



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

MINUTES

HORIZONTAL WORKING GROUP on the LANDING OBLIGATION

**The Main Conference Room, Dublin Castle, Dublin
Wednesday 14th of September 2016
16:00 – 18:00**

1. Welcome

The Chairman, Bertie Armstrong welcomed the members and the attendees to the meeting. The full list of participants is included as an annex to these minutes.

The agenda¹ was adopted with the addition of a meeting announcement after point 4. The following action points from the last meeting in Edinburgh (7th July 2016) had been completed:

- A formal response was sent to the Control Expert Group (CEG)
- The Secretariat distributed the documents received by:
 - Mr Leprêtre on his experience with the implementation of the Landing Obligation: available on the NWWAC website²
 - The Organisers on the 'Access to Quota' workshop (Edinburgh 14-15th April 2016) was distributed by email
 - Mr Lourido Garcia on the use of an "Others quota" presented by the Spanish Government: available on the NWWAC website²
- A letter was drafted to DG MARE for clarification on art 39 of the Treaty
- A list is collated by the Secretariat on survivability and selectivity trials

The chair stipulated that the aim of this meeting is to set up a meeting with the Focus Group on Control and Compliance and an Advice Drafting Group on the Landing Obligation (ADG LO). The letter to DGMARE on clarification on Art 39 of the Treaty was thoroughly discussed at the ExCom meeting earlier today.

2. Reports from recent meetings

- a) NWW Member States Technical Group – 19 July 2016 (attended by Emiel Brouckaert and Debbie Crockard)

Emiel Brouckaert presented a short summary of this meeting, where the AC representatives had informed the High Level Group (HLG) about the issues discussed at the last NWWAC

¹ All relevant documents to the meeting can be found at the NWWAC website: [link](#)

² Documents collated after the HWG LO meeting in Edinburgh can be found on the NWWAC website: [link](#)

meetings (Edinburgh, 5-7 July) stipulating that a coherent strategy should be developed to deal with choke situations and additional scientific advice should be sought after on the secondary impact of the landing obligation (LO).

On the matter of phasing, the industry members of the NWWAC did not want to introduce new species as this may introduce new choke species, while the Other Interest Group members indicated that continuing with phasing is required in order to avoid a big bang. The HLG had invited the NWWAC to a workshop to discuss the use of the choke toolbox on 5-6th September, with a request to present a list of examples of choke stocks and solutions, which was prepared by the Secretariat with the help of AC members.

b) Control Expert Group (CEG, 23 August 2016)

The chair informed the meeting that the CEG replied to the NWWAC's initial feedback on the report. The response letter of the CEG is available on the NWWAC website ([link](#)). In short the CEG thanks the NWWAC for their initial input and the opportunity to present a summary of their report. The CEG believes the introduction of the LO requires a greater need for observation of catches at sea, but an overall culture of compliance is paramount, therefore improved trust and transparency across all stakeholders is needed. The CEG welcomes the initiatives to carry out a detailed examination of the report and the opportunity to view and comment on any proposal that arises.

c) Workshop on Choke Species – 5-6 September 2016 (attended by Liane Veitch, Emiel Brouckaert, Barrie Deas)

The NWWAC representatives informed the meeting that at the workshop the AC had presented the views of the NWWAC previously presented, as well as a list of examples, prepared by the Secretariat. The industry members highlighted that a better facilitation of exemptions would be needed to avoid unnecessary fishing mortality. Therefore, survival exemption should be applied if scientific evidence was available, the definition of the *de minimis* exemption should be changed, and mitigation measures like interspecies flexibility and by-catch quota should be looked into too. OIG members had proposed to remove impediments to changes of fishing behaviour, and noted they agreed with the interpretation of the MS on the definition of *de minimis*.

Twelve case studies were presented on the use of the choke toolbox and a large part of the meeting was devoted to scoring the options and several questions were raised e.g.:

- Can MSY be achieved for all stocks by 2020
- What proportion of the fleet will be covered by different mitigation measures
- Is the proposed solution a long-term or short-term solution
- Does the industry agree with the measure

A lot of time was devoted to scoring the different ideas and although the AC was keen to help think ahead and develop a responsive approach with contingency measures at hand. In terms of scoring the mitigation tools the AC largely did not participate in scoring the tools in a general fashion as they considered it would not be meaningful. Instead they made the point that the mitigation tools should be evaluated in terms of their potential to address actual problems in specific fisheries.

