



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
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MINUTES

HORIZONTAL WORKING GROUP LANDING OBLIGATION (I and II)

**Printworks – Dublin Castle
Wednesday 16th and Thursday 17th of September 2015**

Meeting I - Wednesday 16th 14:00 -17:00

1. Welcome and introductions

Bertie Armstrong welcomed members, Commission and Member State representatives, and observers to the meeting.

The agenda was adopted as drafted.

2. Follow up from last ExCom meeting

The Chairman explained that at the last ExCom meeting (Edinburgh 9 July 2015, see [link](#)) the AC was asked to forward any detailed questions on the Landing Obligation (LO) to the EC in writing. Questions were provided by members and translated to English and collated and grouped by the Secretariat. Due to budget restrictions, the resulting text could not be translated into all three working languages of the AC and was sent to the EC and the AC members in English only. Dominic Rihan from the EC had come to the meeting to help answer the questions.

The Chairman proceeded to present the questions and answers were given by Mr Rihan subsequently.

1) Quota uplifts

There is a meeting with Member States (MS) arranged for 22 – 23 September on how quota uplifts will be calculated. Details on the calculation method are not available yet. The MS have come up with discard plans which will be brought into delegated acts without major changes. Quota uplifts are foreseen only for stocks that fall predominantly under the LO, in cases where only some fisheries and a small part of the catches are affected no quota uplift is indicated. In these cases, it is up to the MS to take measures (e.g. quota swaps) to ensure this does not give rise to problems. It is up to MS to arrange for fishing opportunities (including quota uplifts) to be transmitted to the



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right part of the industry.

The EC will try to be as transparent as possible, and the method for quota uplift calculations will probably be made available, at least generally. This is also the case for the data underpinning the calculations.

In cases where exemptions allow for discarding (e.g. high survival, *de minimis*) the TACs will be reduced by the expected amount of discards.

At present, the effect of the LO for stocks with very low TAC advice (cod in West of Scotland for instance) is not known, as the phasing in for these is postponed. It is not yet clear how the management of choke species should be integrated. Under the CFP, the guiding factor will be MSY.

It was noted by the meeting that for some stocks although the discard rate is assumed to be 0, there is actually some minor discarding going on. It is unclear how this should be dealt with by fishermen and managers. The Commission (Mr Rihan) pointed out that this relates to the lack of discard data – if data on discarding can be transmitted to scientists that will help improve the advice for total catches instead of landings.

2) Definition of the fisheries

In each regional discard plan, MS have decided on a method to define the fisheries. Mr Rihan acknowledged that this part of regionalisation may result in problems fishing across borders between regions until 2019. It is not the intention of the EC to interfere with regionalised management. Within the LO, one vessel can be defined as participating in more than one fishery, and be required to report under more than one LO.

Some fisheries organisations indicated that categorisation of vessels on the basis of historic catch or landings data puts a constraint on the changes a fisherman can make to adapt to new measures. Additionally, vessels may change between categories within a year, and as such working with fixed lists of discard species may reduce their annual flexibility.

3) Exemptions

Exemptions are incorporated in the regional discard plans, and can only be applied when scientific studies justify their use. The criteria for the application of exemptions are described in the CFP regulation.

In cases of exemptions from the LO, the calculation of quota uplifts will be conducted as described under point 1). Where ICES advice takes survival of discards into account, the EC expects ICES advice to indicate the correct levels of catches, landings and discards to be able for managers to



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decide on the TAC. Where a *de minimis* exemption is in place, the discards should be controlled by close monitoring under the auspices of MS. All *de minimis* discards should be reported.

4) Practical implications

All catches (even if these are discarded afterwards) must be recorded in the logbook. Catches below minimum conservation reference size (MCRS, defined in discard plans) have to be recorded and stored separately from the marketable catch. Landings of all species under the MCRS can be mixed in storage but must be kept separate from unsold catches after landing. The Logbook regulation EC 404/11 will be amended to take catches below MCRS into account. The margin of error for marketable and below MCRS fish will stay at 10%.

The meeting with MS on 22 and 23 September will discuss further how catches below MCRS may be used. According to Art 15 of the CFP fishermen should be allowed to sell fish below MCRS but not for profit to avoid developing a targeted fisheries. Mr Rihan indicated that selling or donating fish for charity cannot be controlled and will compete with fishmongers. The meeting indicated that where under MCRS fish could not be sold for profit it would be difficult to find sufficient funds to handle these landings. The EC will consider options for selling undersized fish other than for direct human consumption and revert to the AC. It was the strongly held opinion of the AC, supported by the Commission that options to use unsold catches should be found to avoid fish ending up in landfills.

Any extra work on-board fishing vessels, resulting from the LO implementation will not be compensated.

