



DRAFT MINUTES

21st meeting of Working Group 2 Regional Fisheries Organisations and North Atlantic Agreements

**Monday, 13th of November 2017, 12 am to 5.00 pm
Meliá White House Hotel, Albany St., Regent's Park, London NW1 3UP**

1. Welcome and apologies made by the Chair.

Ms. Jane Sandell welcomes those present.

A full list of those attending (members and observers) is enclosed as Annex I.

2. Approval of the minutes of the last WG2 meeting - Brussels, 4 April 2017.

The minutes of the previous meeting are approved, after correcting a typographic error notified by the Chair: where it says, "*North Sea Prawn*" it should say "*Northern Prawn and Pandalus*" This error is corrected.

3. Approval of the agenda.

The agenda is adopted. Mr. Björn Stockhausen, Seas at Risk, requests this meeting not to coincide with NEAFC or with other AC meetings and hopes that a solution will be found in the future. Mr. Ivan Lopez, in his capacity as LDAC Chair, informs that they will make a comment on this matter at the Inter-AC meeting tomorrow to improve the coordination of international meeting calendars.

4. North-East Atlantic Fisheries Commission (NEAFC)

4.1. Update of the Commission on consultations between Coastal States and on the 2 NEAFC Working Groups on distribution criteria and management framework.

The EC representative, Mr. Joost Paardekooper, informs about the negotiations with the North Atlantic coastal states that are NEAFC contracting parties:

Regarding mackerel (MAC) he indicates that there is a five-year 3-party agreement that expires at the end of 2018. The scientific advice to reduce the TAC with 46% compared with the 2017 TAC was not followed by the Coastal States who decided to follow the management plan which leads to a TAC-reduction of 20%.

An agreement for blue whiting (WHB) and for Atlanto Scandian herring (ASH) among all coastal states involved in these fisheries has not been reached. Greater commitment from all stakeholders is needed. It is hoped that the global level of catches of these species by all coastal states will be in line with the scientific recommendations.

The situation of redfish (RED) is complicated, although in his opinion, Norway and Russia are not tackling the current situation in the best manner. This stock will be discussed again at the next NEAFC meeting. Russia has unilaterally set a high TAC.

Other aspects of interest

At the working group on the performance review of NEAFC during 2013-2014 the conclusion - in general terms - was positive insofar as work on identifying and protecting Vulnerable Marine Ecosystems (VMEs) is concerned. However, the work on the decision-making process on allocation criteria of shared stocks has still a way to go.

The EU has presented a proposal regarding the allocation criteria, in line with UNCLOS, wishing to introduce broader elements into the debate. This year the Norwegian-Russian proposal to set the territorial scope of application to the continental platform that goes beyond the 200 nautical miles that delimits the Exclusive Economic Zone, was a surprise.

Updated report on state of negotiations by the European Commission

Mr. Paardekooper informs that he has just returned from the NEAFC opening session, as it is Day 1. Many parties made comments that must finally be discussed and voted on.

He announces that there is a final agreement to make the use of the electronic reporting system (ERS) compulsory, which in practice, benefits the European operators that already have this system.

Regarding redfish in zone ICES I and II he believes that reaching an agreement this year is very unlikely. Next year there will be a data review benchmark workshop that should be used as a reference to later discuss future access and management systems.

Regarding Atlantic-Scandinavian herring (ASH), he indicates that the points of reference will be reviewed, expressing his wishes to also review the harvest controls rules (HCR), which should be ready before summer.

Round of questions by LDAC members and participants:

Mr. Gerard van Balsfoort, Vice-chair of WG2 and DPFTA representative, asks, regarding the extension of the continental platform beyond the 200 miles, how many Coastal States it would affect and if there are other countries from the NEAFC RA in this situation, apart from Norway and Russia, as this would affect not only the management of Vulnerable Ecosystems but also sessile stocks. On the other hand, on the management framework, he asks if it is possible to develop a dispute resolution mechanism, as seemingly this issue was erased from the debate.

The EC representative, Mr. Joost Paardekooper, responds that the parties involved have no wish to reach solutions with respect to a dispute resolution system for possible controversies. In fact, they do not even want there to be a consensus-based procedure for the decision making.