A report will be drafted by the Member States Group and discussed at the HLG meeting at the end of September.

3. Future advice request from Member States

d) Presentation of the Member States requests for 2017

In July the NWWAC received a draft workplan from the NWW Member States Group indicating they required AC advice by 1st February 2017 on the following issues:

1. Lessons learned
The MS Group seeks advice on lessons learned and possible amendments to the JR for 2016
2. Phasing 2018: identify chokes
The MS Group seeks advice on how to continue with phasing of the LO in 2018 for the different fisheries, considering the thresholds and the cod recovery plan
3. *De minimis* exemption proposals
The MS Group seeks advice on possible proposals for *de minimis* for species that will be brought under the LO in certain fisheries in 2018
Keep in mind that *de minimis* proposals apply to all fisheries across MS that fish with the same gear, in the same areas and target the same species
4. High survival exemption proposals
The MS Group seeks advice on specific cases for an exemption based on high survivability.
5. Documentation of catches
It is important that the actual species and quantities caught are documented accurately, both for target and by-catch species.
The MS Group seeks advice on specific cases where such documentation is hampered.

The chair invited initial comments from the floor. Scottish industry representatives pointed out that the mitigation measures were put in place in order to make the LO work but the conclusion was that no matter how wide these mitigation measures were implemented, they would not resolve all choke situations. Political choices would have to be made that cross lines between MSY or social stability, long-term and short-term financial consequences etc. One specific example that was mentioned was for cod in the West of Scotland, where a zero-TAC would prevent all fisheries with a bycatch of cod.

The meeting agreed that at the next NWW High Level Group meeting the NWWAC representatives should ask how the MS group intends to resolve choke situations such as the example for cod in the West of Scotland.

Further comments indicated that the LO makes mixed fisheries more and more problematic (SC). For stocks with a small quota, it will be fairly difficult to implement the LO.

An intervention was made by the Irish Industry referring back to the discussion earlier this day at ExCom, asking for clarification whether or not the letter addressed to DGMARE on the clarification on art 39 of the Treaty had been drafted and sent round to the members of the NWWAC. The Chair indicated this was done.

The English industry highlighted that the ACs had been very successful at raising the choke issue to such an extent that the NWW Member States Group devoted the second half of 2016 to the choke action plan. To what extent the Action plan would be able to resolve the problem remained the question. Member State's opinions seemed divided between ministers who signed up to the LO, who were looking to find solutions where problems arose, and ministers

who acknowledged the uncertainties on the implementation of the LO and who recognised the severe socio-economic consequences. A potential way forward for the NWWAC would be to thoroughly assess the draft MS choke action plan, illustrating how far each solution would resolve a choke situation and where solutions were unavailable.

ACTION: NWWAC representatives to put forward the extreme examples on choke situation to the Member States HLG on how they want to resolve these

ACTION: The Secretariat to obtain the report of the choke species workshop (Edinburgh 5-6th September). This will be the start of point for the NWWAC advice

4. Planning of the advisory process

a) Focus Group on Control and Compliance

The last ExCom meeting in Edinburgh (7th July) decided that a Focus Group on Control and Compliance would be established to provide a detailed review on the report of the Control Expert Group. Members had nominated themselves and Sean O'Donoghue was nominated as chair in his absence.

The meeting advised that a face-to-face meeting should be organised as it is the first time this FG reconvenes. The Secretariat suggested to organise this meeting in Dublin in October.

ACTION: The Secretariat to look into options to set up a Focus Group on control and compliance that will examine the CEG report in detail

b) Correspondence input by General Assembly for the final advice request by MS

The meeting was informed that once the NWWAC receives the final advice request on the Joint Recommendation for 2018 from the NWW MS, the GA will be asked to provide input for the Advice Drafting Group.

c) Advice Drafting Group on the Landing Obligation

The Advice Drafting Group will use the input from this meeting and the correspondence input from the GA to advise the NWW MS on:

- Lessons learned
- Phasing 2018: identification of chokes
- *De minimis* exemption proposals
- High survival exemption proposals
- Documentation of catches

The new candidate for the ExCom chair would become the new chair of this working group. Further, ExCom decided that as the LO will still apply to all UK members in the next years, the status of UK members in this working group will remain status quo.

The meeting agreed that the next ADG LO will meet in Dublin on Tuesday and Wednesday, 10th and 11th of January. The written language of the ADG is English, but the meeting will be available in all working languages upon request.