There were many questions on the responsibilities around quay-side facilities for landings below MCRS. Mr Rihan clarified that fishermen are always responsible for their landings. The text of the CFP, as directed by the EP, implies that MS are responsible for using EMFF money to set up quay-side facilities.

Mr Rihan indicated that if a vessel catches more than allowed through an exemption, this is an infringement and would be considered in the same way as overfishing a TAC. It is up to MS to monitor and control this. Discarding when catches exceed maximal storage capacity should be avoided and discarding will remain an infringement in these cases.

5) Interspecies Flexibility

With regard to the arrangements to implement inter-species flexibility, the EC indicated that it is up to the MS to manage quota. This measure is one option to give flexibility in the implementation of the LO. Flexibility can only be applied to stocks within safe biological limits and ICES has been asked to set up a list of eligible stocks. Interspecies flexibility will not be reflected in the setting of



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TACs. The EC has no intention to use an exchange rate between species, but this may be used by MS.

The meeting indicated that if every MS utilised inter-species flexibility freely, there would inevitably be questions on how this would fit with the MSY approach as overfishing of these stocks (considered to be within safe biological limits) could occur.

6) Reporting issues

The Committee on fisheries and aquaculture is working on a new logbook setup. New logbook entries shall consist of over/under MCRS catches (discarded or not discarded), including damaged and discarded fish. Any fish under an exemption must be reported, even if < 50 kg, with a 10% margin of tolerance. In case of *force majeure*, reporting of discards must be looked at with common sense by the relevant control agencies. All landings, even if they cannot be sold should be counted against the quota.

The Commission (Mr Rihan) emphasised that it is important that all catches need to be reported in the logbook to improve scientific calculations. Inter-species flexibility will be a retrospective action involving the calculation of the MS catches against the TACs, which is not relevant to the actual catches.

7) Future implementation

As mentioned under point 1) the implementation of the LO with regard to stocks, for which a 'Zero TAC' is advised, is yet to be decided on and will become most relevant in 2019. The phasing in of new stocks into discard plans, (e.g. monkfish and megrim) is up to the MS to decide.

After the presentation and round of answers from Mr Rihan, the Chairman thanked the Commission for the openness and frank answering of the many questions. The floor was opened for discussion.

The NWWAC concluded that the joint recommendations of the NWW MS Group showed a genuine appreciation for the input made by the NWWAC. Fundamental problems remain regarding the use of incomplete data for discard estimates, and the TAC system may not be the right basis for implementing the LO. A main item of concern are choke species, which may not be avoided even when using 'adaptive management', quota swaps and flexibility.

There is a general fear that the LO will result in the closure of fisheries due to TACs being reached for choke species. The EC reminded the meeting that it is the (regional) MS responsibility to look into the use of additional measures such as area closures, selective gears, and inter-species flexibility but acknowledged that closure of the fisheries remains an option. Mr Rihan indicated



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that regionalisation is set up to solve some of these issues, but fundamentally, quota management through relative stability was not set up with the LO in mind. This discussion will need to be taken up, perhaps also in the light of the review of the control regulation, which may require amendments of Art 15.

The meeting indicated that even without closures, the economic impact of the LO will be harsh. A study of UK fisheries showed capacity reductions of > 25% may be needed due to choke species. Different interpretations of, for instance the basis for the % calculated for the *de minimis* exemption, have significant financial consequences. The Impact Assessment (IA) presented with the proposal for this regulation was deemed by some to be insufficient for such possible consequences. There is no IA available for the compromise CFP regulation.

There were questions on the control and inspection of the LO, how fishermen are to work between different MS and regulations. It was suggested that enforcement should allow some flexibility until the effects of implementation are clearer in 2019. The EC stated there is no further flexibility envisaged in the enforcement. As far as differences between MS implementation is concerned, it was the Commission's opinion that regionalisation is key and although the MS should lead this process, the EC will facilitate as much as asked.

The meeting concluded that although the Q&A session was very much welcomed, the main issues still remain unsolved. The NWWAC foresees problems implementing the rules that although the aim is maximum sustainable yield with no discards, implementation may result in either a significant reduction in fisheries and a reduction in yield or non-compliance and illegal discards. The NWWAC recognises the seriousness of the situation and deems both outcomes undesirable. It was concluded that there is a need for a significant input from stakeholders on a political level to reconsider the aims and consequences of these measures.

3. Future advice on the Landing Obligation

The Chairman invited attendees to discuss the work needed on the LO in the near future.

* Process for passing on issues arising from the LO implementation in 2016

The Chairman indicated that as the regional stakeholder organisation, the NWWAC is best placed to follow the consequences of the implementation of the LO in the region. Without 'opting out' and only compiling the problems that arise in the implementation phase, the AC can both summarise problems as well as put forward solutions to the regional MS group and the EC.

The Secretariat (with a new 'Project Development and Communications Manager') can function as the point of contact between stakeholders, and between stakeholders and MS.