Regarding the question on the continental platform, he indicates that Portugal, Ireland and the United Kingdom have also claimed certain zones of the North Atlantic as an extension of their continental platform, although, in his opinion, there could be more countries whose continental platforms go beyond 200 miles (Denmark, Iceland, Faroe Islands, Greenland...).

Mr. Luis Vicente, ADAPI, asks about the marine protected areas (MPA) proposed by NEAFC that superimpose the continental platforms, as, in the case of Portugal, for example, it is a large area.

The EC representative, Mr. Joost Paardekooper, responds that full information about MPA is available for consultation on the NEAFC website. On the specific question of overlaps, he indicates that there are several different arguments and that coordination between the Coastal States concerned and NEAFC is necessary.

4.2. LDAC Proposal on Request for Advice from ICES on improvement in knowledge and data on biology, catches and discards of deep-water species in NEAFC.

Mr. Alexandre Rodriguez, LDAC Executive Secretary, sums up the LDAC proposal that was made in the annual coordination meeting between the Advisory Councils and the ICES (MIACO) in January 2017. It is a draft request for advice to ICES formalised through the European Commission (in accordance with the terms set out in the MoU between both organisations), whereby a request is made to improve scientific knowledge and levels of catches and discards of deep-water stocks that are fished both in EU waters and in the regulatory Zone of NEAFC. This information might become even more important with the entry into force of the landing obligation outside EC waters, by virtue of article 15 of the CFP Regulation.

The document was extensively circulated among WG2 members and was adopted by the Executive Committee. It was sent out on 14 July – link: <http://ldac.eu/download-doc/149640>

The EC response to this opinion was received on 20 October and can be consulted here: <http://ldac.eu/download-doc/171015>

The WG2 Chair thanks the Secretary for the summary made.

The WG2 members agree with the content with no further comments.

ACTION: It is agreed to follow up this topic at future WG2 meetings and for industry to contribute, with relevant data, to the annual economic report of STECF as well as to the

benchmark and data seminars organised by ICES and meetings with participation of stakeholders in the scientific process (MIACO, ADGs, etc.).

4.3. Other matters of interest (implementation of LO, EMVs, work with OSPAR...)

Mr. Ivan Lopez, AGARBA, informs that they will discuss this issue at the inter AC meeting tomorrow, as well as the EU public consultations and importance of the AC contributions, among other topics.

5. Fisheries agreements and bilateral issues

Summary of the state of negotiations and questions of interest:

- **Norway**
- **Faroe Islands**
- **Iceland**

This point is not addressed due to the absence of the appointed Commission representative, Jacques Verborgh, who has finally not been able to attend or find an available slot due to his obligations as Chair-in-Office of NEAFC.

6. Svalbard

6.1. Commission Report on negotiations with Norway.

This point is not addressed due to the same reason mentioned in point 5 (absence of the appointed DG MARE representative, Mr. Verborgh, due to reasons of agenda).

6.2. Update of the Extractive Sector on Snow Crab: Debate.

Mr. Giedrius Gruzdys, from the Lithuanian shipping company JSC Arctic Fishing, and on behalf of the European Crab Fishing Fleet Association, informs that there is nothing new regarding the snow crab, highlighting that industry is in a critical situation due to this prolonged situation of impasse. Right now, the EU and non EU snow crab market is monopolised by imports from Norway, and the European sector is hoping that this situation will change soon. On the other hand, he informs that the *Senator* vessel, which was arrested in Svalbard with fishing licence from its flag state (Latvia), will probably go to the Norwegian Supreme Court as the judgment is currently on appeal.

Mr. Alexandre Rodriguez, LDAC Executive Secretary, sums up the letter received by way of information from the EUROPECHE organisation about the access situation to Svalbard for fishing snow crab, whereby he urges the European Commission to take measures to protect

the European fleets affected. On the other hand, the European Parliament responded on 28 October last to an interpellation, indicating that there are different interpretations of the Treaty of Paris, although not many practical solutions were given on how to proceed.

