

Working Group 1 West of Scotland and Western Approaches

**Thursday 23 April 2015
09:00 – 10:30
Bilbao Exhibition Centre, Bilbao**

Summary of Recommendations and Actions

Chairman: John Anderson
Rapporteur: Debbie Crockard

Summary of Actions

- Action 1: Irene Kingma to forward the Seafish Document to the group (action complete).**
- Action 2: Eibhlín O’Sullivan to continue to follow up work on skates and rays with relevant scientists and to complete work as priority, she will report back at next meeting.**
- Action 3: An extension of the drafting group to pull together a table which details survivability for each functional unit for Nephrops, provide detailed questions on the topic of high survivability. (Action complete)**
- Action 4: group to consider how best to organise and take forward producing a response to the commission consultation. (Action complete)**

1. Welcome

The WG1 Chairman, John Anderson, welcomed the members and the attendees to the meeting. Mr Anderson introduced himself as the new chair of WG1. The full list of participants is included as an annex to these minutes.

- Apologies for absence were received from Michael Keatinge, Francis O’Donnell, Alan McCulla and Jacques Pichon.
- Welcome to new member of WG1 Marina Le Guru- not present.
- Adoption of agenda – amendments were made to the agenda to reflect the discussion on the Landings obligation (LO) during the Exec Committee from the previous day. A

brief update on area VI specific LO issues, discussion of what needs to be addressed in the short and long term and identification of any advice that needs to be produced before 2016 plans are finalised were all added to the agenda.

- Adoption of Previous meeting agenda (Paris, Nov 2014).
 - Action point from the Paris meeting - Skates and Rays summary note in relation to single species.
 - Eibhlín O’Sullivan said that she was still waiting on the information from the Irish scientists. This will be given priority over the next couple of months.
Irene Kingma suggested that the overview produced by Seafish in 2013 may provide a useful overview and is happy to share this with the group.
Ms O’Sullivan confirmed that the work was specific to particular spawning areas and was required to complete management plans but agreed that the Seafish document would be helpful.

Action 1: Irene Kingma to forward the Seafish Document to the group

Action 2: Eibhlín O’Sullivan to continue to follow up with relevant scientists and to complete work as priority, she will report back at next meeting.

2. Landings Obligation

The chair provided an update and on the current state of the LO with particular focus on the waters covered by WG1: Area VI West of Scotland and the Western approaches. In its advice to the NWW High Level Group (HLG), the NWWAC drafting group proposed a phased approach to the introduction of the 3 clusters identified in Article 15 of the CFP.

The 1st cluster consists of 2 fisheries; the haddock fishery being primarily of importance to the UK and Irish fleets and the saithe fishery being primarily of importance to the French fleets. Both of these fisheries were proposed to come under the LO in year 1. For the Nephrops cluster, only Nephrops would come under the LO obligation in 2016 with other white fish species in this fishery not being included until 2019. The Spanish, French and UK hake fisheries would also be included in the LO from 2016.

The second NWWAC drafting group focused on fishery definitions. An elective approach was agreed by the drafting group as the most appropriate way to define fisheries in the North Western Waters however this approach did not find favour within the HLG or the Commission. The chair provided a description of the elective approach to the WG, outlining its advantages and disadvantages.

The chair then outlined what fishery definition would most likely be proposed for area VI from information provided by the Scottish Fisheries Administration (who sits on both the NWW

Technical group and High Level Group), including information on the percentage definition of a targeted catch as outlined below:

- For all trawls, if landings of *gadoid species* per vessel consisted of more than 10% by volume during reference period (2013-14), the vessel will be required to land all haddock catches.
- For all gears, if landings per vessel consisted of more than 30% Nephrops, the vessel will land all catches of Nephrops.
- OTB to land all catches of hake if landings consist of more than 30% hake.

The chair suggested that there is little point arguing about the definitions of the fisheries or phasing at this stage, however, he highlighted that information was urgently required for the application of exemptions to the LO.

