks. In addition, they are waiting to receive the ICES opinion to be able to adapt management measures applicable to species such as cod, pollack, saithe and whiting.

Regarding the implementation of the landing obligation together with fishing opportunities, the representative of the EC added that the EU TAC should be adjusted in conformity with scientific advice (MSY approach) and provisions set forth in the management plan. As a result, a significant reduction of TAC is expected for cod and North Sea herring, as well as for haddock and whiting, and an increase in the cases of hake and saithe.

Today, 12 TACs out of the 50 existing ones are on MSY levels.

Regarding the quota exchanges, she says that fishing interests vary from one EU Member State to another, so it is quite a complex matter.

Then there is a round of questions:

Mr. Gerard van Balsfoort, DPFA, declares that blue whiting is one of the main species subject to be included in the quota exchanges. He believes that it is not difficult to reach a bilateral agreement with Norway regarding quota allocation of this stock. He recalls that a bilateral agreement was reached in December two years ago, which was very important to strengthen relations between the EU and Norway.

Regarding the North Sea herring, Mr. Esben Sverdrup-Jensen, DPPO, says that a balanced solution ought to be found from the very beginning. Although ICES has chosen to use the MSY approach, he would like to know what the Commission's starting point of the discussion with Norway for this stock will be.

The representative of the EC, Ms. Kristel Jurado, replies that for Coastal States stocks this year it was not possible to finish the last round before EU-Norway, but discussions are expected to take place at the end of November, although they could be delayed. Nevertheless, since the Fisheries Council meeting will be held in December, there is further room for manoeuvre with the ultimate aim of signing the bilateral agreement in time before the December Council. Regarding the North Sea herring, they know that a reduction is difficult, but their starting point will be ICES recommendation.

Regarding blue whiting and the situation of quota exchanges, Mr. Sean O'Donoghue, KFO, highlights that it is a controversial matter, since bearing in mind the combination of the situation of mackerel, herring and cod stocks in the North Sea and the scientific assessments on blue whiting (18% reduction proposed), together with the instability generated by Brexit, it can all trigger a lack of proportionality in the quota exchanges.

The representative of the EC, Ms. Kristel Jurado, declares that she is noting all these concerns and that she hopes to be able to discuss them in the technical meetings to be held with the member states.

Regarding mackerel, Mr. Ian Gatt, SPFA, states that it would be useful if Coastal States reached a final agreement.

Ms. Kristel Jurado, EC, declares that she will convey the message to her colleagues in charge of the negotiation.

#### **4.2. Faroe**

The representative of the EC, Ms. Kristel Jurado, informs that discussions about mackerel are not over yet. She says that they are going to keep up the reporting requirements agreed back



in 2007 in order to be in control of licence management regarding access of Faroese vessels in EU waters. In addition, she states that the bilateral EU-Faroe meeting will be held in Brussels from 10 to 12 December.

Mr. Ian Gatt, SPFA, highlights that the Scottish and European pelagic industry is not happy since 2014 because they find the bilateral agreement not clear enough and quite imbalanced. Also the agreement regarding reciprocal mackerel access is not satisfactory as only the Faroe fleet needs and is using access to EU waters, not vice versa. Moreover, he explains that SEAFISH prepares a biannual report assessing the agreement (including its economic return) for the British fleet. It would be good to study what is going on in terms of quota exchanges and use of these quota in order to reach an optimum balance.

Mr. Esben Sverdrup, DPPO, expresses his agreement with Mr. Gatt's words, stressing that Faroe Islands is a fishing community that has been sanctioned by the EU for breaching biological sustainability principles by unilaterally taking much higher mackerel quota than that recommended by scientists and set in the distribution formulas agreed by consensus. In addition, it does not want to sign sharing agreements for the AS herring and blue whiting, but even so it managed to be party to the agreement on mackerel. In his opinion, Faroe Islands should not benefit from agreements since it does not comply with the rules.

Mr. Gerard van Balsfoort, DPFA, comments that negotiations on mackerel focus on TAC levels in relation to the ICES advice and looking into the possibility to expand the current tripartite mackerel agreement between EU, Norway and Faroe Islands (2014-2018). If the latter would be impossible a continuation of the current tripartite agreement has to be discussed seriously between the three parties.

The representative of the EC, Ms. Kristel Jurado, declares that no extension has been signed and that there are still many issues under discussion.