ACTIONS:

- The LDAC will closely monitor the results of the dispute related to the capture of the *Senator* and the subsequent measures to be taken by the European Commission, the shipping company and the competent Norwegian and Latvian authorities.
- The LDAC will urge the European Commission to inform about the state of diplomatic negotiations between the EU and Norway regarding this topic. If necessary, they will send a letter demanding this deadlock in this situation to be unblocked as soon as possible, reaching a beneficial agreement so that the snow crab fleets with EU member state flag can access the Svalbard FPZ with guarantees and legal security.
- The Secretariat will follow the work of the European Parliament Committee on Fisheries on this subject.
- This topic will be included as an item on the agenda for the next WG2 meeting (April 2018).

7. Organisation of the North-West Atlantic Fisheries (NAFO).

7.1. Results of the 39th Annual Meeting of NAFO (17-22 September, Montreal).

7.2. Future steps: joint work between LDAC and DG MARE for 2018:

- Development of a protocol for exceptional circumstances for the Greenland halibut (GHL) assessment strategy
- Participation in the Benchmark Process of the conservation plans (HCR) for 3M cod stock.
- Industry initiatives to improve the selectivity of cod trawlers in NAFO.
- Contribution of stakeholder to the II operational review of NAFO.

7.3. Commission Report on:

- Application of landing obligation (LO) in NAFO – 2017 Delegated Regulation and 2018-2019 standards for non-target species

- Scientist appointment process for the Scientific Council.

Report of DG MARE, European Commission

Ms. Raluca Ivanescu, EC representative, informs that the negotiations in preparation to the annual 2018 NAFO meeting will not be easy. She highlights that the EU had an essential role at the last annual meeting held in Montreal in September with the other contracting parties (CPCs) with a view to achieving a rational equilibrium and proportionality in the decisions taken regarding the different commercial stocks, considering the biological, economic and social sustainability.

About the Greenland halibut (GHL) she points out that finally, after a scientific debate, it was agreed to apply a harvest control rule (HCR) with a starting TAC of 16,500 tons, which is in the medium-to-high area of the range set during the negotiations. All of this is based on a more stable, mixed “*target/slope*” method, with fewer variations, with a 10% limit that, in exceptional circumstances, would be applied for the coming year.

Regarding 3M cod (COD), the decision was a difficult one insofar as the agreement was not unanimous, with 3 CPCs in favour and 8 against the immediate application of the scientific advice, which proposed a drastic reduction of TAC of 41% for 2018.

A majority decision was taken to split this reduction of 41% in 2 intermediate phases and wait for the Benchmark results, assessing in 2018 the reliability of the assessment models and the data obtained in terms of biomass and mortality, before taking a final decision and getting involved in developing a long-term multi-annual management plan.

For the 3M redfish (RED), a biannual TAC was set of 10,500 tons.

For the alfonsinos, no management measure was adopted but it was decided to re-assess it.

3JKL cod is a stock with moratorium only exploited by Canada, with an annual sentinel fishery of 20,000 tons, although it is under scientific debate, so she asks those present for any information they can share with the EC.

On the other hand, she highlights a joint USA-Canada proposal on Vulnerable Marine Ecosystems (VMEs) that proposes the additional closure of seamounts, which is also supported by the EU, so long as it includes a reference to the significant adverse impacts (SAI) according to FAO terminology. An assessment is being conducted on the impact of the closed periods, as well as studies on the resilience of sea pens and other elements.

The Commission representative also informs about a resolution for the different Canadian administrations to communicate internally and exchange information in the event that any fishery is closed, to know what scientific justification has been given to authorise their closure and if there are other extractive or marine activities in the same area.

Regarding the landing obligation there was a preliminary proposal from Norway to continue developing a study on the application of the landing obligation.

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Round of questions from members and discussion among those present

Mr. Juan Manuel Liria, CEPESCA, on Greenland halibut, indicates that it is important to have some harvest control rules (HCR) that give the fishing activity greater predictability or certainty, although in his opinion it would be desirable to start from a slightly higher limit, as although the quota for Greenland halibut is 16,500 tons, exceptional circumstances, such as a high seasonal volume of by-catches, could occur. The influence of some contracting parties that have no quota (and therefore no direct commercial interest, either) in this fishery must also be taken into account during the negotiations.