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It was concluded that the Secretariat will be the focal point for LO implementation issues. The Secretariat will set up a procedure and will combine information to report to the NWWAC members, the EC, regional MS and ICES.

* Process for future advice

The meeting recognised that with the compiling of a list of issues, the AC should also put forward advice on possible solutions. Further to that, advice will be needed on future implementation such as the process for phasing in 2017-2019. Some members indicated that the AC needed to recognise the limits of flexibility in the regulation, and the fact that there will be choke species that will pose a threat to livelihoods. As much Information as possible on choke species needs to be provided by the AC in a format which allows input to scientific assessments. It was suggested to use a process of elimination: examining all cases and then to develop alternatives for those situations where current rules do not fit the goals.

The NWWAC was interested to know how the new data are going to influence the scientific advice in 2016. Input from the AC to inform the scientific process may be needed in order to involve the ICES advisory committee in time.

The meeting found there is a lack of information on the economic results of the LO. The study done in the UK is a good first step but information from other countries needs to be made available as well. The DAMARA project was mentioned as it had developed a useful tool to look at the effect of management, once the appropriate input data were available. It was also indicated that not just the short-term economic consequences should be taken into account but also longer term forecasts should be done. The scope for research should also include benefits of allowing stocks to recover.

The group concludes to propose to ExCom:

1. The NWW MS group needs to provide economic data for assessing the impact of the landing obligation to STECF,

The Secretariat to draft a letter to the NWW MS group

2. There is a need for a scientific evaluation (possibly via STECF) to investigate the implementation of the landing obligation with an emphasis on choke species scenarios. Such an evaluation could feed into the NWWAC advice on the landing obligation and multi-annual plans in the first half of 2016.

The NWWAC will draft a letter to the EC requesting such an evaluation and providing possible ToRs.



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Terms of Reference for a Focus Group on LO (FGLO)

- Advise the NWW MS and EC on
 - a) Phasing (2017-2019)
 - b) Evaluation of implementation issues and flexibility measures
 - c) Control and enforcement
- Chair: Bertie Armstrong
Rapporteur: Secretariat
Members: request to sign up will be sent round
- When – **the Secretariat** will communicate with the NWW MS to find exact dates.
 - a) Phasing (2017-2019):
Advice needed earlier than in 2015
 - b) Evaluation of implementation issues and flexibility measures
First results of implementation will not be available before April, evaluation by STECF may come earlier. All information to be made ready to feed into the EC annual report.
 - c) Control and enforcement
To be aligned with the NWW MS group.
- Working language
The group will work by correspondence in all three working languages as much as possible.



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Printworks – Dublin Castle

Wednesday 16th and Thursday 17th of September 2015

Meeting II - Thursday 17th 9:00 -10:30

1. Welcome and introductions

Bertie Armstrong welcomed members, Commission and Member State representatives, and observers to the meeting.

The agenda was adopted as drafted.

2. Landing Obligation projects by Member State (Tour de table)

All members were asked to present a summary of the national projects (ongoing or planned) that aim to improve the implementation of the LO. This way, information sharing and cooperation can improve.

France:

Projects have been ongoing to get estimates of discard levels (EOD), where 12m and 24m vessels took part for one year, 2 weeks per month, based on self-sampling. Data will be ready by December/January. Gear selectivity trials: In the Celtic Sea work is ongoing on 24m vessels fishing gadoid/monk/megrim, and in-shore fisheries in the Bay of Biscay (14-16m vessels), with a new project starting in December. The French administration is preparing a list with a vessel classification based on historic landings. Survival studies are ongoing as well.

Ireland:

The Challenge project is ongoing, with a couple of vessels conducting a trial of the implementation of the discard ban without exemptions, either on a normal fishing regime or while actively trying to reduce discards. Results should be available shortly. More information on selective gears trials will be presented in the Irish Sea Focus Group.

Spain:

There is work done on gathering discard data from the past 20 years, which is to be analysed to look at the economic impact of the LO. Gear selectivity trials are ongoing for megrim and hake.

Belgium:

A presentation on TCM will be available at the Irish Sea Focus Group.



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Netherlands:

6 Projects are ongoing regarding increasing the selectivity and survival of catches, mainly in the North Sea and Channel. Gear changes (beam- to pulse-trawl, twin-rig, flyshooters) as well as deck procedures to work faster and increase survival are being tested. Results are due in October.

UK:

In England, survival trials as well as theoretical modelling on choke species are taking place. Work is being done on on-shore disposal of under MCRS landings. The CEFAS study on spurdog was being completed and contact with the Irish industry has been made.

In Scotland, vessel trials are ongoing on potential choke species, as well as individual trials on TR2 vessels to try to reduce discards in small-mesh fisheries and on larger TR1 vessels with over-quota catch problems. Theoretical studies are taking place on possible fishing pattern changes.

