



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
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MINUTES

HORIZONTAL WORKING GROUP on the LANDING OBLIGATION

CNPMEM, Paris

Tuesday 2nd of February 2016

09:30 – 13:00

1. Welcome and introductions

Bertie Armstrong (BA) welcomed members, Commission and Member State representatives, and observers to the meeting. Sara Vandamme was introduced as the new 'Project Development and Communications Manager' and was identified as the point of contact for any issues regarding the Landing Obligation (LO) (email: vandamme@bim.ie, phone +353 1 2144 263).

The agenda¹ was adopted as drafted.

There were two action points from the last meeting in Dublin (16th - 17th September 2015):

1. Member States (MS) would be contacted to request economic data.
2. The EC would be contacted to request a scientific evaluation (possibly by STECF) to address the implementation of the landing obligation with an emphasis on choke species scenarios. The AC would suggest Terms of Reference for this evaluation.

A [request](#) was sent to the EC for economic data and for a scientific evaluation of the implementation of the LO with an emphasis on choke species scenarios. This information could feed into the NWWAC advice on the LO and multi-annual plans (MAPs). The [EC replied](#) they will inform the NWWAC when they have the requested data available.

2. NWW Member State Group meetings

- 1) NWW High Level Group meeting 25th November 2015

BA and Liane Veitch (LV) attended the meeting on behalf of the NWWAC. The PelAC was present in

¹ All relevant documents to the meeting can be found at the NWWAC website: [link](#)
NWWAC Horizontal Working Group on the Landing Obligation
Paris, 2nd of February 2016

the morning to report their experiences and lessons learned for the first year of the pelagic LO and discuss control issues. Both ACs attended the afternoon session on Inter-Species Flexibilities (ISF) and zero-TAC species. The conclusion of the meeting was that ISF might not be as easy to implement as first thought. The issue of 'zero TAC' (0-TAC) was addressed, but the discussion was inconclusive.

2) Workshop on Inter-Species Flexibilities 4th November 2015

Irene Kingma (IK) and Barrie Deas (BD) represented both the NS and NWWAC, as the workshop was organised by both MS regional Groups. The workshop aimed to discuss the possibilities of using ISF to deal with choke species. Optimism on the workability was dampened at the meeting, as the complexity of this exemption was made clear. Only species within safe biological limits (> Bpa and < Fpa) are allowed for ISF, which means that data limited stocks cannot qualify.

Two more workshops were announced:

1. Denmark would host a meeting on international swaps and transfers (11th March)
2. Scotland would host another workshop on chokes and solutions to deal with them.

3. EC processes

1. EC request for advice on the implementation of the LO on 3th December 2015 ([letter](#)). The NWWAC formulated a short response, welcoming the opportunity to provide input to the annual report on the implementation, but noted that it was very early in the implementation process and, as such, the NWWAC had very little knowledge of the exact implementation of the regulation or of national implementation schemes. In order to facilitate an efficient implementation of the LO, the NWWAC stated its intention to maintain a productive dialogue with the MS Group ([reply](#), 29th January 2016).

Members of the AC were reminded that a similar request for advice can be expected next year and that this would be an ideal platform to identify any problem regarding the implementation of the LO.

2. Council decisions

The NWW Delegated Act on the establishment of a discard plan for certain demersal fisheries in North-Western Waters entered into force on 1st January 2016. STECF evaluated the Joint Recommendation proposed by the NWW MS group and identified that some issues still needed to be addressed ([link](#)). The EC indicated that when new information on these issues became available, it was likely that the Delegated Act would have to be revised, probably within 2016.



Some members indicated they were having problems regarding the exchange of information between member states to identify vessels using the EU's CIRCA (Communication and Information Resource Centre Administrator) website. The Commission indicated this problem was known and that work had been carried out to resolve it.

3. EC seminar on the LO implementation (24th February)

The NWWAC received an invitation to this seminar with a draft agenda. The EC indicated it expected the main focus to be on the experience of the Pelagic AC. Some members of the NWWAC were asked to present their experience with the implementation (Emiel Brouckaert and Jacques Pichon).