Mr. Sean O'Donoghue, KFO, expresses his conformity with Mr. Gatt's and Mr. Sverdrup's opinions. In addition, he says that in the worst case scenario, if they renegotiate this agreement, they shall bear in mind that the relationship of quota exchanges of blue whiting and the reduced TAC. He would prefer a complete review of the agreement, but if that is not possible, at least the necessary reductions of quota exchanges and access linked to the reduced TACs ought to be implemented as a minimum requirement.

**ACTIONS:**

- **WG2 shall be regularly informed on the evolution of negotiations regarding bilateral agreements between EU and Norway / Faroe / Iceland.**
- **The Secretariat shall post on the website the link provided by Mr. Ian Gatt to the latest edition of the SEAFISH biannual report including a study on the social and economic return and the impact of the Fisheries Agreement between EU and Faroe Islands on the EU fleet.**

### 4.3. Iceland

The representative of the EC, Ms. Kristel Jurado, informs that this agreement is dormant since 2008, without having received any negotiation offer by Iceland. In addition, EU Member States have not shown any interest in reopening this agreement either.

There are no questions by any of the attendees.

## 5. Svalbard

### 5.1. Commission report on negotiations with Norway.

### 5.2. Update by the Commission on snow crab.

Mr. Daniel Voces, Europêche, on behalf of the relevant industry, informs about the situation regarding the proceedings against the vessel “Senator”, as follows:

*Last week the last Supreme Court hearing concerning the “Senator” case took place in Oslo. Parties were informed that a final verdict will be issued by the end of November 2018. The Norwegian court decided to leave out of the final court decision the question relating to the geographical scope of the Svalbard Treaty. This would be resolved at a later stage.*

*The Supreme Court will provide a resolution on two different questions:*

- 1. Is snow crab a sedentary species?*
- 2. Were the Latvian licenses valid to fish for snow crab in the Svalbard Fisheries Protection Zone?*

*EU snow crab representatives feel positive about the legal arguments, jurisprudence, precedents and facts put forward. Particularly concerning the definition of sedentary species under international law which, under their point of view, should exclude crustaceans. However, they are fully aware that this is a politicised question.*

*Norwegian governmental authorities are heavily involved in the court process. National media is closely monitoring the case and some journalists have portrayed a negative image of the EU fishing industry and presented them as “pillagers”. The EU snow crab industry are landing their catches in Norwegian factories, which is benefiting the local economy and creating employment. They are trying to show the Norwegian authorities that their activity is mutually beneficial and therefore should be allowed to continue operating.*

*In Latvia, the industry is waiting for the appointment of the new cabinet of Ministers. The process is taking a bit longer than expected. They hope that the new Government will be supportive and determined towards the defence of their interests.*



*It must be reminded that Latvia joined the Svalbard Treaty in 2016. The EU is not party to the Svalbard Treaty but the majority of its Member states are. In case of dispute on the implementation of the Treaty, in this case on the geographical scope, signatory Member States have the right to go to court even without the consent of the EU. However, before claiming their rights and bring an action before the International Court of Justice, the Latvian government is waiting to hear the Supreme Court decision on the “Senator”, and then will decide how to proceed next.*

*Latvia has complained to the European Court of Justice for the COM failure to act and solve the long-lasting problem. The claim was filed in May 2018 and other Member States had 90 days to decide whether to join the claim. The process is still ongoing.*

*The EU snow crab industry is also trying to find out why DG MARE Director, Ms Lowri Evans, issued the letter of 5<sup>th</sup> August 2015 declaring snow crab as a sedentary species.*

*The snow crab fleet representative also warns that this issue will create a dangerous precedent. Therefore, passive reactions or no objections by Member states ignoring the whole process because they are not affected, will have a detrimental knock-on effect on other operators.*

Mr. Voces finished by requesting the Commission to say something in this regard and to clarify whether this dossier will be included in the agenda of the next bilateral meeting between the EU and Norway. Furthermore, he highlights that the European crab fleet has been at a standstill for 2 years waiting for a satisfactory solution to be found to this conflict.

**ACTION:**

**- The Secretariat will coordinate and distribute for consultation a draft letter based on the text provided by Mr. Daniel Voces, EUROPECHE, requesting the European Commission to update the state of play of its strategy with Norway to solve the conflict regarding access to snow crab fisheries by the EU fleet in the Svalbard FPZ.**

**6. Update on the LDAC Conference on impact of Brexit process on the functioning and role of Advisory Councils**

Mr. Alexandre Rodríguez, Secretary General, informs that the Conference on the impact of the Brexit process will be held on 4 December in Madrid, having already sent the relevant invitations to authorities, speakers and interested parties in all ACs.