The group concluded that most of the work is done for the underpinning of exemptions, but general work may be needed on the way the TAC and quota system works for mixed fisheries under a LO. As an example, the Norwegian approach was mentioned where more fluid catch options existed instead of the EU 'hard stops' when catch limits are reached. This is something the AC could discuss as well to work on developing alternative options.

It was the opinion of members that next to the TCM work, the knowledge from the wheelhouse should be valued too, since adapting fishing behaviour to avoid species will be very important. The AC may consider exploring this area to try and develop a means of passing on this knowledge. Changing the mindset of fishermen will be key, and trials on the development of real time strategies (e.g. cameras on the net to see what is coming in allowing fishing to be stopped if it is not what is wanted), could help fishermen to exercise proactive strategies.

The role of the AC Project development and Communications officer the NWWAC will include the establishment of connections between relevant projects.

3. Fishing opportunities for 2016

Since the fishing opportunities for 2016 will be largely dominated by the LO, the draft response to the EC Consultation on Fishing opportunities for 2016 was discussed. The resulting document was forwarded to the EC and can be found [here](#).



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Annex 1 – List of Participants

NWWAC members	
Bertie Armstrong	Scottish Fishermen's Federation (1)
Emiel Brouckaert	Rederscentrale
Konstantinos Kokosis	European Bureau for Conservation and Development
Bruno Dachicourt	European Transport Federation
Debbie Crockard	Seas at Risk Organisation
Andrew Clayton	The Pew Charitable Trusts
Thierry Guigue	Association Nationale des Organisations de Producteurs
Richard Pellerin	CDPMEM 22
Dimitri Rogoff	CDPMEM 14
René-Pierre Chever	CDPMEM du Finistère
Kevin Charlot	CDPMEM
Daniel Lefèvre	CDPMEM de Basse Normandie
Olivier Le Nezet	CDPMEM de Bretagne
Delphine Roncin	CDPMEM du Nord / Pas de Calais / Picardie
Dominique Thomas	Coopératives Maritimes Etaploises & Armement Cooperatif Artisanal du Nord
Richard Brouzes	Copeport Maree OPBN
Thierry Leprêtre	France Pêche Durable et Responsable
Rachel Lagièrre	OP COBRENORD
Siobhán Egan	BirdWatch Ireland
John Lynch	Irish Fishermen's Organisation
Francis O'Donnell	Irish Fish Producers Organisation
John Woodlock	Irish Seal Sanctuary
Hugo Boyle	Irish South and East Fish Producers Organisation
Eibhlín O'Sullivan	Irish South and West Fish Producers Organisation
Sean O'Donoghue	Killybegs Fishermen's Organisation
Irene Kingma	Dutch Elasmobranch Society
Geert Meun	Stichting van de Nederlandse Visserij / Dutch Fisheries Organisation (2)
Purificación Fernández	Asociación Nacional de Armadores de Pesca de Gran Sol
Lydia Chaparro	Fundació ENT
José Luis Otero Gonzalez	Lonja de La Coruña S.A.
Luis Francisco Marín	Organización de Productores de Pesca de Ondarroa
José Manuel F. Beltrán	Organización de Productores Pesqueros de Lugo (OPP-7)
Juan Carlos Corrás Arias	Pescagalicia-Arpega-Obarco
Jesús Angel Lourido García	Puerto de Celeiro S.A. OPP-77
Liane Veitch	ClientEarth
Paul Trebilcock	Cornish Fish Producers Organisation
Thomas Bryan-Brown	Mallaig and North West Fishermen's Association
David Beard	Manx Fish Producers Organisation
Barrie Deas	National Federation of Fishermen's Organisations
Alan Coghill	Orkney Fish Producers Organisation
Kara Brydson	Royal Society for the Protection of Birds, representing Birdlife International
Ross Dougal	Scottish Fishermen's Federation (2)
John Anderson	Scottish Fishermen's Organisation
Jim Portus	South West FPO
Mike Park	The Scottish White Fish Producers Association (1)



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Anne-Margaret Anderson		The Scottish White Fish Producers Association (2)
Kevin McDonnell		West of Scotland Fish Producers Organisation
Observers		
Stéphan	Beaucher	Consultant
Gonzague	de Moncuit	Ministère de l'écologie, du développement durable et de l'énergie
Paul	Duane	Sea Fisheries Protection Authority
Iain	Glasgow	DEFRA
Robert	Griffin	European Commission
Laurent	Markovic	European Commission
Brendan	Price	Wildlife Consultant
Dominic	Rihan	European Commission
Sara	Vandame	ILVO
NWWAC Secretariat		
Conor	Nolan	Executive Secretary
Barbara	Schoute	Deputy Executive Secretary
Joanna	McGrath	Executive Assistant - Finance and Administration