5. Announcement of HLG meeting

The NWWAC received an invitation from the Member States HLG that their next meeting will take place in Madrid, 28th September. The HLG meeting would aim to review the outputs of the choke workshop (5-6th September, Edinburgh). The chair would not be available; alternatively Emiel Brouckaert or Purificación Fernández would inform the Secretariat if they would be available. Julien Lamothe indicated he could stand in as alternate if required. Liane Veitch would be available to attend the meeting.

6. Summary of actions agreed and decisions adopted by the Chair

Action	
1	NWWAC representatives to put forward the extreme examples on choke situation to the Member States HLG on how they want to resolve these
2	The Secretariat to obtain the report of the choke species workshop (Edinburgh 5-6 th September). This will be the start of point for the NWWAC advice
3	The Secretariat to look into options to set up a Focus Group on control and compliance that will examine the CEG report in detail

NWWAC Document
Chairman: Bertie Armstrong
Rapporteur: Sara Vandamme
Review and editing: Barbara Schoute

Annex 1 – List of Participants

NWWAC members	
Bertie Armstrong (Chairman)	Scottish Fishermen's Federation (1)
Emiel Brouckaert	Rederscentrale
Louis Vantorre	Rederscentrale vzw
Lorcan Kennedy	AIPCE-CEP
Marina Le Gurun	Blue Fish
John Crudden	European Anglers Alliance
Debbie Crockard	Seas at risk
Vera Coelho	The Pew Charitable Trusts
Paul Francoise	CDPMEM 14
Romain Le Bleis	CDPMEM du Finistère
Emmanuel Kelberine	CDPMEM des Côtes d'Armor
Caroline Gamblin	CNPMEM
Daniel Lefèvre	CRPMEM de Basse Normandie
Olivier Leprêtre	CDPMEM du Nord / Pas de Calais / Picardie
Olivier Le Nézet	CRPMEM de Bretagne
Vincent Lamidelle	CRPMEM de Haute-Normandie
Richard Brouzes	OPN
Francois Hennuyer	FROM Nord
Franck Le Barzic	OP COBRENORD
Marc Ghiglia	Union des armateurs de la pêche en France
Julien Lamothe	Les Pêcheurs de Bretagne SA
Sinéad Cummins	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
Geert Meun	Stichting van de Nederlandse Visserij / Dutch Fisheries Organisation (2)
Puri Fernandez	Asociación Nacional de Armadores de Pesca de Gran Sol
Severino Ares Lago	Fundación Rendemento Económico Mínimo Sostible e Social
Lydia Chaparro	Fundació ENT
José Luis Otero Gonzalez	Lonja de La Coruña S.A.
Luis Francisco Marín	Organización de Productores de pesca de Ondarroa
Mercedes Rodriguez Moreda	Organización de Productores de Lugo (OPP-7)
Juan Carlos Corrás Arias	Pescagalicia-Arpega-Obarco
Liane Veitch	ClientEarth
Paul Trebilcock	Cornish Fish Producers Organisation
Thomas Bryan-Brown	Mallaig and North West Fishermen's Association
Alan Coghill	Orkney Fish Producers Organisation
Barrie Deas	National Federation of Fishermen's Organisations
Alex Kinninmonth	RSPB
Paul Fletcher	Scottish Fishermen's Organisation
Jim Portus	South West FPO
Mike Park	The Scottish White Fish Producers Association (2)
Kevin McDonnell	West of Scotland Fish Producer Organisation
Observers	
Colm Osuilleabhain	Irish Department of Agriculture, Food and Marine
Juana Poza Poza	Mº de Agricultura, Alimentación y Medio Ambiente
Dominic Rihan	BIM
Stephan Beaucher	ENT
Dana Miller	Oceana

Paul Duane	Sea Fisheries Protection Authority
Robert Griffin	European Commission
Jonathan Shrives	European Commission
Gonzague de Moncuit	Ministère de l'environnement, de l'énergie et de la mer
Edna Conneely	IIMRO
Brendan Price	Irish Seal Sanctuary
John Richardson	The Shark Trust
Pascal Coquet	CRPMEM de Haute-Normandie
Mathieu Vimard	OPN
NWWAC Secretariat	
Conor Nolan	Executive Secretary
Barbara Schoute	Deputy Executive Secretary
Sara Vandamme	Project Development and Communications Manager
Aoibhín O'Malley	Financial Administrator and Event Manager