There is only 2-3 weeks left to request and submit exemption requests under the high survivability and de minimis conditions. Scotland has submitted a request for de minimis for Nephrops caught by the TR2 fleet in the West of Scotland with the justification that it is to avoid disproportionate handling and onshore costs to the industry. High survivability exemptions requests have also been submitted by Scotland for the Nephrops static gear fleet.

The chair was unsure about requests being made by other countries and suggested that one discussion that could happen in the AC was the submission of joint exemption proposals however he did highlight that time was short to come to conclusions. Perhaps this is something that could be considered for the next wave of phasing, if applicable.

In terms of work going forward it is important to schedule time to consider the following:

- Further develop definition of fisheries
- Uplifts (Discard transfers)
- Choke species
- Zero TAC for cod
- 9% flexibility
- Selectivity measures that maintain viability
- Practical consequences onboard / onshore logistics.
- Compliance and control

This was a brief summary by the chair on the issues surrounding the LO and what was discussed at the previous days EXCOM. The WG needs to now think about what can be taken forward, both urgently and in the longer term.

Sean O'Donoghue: Thanked the chairman for his summary and clear guidelines. He asked if he could clarify a few things as the information that he had with regards to the catch composition

was slightly different than what was presented by the chair. In particular he stated that the only thing agreed so far was the 30% threshold for Nephrops and that the historical reference points had no final agreement. He highlighted that this was an issue that they urgently needed clarity on. He asked if the EXCOM chair could provide clarity.

Mr O'Donoghue also raised the issue of trans-boundary stocks as being of great importance to the phasing discussion within area VI. In particular there is an issue with saithe and combined assessments – we should be trying to do combined assessments and lead on the trans-boundary issue.

Mr O'Donoghue also asked for clarity with regards to the situation of falling under several LO situations – for example historic catches which include 10% haddock, 30% nephrops and even 30% hake. Will vessels who fall under more than one fishery definition under the LO be subject to more than one Landings Obligation in year 1?

He also referred back to the de minimis discussion using Nephrops in area VI as an example. If de minimis for Nephrops is granted, how will this work in practice? Will each Member State be allowed to discard 5% of its annual TAC or would it be calculated at EU level with the discard allowance subsequently being allocated based on relative stability?

Mr O'Donoghue also raised the issue of survivability and the dilemma raised by the LO with regards to Nephrops – which is not just an issue for area VI. He pointed out that from January 1st 2016 there is a real possibility of increased Nephrops mortality as a result of the survivability predictions built into the stock assessments. ICES include an average of 20-30% survivability in their stock assessment which will need to be addressed under the LO. This will require a common sense approach but the bottom line is that the LO should not increase fishing mortality - this is a fundamental concern.

The chair confirmed that the information that he had been provided came directly via his national administration from the technical group and he was informed that this was what was most likely to be agreed at this stage. He also confirmed that the potential to have as many as three LOs applying to a single vessel in year 1 was a concern as some vessels may be subject to no LO where as others may be subject to two or three. He also confirmed that the MS by MS approach was the only approach which fitted with relative stability and that he was also concerned about the potential for an increase in nephrops fishing mortality.

Bertie Armstrong agreed that the points raised by Mr O'Donoghue were significant. He confirmed that the new information on catch composition provided by the chair fits with discussions he was aware of within the HLG however he emphasised that no final decisions

have yet been made. It is essential for the industry to know as soon as possible what is going to happen to allow them to plan going forward.

Kevin McDonnell explained the need to keep pressure on MS for survivability requests; he highlighted the frustration that to account for increased mortality the survivability levels may be changed.

Mr Armstrong agreed that a common sense approach was required when talking about survivability - any increase in fishing mortality was unacceptable. He suggested the new regulation may result in unintended harm to the stock.

Eibhlín O'Sullivan agreed that we needed clarity on how it is possible to justify increasing mortality in the name of survivability. There could be the need to look at nephrops in specific functional units; MS should be carrying out surveys to demonstrate survivability if not doing so already.