Due to the absence of the vice-chair (Liane Veitch), other members of the NWWAC were asked for expressions of interest in attending the meeting. The Chair will appoint AC representative(s) to this meeting depending on the number of seats available to the AC.

ACTION: Members to indicate their interest to participate at the LO seminar on the 24th of February, by email to the Secretariat.

4. Landing Obligation; Experience to date

All members were asked to summarise their experience with the implementation of the LO as this would provide useful information for the advice the NWWAC needed to present to the MS Group (see point 5).

The industry representatives of the NWWAC pointed out that they face difficulties with the implementation of the LO and strongly advised against additional phasing of species and fisheries, especially considering the lack of a legal obligation to continue with phasing. The Other Interest Group members (OIGs), emphasised the need to avoid a 'Big Bang' in 2019, when all regulated species are scheduled to be introduced into the LO.

The additional workload and associated costs of landing all catches of species was considered a disincentive for fishermen to remain in the sector (FR/UK/ES). There was a general opinion that the implementation of the LO could create unwanted economic impacts, which needed to be addressed at an early stage. On this basis, industry members advocated the need for a thorough review and assessment of the operational constraints imposed by the LO.

Fundamental issues that were raised during the meeting were:

- Fear of increasing fishing mortality,
- How to deal with choke species,
- Finding alternative market options for species below the Minimum Conservation Reference Size (MCRS), e.g. : cosmetics, pharmaceutical industry, fish meal, fertilizer, etc.,



- The practical implementation of the *de minimis* exemption; At what level will the exemption be implemented?; How will the quota conversion be arranged from the target species to the donor species and what will happen in cases where catches exceed the maximum percentage?;
- Reduced viability of the industry,
- The effect of the implementation of the LO on the data quality for scientific research and stocks assessments,
- How will solutions in derogations and quota swaps be quantified and will this be sufficient to deal with chokes?

Two case studies were presented where problems had been encountered since the initiation of the LO:

- 1) Although the Dutch government had granted a *de minimis* exemption for sole fisheries using 80 mm mesh size and the Flemish panel, this exemption had not been effectively communicated between the control agencies. Vessels operating in the German Bight had lost 2 to 6 hrs of fishing time as they were subjected to a full investigation by control officers.
Dutch fishermen not using the Flemish panel needed to land all fish below MCRC (approximately 50 – 70 kg per week). This fish could not be used for human consumption. The industry indicated that it was reluctant to destroy this fish because if the fish were to survive the discarding process, they could have been landed a few months later.
- 2) The UK had noticed an inconsistency concerning the pelagic LO for seabass. Seabass is a predominantly demersal species that can be caught in pelagic fisheries. All commercial catches of seabass needed to be reported and landed, however in pelagic fisheries, catches of seabass from vessels without monthly catch allowance must be disposed of for non-human consumption. It was noted that in the event that a fishery was closed, pelagic fisheries would not be able to land seabass. In this case, seabass could become a potential choke species in pelagic fisheries and it was unclear how this could be dealt with.

These problems highlighted the strong need for good communication with the Control Expert Group (IRL/NED) and the need to address survival exemptions and potential usage of unwanted catch (SP/IRL). Industry members indicated that the use of ISF or other exemptions needed to be in place before the full implementation of the LO, but regardless of this the emphasis should be on the increase of selectivity and avoidance of unwanted catch. Changes in fishing behaviour to alter catch composition might be needed.



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The EFCA confirmed that a lot of work still needs to be done and the main problem was the difficulty anticipating potential problems. A lot of effort had been made to harmonise the control regulation across the different regions.

The meeting was informed that the first experiences with the LO would be a topic of discussion at an upcoming industry meeting in Belgium. The widespread operations of the Belgian fleet meant that vessels have different obligations in different areas and any problems or issues with this would be reported to the NWWAC. Another topic of discussion at this meeting would be trials and testing organised by industry-science partnership projects.

The NWWAC agreed that an important step forward to address these issues would be to collate and communicate scientific research results to the industry on: survivability, avoidance measures, technical measures, etc. Further information would be needed to help understand the new (economic) incentives that the LO might create, to determine ways to circumvent illegal discarding, to identify the incentives which may be created by choke species and changes in fleet behaviour. It was agreed that a good starting point would be to exchange knowledge through the AC Secretariat by sending information to Sara Vandamme who is co-ordinating work on the LO (vandamme@bim.ie).