He explains the content of the agenda that has been agreed by the Organising Committee. A concept note is being drafted and will be distributed among all attendees prior to the meeting.

Mr. Sean O’Donoghue, KFO, believes that the agenda is well structured and highlights that the Organising Committee has agreed that the aim of the meeting is to find an answer to the following key questions:

1. What will Advisory Councils (ACs) be like in a post-Brexit scenario?
2. What are our suggestions or recommendations to improve the role of ACs in the review of the CFP, both in terms of functioning and roles?

**ACTION:**

**-The LDAC Secretariat and the members of the Organising Committee will finalise the agenda confirming speakers and topics. In addition, a concept note will be drafted and distributed prior to the meeting planned for 4 December in Madrid. All mentioned documents and working documents will be made available for all participants registered on a particular section of the website.**

## **7. North West Atlantic Fisheries Organisation (NAFO)**

### **7.1. European Commission report on the 40<sup>th</sup> annual meeting (Tallinn, Sept. 2018)**

The representative of the EC, Mr. Ignacio Granell, informs that the NAFO annual meeting was very successful. He starts congratulating the LDAC for its written opinion, which is of great value for the EU negotiating team and, more precisely, praises the proposals regarding stock management. He highlights that most of the proposals on stock management were in line with scientific recommendations.

He informs about the main decisions adopted by consensus regarding fishing opportunities for different stocks of interest to LDAC members, as well as regarding environmental and ecosystem-related issues.

- Regarding 3M cod, TAC was agreed at 17,300 tonnes, below the recommended catch set on 20 796 t by the SCS. However, it was also noted that the recommendation for next year will be likely lower given the number of big individuals of +Y5 and the low levels of recruitment.
- Contracting parties approved the development of a management strategy for 3M cod. They will hold a meeting in mid January in London. He says that the LDAC proposal for a short or medium term adoption is a reasonable argument to be discussed with scientists at the January meeting.
- The exceptional circumstances protocol was adopted for Greenland halibut (GHL).
- Regarding closure in area 14 (VME), it was decided that it would finish at the end of the year as foreseen on the proposal, and since there is no evidence of improvement, it will be considered open as of 1/1/2019 with the possibility of being reviewed by the Ecosystem WG in 2020

- Concerning control measures and their compliance additional measures were adopted in order to insist on compliance with control rules both at sea and in port. In addition, an observer plan was approved.
- Regarding NAFO performance review in 2018 it seems that the second review includes 36 recommendations, the implementation of which is under consideration by contracting parties. Some of these recommendations are in line with the LDAC opinion.
- As for data collection, catch estimates and discard minimisation, contracting parties must take steps forward and it is very important that they provide more information.
- Participants were reminded that contracting parties, particularly Canada, must share relevant information on the impact of other maritime activities than fisheries in the Convention area, including gas and hydrocarbon extraction.

To access the LDAC opinion click here: <http://ldac.eu/download-doc/228735>

## **7.2. Presentation of the EU project on multispecies fisheries assessment - Dr. Alfonso Pérez-Rodríguez (Wageningen Institute)**

Dr. Alfonso Pérez-Rodríguez makes a general presentation (through Skype) about the project on multispecies fisheries assessment for NAFO funded by the EU in order to inform about the work carried out by the WG on Ecosystems and the NAFO Scientific Council. Detailed information is provided on the aims and tasks to be carried out and it is said that the outcome and recommendations of this first stage will be presented at the beginning of 2019 in a specific seminar for stakeholders. The Flemish Cap (3M) study has been initiated by means of biological interactions between cod, beaked redfish and prawn, as well as trade-offs of the different possible simulated management scenarios.