Thierry Guigue spoke of specific examples of Nephrops where survival indices indicated survivability of up to 50% in a trawler fishery. He suggested that there would be high survival exemption requests from the French for Nephrops in other sea areas targeted by the French fleet.

Bertie Armstrong suggested that one thing that could be done quickly is to check which functional units contain information of survivability already.

Sean O'Donoghue agreed that this was a sensible suggestion and that a very specific figure was used but that this may vary by functional unit. The landings obligation should not increase fishing mortality but noted that this was an unusual case as it was one of the few species for which ICES advice takes into account survivability.

Johnny Woodlock added that with so many aspects to the survivability of nephrops it may be better to ask the commission to stick to the precautionary approach when it comes to nephrops to ensure that fishing mortality is not increased.

Sean O'Donoghue stated that he is not suggesting that we make up figures but that we need to build the table which shows the available information. Forcing fishermen to land Nephrops which results in increased mortality is unacceptable.

Barrie Deas asked if we were suggesting pulling together a paper to see how high survivability would be dealt with or are we simply raising this around the table. Given that the timeframe is

so short requests to the MS will already have been submitted. It may be possible to request access to these requests and the opportunity to comment on them. Are we looking to produce criteria which can be used to define high survivability?

The Chair suggested that time was short and that the WG needed to consider what could realistically be done in the next week or two to make an impact.

Bertie Armstrong suggested that it may be possible to make a submission by the 7th as it has already been discussed by the drafting group we could phrase the input as a question. The previously suggested table could quickly be built.

Hugo González agreed that we are all concerned with survival rates. He pointed out that he was unsure of the survival rates of nephrops below MCRS. He highlighted that the omnibus regulations states that –in this case for hake- they are not considered to be a discard if the fish is not whole. Is this something the commission is considering? Can we ask for this for different species? We would like to ask for this for the trawl fleet as if the regulator considers the fish to be deteriorated it is not a discard. In the case of trawl there will be a number of fish considered deteriorated which may allow us to increase the percentage of “discards” above the 5% de minimis.

Chair replied that he thought that the deteriorated fish was in relation to seal predation and not to fish damaged in trawls, he also stated that he thought that there was a weight restriction on this for it not to be considered a discard -50kg? The chair suggested that they move on to discuss the de minimis requests from other MS's and asked if anyone have any further information?

Action 3: An extension of the drafting group to pull together a table which details survivability for each functional unit for nephrops, provide detailed questions on the topic of high survivability.

Alan Coghill informed the group that in Scotland they have been working on de minimis exemptions for saithe, cod and hake. The UK government confirmed to him that the flexibilities will be a MS issue.

The chair confirmed that those requests were not required for the 2016 plans but would be very useful when those species come in in later years.

Sean O'Donoghue stated that from their point of view haddock was the main priority – we will need to reassess how the new information about the 10% fishery definition will impact the

fisheries. The time scale is short and so the biggest thing we can do is identify the significant questions on control and how this will work in practice. Two vessels in the same fishery one under the LO and the other not, modality is very important. They will need to have an idea about the impact that this will have from the 1st of January.

Eibhlín O'Sullivan also said that if a vessel fits into more than one category they will need to know how they will be impacted. Clarity needs sought for fishermen who have altered their fishing patterns - will they still be judged on their fishing practices from 2013/14?

Bertie Armstrong suggested that the NWWAC fall back on what the AC has already agreed and decide what exactly we want to achieve in the short amount of time we have left before the HLGs make their final decisions for 2016. . Certainly, there must be clarity on survivability for the fleet by January 1st. He asked whether the group should prepare a quick paper to submit to the HLG.

Eibhlín O'Sullivan agreed that the HLG had to be made aware of the issues before they made any decisions on the 7th of May, she suggested a response of not more than 1 or 2 pages consisting mainly of bullet points.

Barrie Deas suggested that it is best to know the answers to the questions you want to ask before asking them, for example we can predict what the answer will be to the question on what happens to a vessel that falls into all three categories – you will probably be subject to the LO for all three (this had previously been raised by the NSAC).