Mr. Luis Vicente, ADAPT, congratulates the European Commission negotiating team for having profitably used and defended several positions that were in line with the LDAC opinion, which is, per se, proof of the value of the stakeholders' contributions and of the mutual benefit of collaboration between policy-makers, fishing sector and other stakeholders when they join forces in the EU.

Mr. Ivan Lopez, LDAC Chair, indicates that the new negotiating team of the European Commission in NAFO has got off to a good start in its activity, adopting a stance that is open to dialogue and transparent in communicating the negotiations, insofar as this is possible, making us feel part of the achievements reached.

The success reached reflects a job well done among all parties, as not only the Commission and the scientists, but also the LDAC which participated with a large delegation. Concluding, he indicates that the way the EU delegation works in NAFO could act as a reference for other RFMOs.

Regarding the situation of the Greenland halibut, he coincides with Mr. Liria on the importance of contributing to the development of a protocol for exceptional circumstances. He also offers to help towards the work of the Spanish scientists being reflected in the improvement of risk management for cod and Greenland halibut stocks, although, in his opinion the scenarios to consider exceptional circumstances, as well as the most appropriate application measures must be well-defined.

He believes that the existence of a general concept paper that identifies the new challenges at the end of May next year would be very positive. He proposes creating a small ad hoc working group to prepare a position of the LDAC.

Then, Mr. Lopez asks the EC representative about the harvest control rules (HCR) of 3M cod and how she believes that industry could help the Commission to determine the points of reference as well as other benchmarking issues.

Mr. Ivan Lopez underlines the low presence of scientific councils at the plenary meeting and asks how any help that scientists might want to give would fit in today.

Answers from the European Commission

The EC representative, Ms. Raluca Ivanescu, responds that it would be advisable for industry to try to send relevant data on 3M cod catches and discards to their scientific institutes for them to be able to validate them and provide as information, and that the EU is open to continue discussing with members of the LDAC WG2 and include the data so long as these are scientifically validated.

Likewise, she informs that the Commission has ordered a multi-species evaluation study, including data that support the HCR for cod. This study has a budget of 300,000 Euros and will provide the basis for benchmarking. All those interested are invited to take part in it and make their contributions in the form of data.

Regarding the selectivity and how industry could collaborate, she believes that they could provide initiatives to improve the selectivity of the trawlers, and that it would be highly positive to be able to propose more European scientists to participate in the Benchmark, that will take place in April 2018, to be able to have a solid document in time to present it at the NAFO annual meeting.

Regarding the analysis of the operational review of NAFO as an organisation, she highlights that they are currently in an analysis and risk assessment process, and that they still have quite a lot of work to do before launching the open consultation to stakeholders who might want to contribute to the process of the CPCs.

Finally, regarding the implementation of the landing obligation in NAFO, she highlights that to be able to have a specific delegated act on this zone, first, sufficient scientific data should be available, and that is not the case.

She also adds that there are two vacancies as co-chairs in the two scientific working groups of NAFO, so they are trying to identify the most appropriate candidates.

ACTIONS:

- The LDAC will hold regular bilateral coordination meetings with the NAFO negotiating team corresponding to the RFMO unit of DG MARE to make further progress in a series of areas where the Commission expects the participation of the stakeholders:

- Initiatives and data of the European industry to improve the selectivity for 3M cod trawler fishing (responsible: Jane Sandell)**
- Development of an exceptional circumstances protocol for the new evaluation of the Greenland halibut management strategy (MSE). Interested members will give their opinion on the practical experience at the consultation of the previous exceptional circumstances protocol attached to the old HCRs, as well as possible scenarios based on Dr. Butterworth's work.**
- Direct or indirect participation in the cod "Benchmark" workshop scheduled for April 2018, whose recommendations will be reported to the SC meeting in June in order to have a new HCR proposal for adoption in time for the next annual meeting.**

- The Commission representative will provide a presentation on the work progress for each one of the elements mentioned at the next WG2 meeting (April 2018) to foster debate and agree upon recommendations.

8. Report on the organisation of the International LDAC-Pelagic AC Conference on Application of the External Dimension of the Common Fisheries Policy in the North Atlantic fisheries.