At a later stage, the AC could consolidate the information received and request the EC to ask STECF to address the issues raised.

Future research needs that were identified by industry Members were:

- The requirement for detailed investigation of the catch compositions to identify possible choke species in each fishery,
- The development of real-time spatial tools to locate areas with high abundance of choke species,
- The identification of means to increase selectivity and avoidance and the reduction of unwanted catches.

5. NWW Member State Group – meeting schedule and request to the AC

The Chair presented the request of the NWW MS, as received on [15th October 2015](#), noting the deadline of 28th of February 2016. The purpose of the meeting was to create a first draft of the NWWAC advice on the implementation of the landing obligation in answer to the MS Group's request for advice on the implementation of the LO in 2017 and beyond. In order to meet the timetable suggested by the MS Group, the chair proposed that a draft response would be compiled by the Secretariat from the discussion of the current meeting and that this would form the basis of a document for circulation to the General Assembly for comment. An advice drafting group would then be assembled to finalise the text during a Web-meeting for subsequent approval by the NWWAC Executive Committee.



ACTION:

- The Secretariat to compile a draft response based on the discussion and outcome of the meeting;
- An Advice Drafting Group will be established. Members who wished to be involved were asked to indicate their interest to Secretariat

It was anticipated that the Advice Drafting Group would likely meet using WebEx due to the time constraints to finalise the text for decision by ExCom.

MS representatives pointed out their obligation to draft a new Joint Recommendation (JR), including the next plans for phasing. The MS recognised the difficulty and complexity of the implementation of the LO and this formed the basis of their request to the AC to provide advice in preparation for a JR in 2017.

The MS group representatives indicated they would be looking for a first insight on further phasing options from the AC at the MS High Level Group meeting on the 17th of February. If the AC could not provide input for the MS group they would have to work on the basis of national stakeholder input. The MS group representatives emphasised that the only way to make changes to the legislation was through the Delegated Acts based on new Joint Recommendations. Changing the CFP will be very difficult before 2019 due to the co-decision process.

Outcome of the meeting

The main topics of the request were:

- Future phasing in 2017 and 2018 (Deadline end December 2015)
- Advice (Deadline 28th February) on:
 - *De minimis*
 - High survival species/fisheries
 - Documentation of catches
 - MCRSs
 - Choke stocks
 - Technical measures

On 29th January 2016 the NWWAC received two technical papers on suggestions for the phasing of species into the LO in 2017 and 2018 and a reflection on ISF. The document on phasing was presented with general questions, which required the attention of the AC, the reflection on ISF was similar to the meeting report on the subject forwarded to the General Assembly on 27th January 2016.

Concerns were voiced on the possible influence of the cod recovery plan on the drafting of advice. The EC representatives indicated that the Court decision on the Cod recovery plan regulation implied that a change to the regulation was needed by the beginning of 2017, at the latest. The EC intended to put forward a proposal in due course, based on alternative options or those of the



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2012 proposals. Considering the status of cod stocks in NWW, the EC indicated that avoidance of cod catches would remain important.

General consensus:

The Secretariat presented the questions contained in the request for advice. The meeting discussed the different issues and formed the following conclusions: As the emphasis of the LO is to avoid unwanted catches and minimize discards (Question 7), from a practical point of view the points raised by the MS Group should be dealt with in a different order of priority to that presented. The implementation of new, more selective fishing gear and the continuous development of spatial tools that allow fishermen to avoid certain areas and/or seasons with high unwanted catches, should be addressed first. Once selective measures have been exhausted, additional exemption and mitigation measures could then be employed to prevent fisheries from closure (high survival, ISF, *de minimis*, etc). In order to put in place the right technical measures and exemptions it would be of the utmost importance to identify potential choke species in each fishery and area. Documentation of catches would also be essential in order to ensure compliance with quota uptake and to guarantee that information is collected to support scientific determination of TACs and proposals for quota uplifts.