Jesús A Lourido Garcia pointed out that we have been discussing the issue of time and he suggests that the WG may be best to focus on specific and problematic issues as the fleet needs clear answers. He suggested that we need to understand how the fishing industry is going to work with choke species or with 0 TACs. He highlighted an issue in Spain where the by-catch of species for which they have no quota is very low, 3% in some cases. The Commission must be active and shouldn't wait for the MS, sector and NGO's to come to a consensus, the must bring together the practical issues to the group. He proposed that the group put forward questions that urgently need to be answered and discussed; he also suggested that the 48 hour emergency procedure should be used to sign off the WG actions since the EXCOM was held before the WG.

The chair confirmed that everyone would like clarity on the issue of choke species; he understands that the assumption is that the exemptions described are designed to minimise the impact of choke species on the industry. However the chair is unsure if this will be effective in all cases. He asked the WG how they felt that the AC should communicate with the industry.

Bertie Armstrong repeated that the proposals for phasing have already been accepted and that he doesn't think that choke species should be an issue in the first year of the discards ban but that they will be something to think about in the future but not something that they will need to cope with straight away.

Jesús A Lourido Garcia replied that the choke species are of greatest concern to him. He thinks that they will run into problems in the future. He stated that information must be available to allow the fleet to adapt and change plans they had a previous issue with this for hake. He stated that he always puts himself into the worst scenarios and stressed the importance of anticipating the issues and what they can do about them.

The chair replied by saying that he understands that the technical and high level groups are aware of the choke species in each area and suggests that the MS should conduct analyses which should be made publically available.

Sean O'Donoghue stated that he was not sure he understood the issue for 2016, hake is the main species in area VI for the Spanish and this shouldn't be an issue. Choke species will not be the main issue for 2016 but will become an issue further down the line. He suggests that a more pressing issue may be trans-boundary issues and receiving clarity on which rules apply when you are fishing across the line should be a priority.

Hugo suggested that it was a slightly delicate issue regarding what it means to bring into port. He then discussed the issues around article 15 and stated that if we fish 1000 tonnes of Nephrops this would now count towards the MS's quotas when previously around 20-30% would have been returned to the sea under minimum size and not counted against quota. He stated that they would now be required land this but that the Commission said that these discards were not important and not to worry because TAC's would offset what has to be landed. He then asked the group to consider cod as an example of undersized fish that cannot be sold must now be landed. The Commission said not to worry and that the TAC will be adjusted. He stated that he was sure that there were some organisations that would disagree with him and then asked the WG if they knew anything about this.

Roy Griffin pointed the group to article 16 with regards to TAC uplift with regards to species which come under a landings obligation and that there is still a requirement for increases in selectivity. He agreed that there was a possibility for fish to be returned to the sea but that he had difficulties in saying exactly what TAC uplifts may apply. It will be in the policy document but at this time it was impossible for him to discuss in detail.

Roy Griffin added that he wanted to quickly respond to Sean O'Donoghue about what constitutes high survivability and that there was work being done on this at the moment by STECF. He thought that this would be assessed on a MS by MS basis but would need to clarify.

Bertie Armstrong looked for clarity on the issue of survivability and asked whether in light of Barrie Deas earlier comment we should be asking the question. He agreed with Sean that trans-boundary issues require urgent clarity.

The chair agreed that clarity was required.

3. Multi Annual Plans (MAPS)

The chair pointed the WG to the MAP documents on the website and asked the Commission representative to provide a brief outline.

Roy Griffin stated that the Commission were still welcoming comments on the NWW MAP proposals.. The deadline for responding to the NWW MAP consultation document, to be issued in May, will be around the 1st of September. There will be a priority to have the MAP's put into place and an inter-institutional task force will be driving things forward. The discussion document currently available outlines the stocks and areas involved. Key points include;

- The use of a range of F values
- Help for managing mixed fisheries
- Addressing which fisheries it includes

They will be looking at the hake fishery and it is important to note that the MAP's will be used for both single and multi-species plans.