The whole presentation can be accessed clicking on the following link:

<http://ldac.ldac.eu/attachment/623421b3-4001-45d3-bb17-b180c9d14140>

### **ACTIONS:**

- **The Secretariat will make available to the public the presentation made by Dr. Alfonso Pérez-Rodríguez on the specific EU Project on “*Multispecies fisheries assessment for NAFO 3M*” on its website. In addition, the Secretariat will send the three consultation documents requiring information and economic data methodology to WG2 members so that they can contribute to this project with their feedback and opinion.**
- **An LDAC delegation will participate in the workshop for stakeholders, planned for the beginning of 2019, where the preliminary results of the project will be presented.**
- **The idea of inviting the coordinators of this project to the next WG2 meeting is under consideration, as a way to monitor progress made in this regard.**



### **7.3. Next steps: collaboration between LDAC and DG MARE in 2019**

**ACTION:**

- DG MARE Unit focusing on RFMOs shall keep the LDAC Secretariat informed about progress made and pending actions since the last NAFO Annual Meeting held in Tallinn in September. This will include comments and contributions regarding the WG on Ecosystems and the implementation of the performance review report.

## **8. North East Atlantic Fisheries Commission (NEAFC)**

### **8.1. Update from DG MARE on Coastal States consultation**

#### **8.2. Comments by LDAC members**

The representative of the EC, Ms. Kristel Jurado, informs that regarding management measures, an agreement was reached for the AS herring following the recommendation on ICES scientific opinion based on the long term management strategy.

Concerning mackerel she indicates that after three rounds no agreement has yet been reached and that the 4<sup>th</sup> negotiation round will be held shortly; date and venue are yet to be confirmed. The EC regrets that positions are very far away from ICES scientific recommendation, but she hopes an agreement will be able to reach the following week.

As for redfish in the Irminger Sea she highlights that there was no ICES opinion. Moreover, she informs that no meeting was held with Coastal States, even though the EU requested it on several occasions.

Regarding deep-water species, there is an EU proposal on fishing opportunities for the year 2019-2020, with the same approach for EU and international waters (NEAFC) with single species recommendations based on the MSY criterion if available, and otherwise based on the precautionary approach.

As for working groups she says that the WG dealing with distribution criteria or formulas has concluded its work and they do not wish to reopen it.

The WG on Marine Ecosystems will continue with its work.

Concerning the Permanent Committee on Management and Science (PECMAS), implementation of the electronic reporting system (ERS) was decided in the NEAFC regulatory area for all fleets to ensure there is a level playing field, to try to cover legal gaps and to strengthen the application of Port State control measures among all contracting parties.





Mr. Alexandre Rodriguez, LDAC Secretary General, recalls that the LDAC sent a letter to the Commission in 2017 offering its cooperation to ICES to improve biological data of deep-water stocks subject to catch limits in EU and NEAFC waters.

In that same letter, the LDAC offered the collaboration of the industry members concerned to work with ICES WGDEEP and ADG to contribute to this work.

**ACTION:**

- **The Secretariat will send as a reminder to the EC the correspondence exchange between LDAC and DG MARE in 2017 with collaboration proposals for DG MARE, ICES and PECMAS to improve biological knowledge and inform about management measures for deep-water species.**
- **The Secretariat will monitor the work for the next biannual assessment and will assist scientists and the EC whenever possible in covering data gaps identified by the commitment and contributions of the industry.**

**9. Date and venue for next meeting.**

The date is yet to be confirmed, but it will take place in March or April 2019 in Brussels.



**ANNEX I**  
**LDAC Working Group 2 attendees**  
**London, 13 November 2018**

**WORKING GROUP MEMBERS**

1. Gerard van Balsfoort. DPFA
2. Erik Olsen. Danish Society
3. Andrea Ripol. Seas at Risk
4. Jessica Demblon. EBCD
5. Hjálmar Vilhjálmsson. ELDFFA
6. Ian Gatt. SPFA
7. Aivaras Labanauskas. Atlantic Fishery Company
8. Sean O'Donoghue. KFO
9. Daniel Voces. EUROPECHE
10. Esben Sverdrup-Jensen. DPPO

**OBSERVERS**

11. Kristel Jurado, EC-MARE. NEAFC
12. Ignacio Granell, EC-MARE. NAFO
13. Margarita Mancebo. Secretariat General for Fisheries, Spain
14. Pedro Sepúlveda. Secretariat General for Fisheries, Spain
15. Carlos Chamizo. MAPA Secretariat General for Fisheries, Spain
16. Ricards Derkacs. Ministry of Agriculture and Fisheries, Latvia
17. Alexandre Rodríguez. LDAC Secretariat
18. Marta de Lucas. LDAC Secretariat
19. Manuela Iglesias. LDAC Secretariat