The Executive Secretary of LDAC, Mr. Alexandre Rodriguez, explains that the Organising Committee has been working for approximately 8 months on drawing up a programme, a budget and a list of speakers-experts, as well as on a strategic action plan and communications.

However, given the political situation caused by Brexit, holding a technical seminar on a zone where there is a considerable presence of the English fleet, is not considered very realistic. Likewise, they announce that the PELAC secretariat has chosen to organise a specific event on this issue, so they suggest that it would be more advisable to postpone the seminar on the North Atlantic until a further date.

As an alternative, they suggest organising a seminar or dialogues with Coastal States or third countries in 2018 on improving the implementation of the community regulation on external dimension (e.g., SMEFF ex FAR Regulation, FAO Agreement on Port State Measures (PSMA), Regulations on Control and Fight against IUU fishing, improvement of scientific data to determine the surplus in EEZ water of third countries,...), identifying the Atlantic African Façade and the Indian Ocean as two priority areas.

ACTION: Given the political situation resulting from Brexit, WG2 members agree to approve the idea of postponing the international conference on North Atlantic fisheries until 2019 at least, with the possibility of organising a workshop, in 2018, on the application of the external dimension of the CFP in Atlantic Africa and/or the Indian Ocean.

9. Update of the FARFISH H2020 project.

The Executive Secretary, Mr. Alexandre Rodriguez, informs that the LDAC is a member of the project with an approximate budget of 100,000 Euros for a four-year period.

The general objective of the project is to improve the knowledge and management of fishing in Non-European waters, as well as to contribute to the long-term sustainability and economic profitability of European fleets.

As specific objectives, it aims at improving the knowledge and data compilation of the major stocks, mapping fisheries, analysing the fisheries value chain, compiling good practices, or developing management plans, among others.

The role of LDAC is mainly to participate in the selected case studies, which are Morocco, Mauritania, Cape Verde, Seychelles, Senegal, South-western Atlantic (international waters) and South-eastern Atlantic (SEAFO).

The characterisations of fisheries for the different case studies will be sent to members in brief, requesting them to review them and provide any data they consider useful.

Finally, at future meetings, members will be informed in writing of the meetings associated with the project scheduled for 2018.

ACTION:

- **The Secretary will send regular information about the progress in the work and future meetings of this Project. Reports will also be sent out on the characterisation of relevant case studies. He will also inform about the recruitment procedure for a Coordinator for this project, through available financing assigned for this purpose.**

10. Date and place of next meeting.

It will be held in Brussels in the month of April 2018.

The meeting is adjourned at 3 pm.

ANNEX I

List of Participants and Attendees

LDAC Working Group 2

London, 13 November 2017

WORKING GROUP MEMBERS

1. Jane Sandell. NFFO
2. Gerard van Balsfoort. DPFTA
3. Iván López. AGARBA
4. Sean O'Donoghue. KFO
5. Hjálmar Vilhjálmsson. EL DFA
6. Bjorn Stockhausen. Seas at Risk
7. Ian Gatt. SPFA
8. Alex Wiseman. SPFA
9. Esben Sverdrup-Jensen. DPPO
10. Luis Vicente. ADAPI
11. Juan Manuel Liria. FEOPE/CEPESCA
12. Emil Remisz. NAPO
13. Bogusław Szemioth. NAPO
14. Haraldur Gretarsson. DFV
15. Mireille Thom. WWF
16. Rhona Kent. WWF
17. Aivaras Labanauskas. Atlantic Fishery Company
18. Frédéric Le Manach. BLOOM
19. Ricardo Valeiras. ETF

OBSERVERS

20. Joost Paardekooper. EC B1 (NEAFC)
21. Raluca Ivanescu. EC (NAFO)
22. Krolik Krystian. Permanent Representation of Poland in Brussels
23. Jarek Zielinski. Pomorska Organizacja Producentów ARKA
24. Giedrius Gruzdys. JSC ARCTIC FISHING
25. Pedro Sepúlveda. Secretariat General for Fisheries
26. Margarita Mancebo. Secretariat General for Fisheries
27. Alexandre Rodriguez. LDAC
28. Marta de Lucas. LDAC
29. Manuela Iglesias. LDAC