Andrew Clayton identified that he thought the paper was a background document and that a more formal document would likely follow. He pointed out that if this paper was to form the basis of that more formal document then there are some key issues that must be addressed:

- The suggestion that MSY is an optional deadline within the text – the wording is not consistent with the CFP
- Safeguarding – levels should be set at the lowest level
Minimum safeguard levels not in line with the MSY objectives -they must be in line with Article 2.2.

Roy Griffin agreed that it was badly worded and that this was indeed a preliminary document and that the consultation document would be more coherent.

Barrie Deas found the summary very helpful and suggested that we should consider how we prepare for our responses, the drafting group was a strong example of how to work coherently; he suggested it may be useful to have scientists and fisheries managers in the room as well. This would be a positive way to produce advice rather than it being discussed at individual working groups.

Action 4: group to consider how best to organise and take forward producing a response to the commission consultation.

4. AOB

Sean O'Donoghue suggested that given the short amount of time it would be useful to have the minute and action points submitted within 2 weeks of the meeting.

The chair agreed but highlighted the issue of translation times but suggested this was a priority.

5. Chair and rapporteur summary of action points

A summary of the action points can be found at the beginning of the document.

The Chair thanked all the members and observers for attending the meeting, the Secretariat and the translators for their excellent work.

The meeting was adjourned at 10:30 as planned

Annex I

List of participants

Members of WG 1		
First Name	Last Name	Organisation
John	Anderson	Scottish Fishermen's Organisation
Bertie	Armstrong	Scottish Fishermen's Federation
Tom	Bryan-Brown	Mallaig and North West Fishermen's Association
Kara	Brydson	Royal Society for the Protection of Birds
Andrew	Clayton	The Pew Charitable Trusts
Alan	Coghill	Orkney Fish Producers Organisation
Juan Carlos	Corrás Arrias	Pescagalicia Arpega
John	Crudden	European Anglers Alliance
Barrie	Deas	National Federation of Fishermen's Organisations
Ross	Dougal	Scottish Fishermen's Federation
Marc	Ghiglia	Union des Armateurs de la Pêche en France
Hugo	González	Asociación Nacional de Armadores de Pesca de Gran Sol (ANASOL)
Thierry	Guigue	Association Nationale des Organisation des Producteurs
Irene	Kingma	Dutch Elasmobranch Society



Jesús A.	Lourido García	Puerto de Celeiro S.A. OPP-77
John	Lynch	Irish Fishermen's Organisation
Luis Francisco	Marín	Organización de Productores de Pesca de Ondarroa
Kevin	McDonnell	West of Scotland Fish Producers Organisation
Sean	O'Donoghue	Killybegs Fishermen's Organisation
Eibhlin	O'Sullivan	Irish South & West FPO
José Luis	Otero	Lonja de la Coruña
Mercedes	Rodríguez Moreda	OPP-07-LUGO
Anne-Margaret	Stewart	The Scottish White Fish Producers Association
Observers		
First Name	Last Name	Organisation
David	Beard	Manx Fish Producers Organisation
Emiel	Brouckaert	Rederscentrale
Richard	Brouzes	OPBN
Debbie	Crockard	Seas at Risk
Gonzague	De Moncuit	Ministère de l'écologie, du développement durable et de l'énergie
Paul	Françoise	Comité Départemental des Pêches et des Élevages Marine: CDPMEM 14
Marta	García Merchán	Ministerio de Agricultura, Alimentación y Medio Ambiente
Robert	Griffin	European Commission



Daniel	Lefèvre	CRPMEM de Basse Normandie
Miquel	Ortega Cerdá	Fundació ENT
Glenn	Quelch	European Fisheries Control Agency
Sara	Vandamme	ILVO
Johnny	Woodlock	Irish Seal Sanctuary
Justyna	Niewolewska	Advisor to the Pew Charitable Trusts
Nuala	Carson	Defra
Edward	Fahy	Irish Seal Sanctionary
NWWAC SECRETARIAT		
Conor	Nolan	General Secretary
Barbara	Schoute	Dept. General Secretary
Joanna	McGrath	Executive Assistant - Administration and Finance