Industry members suggested that the format of the advice should start with a description of the problems and issues with the implementation of the LO. A good starting point would be the position document of EAPO and Europêche.

The most significant problem highlighted by the meeting was identified as the incompatibility of the operational aspects of the LO with the current TAC and quota regime. As any quota uplifts will be allocated to Member States according to the principles of relative stability, members were concerned that those vessels or operators most affected by the LO may not necessarily benefit from any additional quota availability. Further, it was unclear how ISF and quota swaps, which aim to address choke situations, could be best applied, whilst still being in line with the objectives of Maximum Sustainable Yield (MSY) and relative stability.

The meeting also concluded that knowledge on the unwanted economic impacts, that might be created with the implementation of the LO, needed to be identified and addressed at an early stage. It was suggested that this could be achieved by ensuring that the knowledge base for adjusting the selectivity of fishing gears, as well as the development of a rapid and efficient system for dealing with unavoidable bycatch, before the implementation of the LO would be expanded to include further species. Engagement and collaboration with European and National control agencies and the Control Group was also advocated to allow unforeseen issues and problems to be addressed in a rapid and adaptive manner.



The industry members of the AC concluded that the toolbox of exemptions to prevent fisheries from closure can only be used effectively once the potential problems with the LO have been identified.

Phasing:

Although all members recognised that the purpose of phasing is to avoid a ‘Big Bang’, upon the full implementation of the LO in 2019, industry members stressed that any further inclusion of species into the LO should be limited until a thorough analysis of the first phases of implementation is completed. Industry members stressed the need for an impact assessment to be conducted in order to provide clear guidance on the mitigation measures necessary to address the issue of choke species.

The discussion points put forward by the MS Group on phasing were presented:

- 1) Reducing or removing thresholds or mesh sizes or adding new fishing gear;
- 2) Adding stocks to the list;
- 3) Adding new métiers.

The Irish industry pointed out that if the MS Group had accepted the ‘the Elective Approach’ to define fisheries proposed by the AC (which required vessel masters to declare/nominate which fishery they intended to target prior to leaving port using the mandatory (for vessels over 15 metres) electronic reporting system), the first point on phasing, proposed by the MS would have been redundant.

Survival:

The group discussed relevant research, which indicated that a proportion of discarded fish may survive. Survivability was dependent on the species, the fishery and its operational characteristics e.g. gear type, tow duration as well as other technical, biological and environmental factors. The group was informed about a number of scientific programmes currently in progress, which were examining the survivability rates of target species and were also informed of a list of ongoing studies in the different MS that was collated by ICES² and STECF³.

Invited expert Norman Graham (Marine Institute, Ireland) suggested that as survival experiments are both time consuming and economically demanding, future scientific research could be stimulated towards the development of models that could predict the survivability of a species based on their physiological characteristics. The industry members of the group agreed with this approach, while OIGs emphasised that before any exemption based on high survivability is granted, a sufficient scientific basis would be needed.

² ICES literature overview on survival experiments with an emphasis on Nephrops, sole and plaice ([WKMEDS 2015](#))

³ Latest information on survival studies reviewed by STECF ([STECF 14-19 part 4](#))



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De minimis

The Spanish industry representatives indicated they were experiencing problems with the implementation of the *de minimis* for hake, mainly caused by the cost involved in adaptations. The EC indicated that if this was the case, solutions to these problems would have to be expressed in the JR to allow changes to be made to the Delegated Act.

Documentation of catches

Members indicated that lessons learned from the implementation of the Pelagic LO illustrated that one of the most significant problems experienced was the lack of communication with the Control Group on how the LO will be monitored in the various sea basins by different MS. It was acknowledged that much of the control and enforcement policy would be a matter for individual MS and that good avenues of communication would be required in order to have detailed discussions on possible technical considerations and exemptions for different fisheries.

MCRS

An example was discussed for the Irish Sea Nephrops fisheries where whiting will be a major choke species. Technical Conservation Measures to avoid whiting catches were being developed, but these would not be able to avoid all catches of whiting. The Northern Irish Industry suggested that the MCRS be adjusted for this species in order to reduce the economic burden of the LO before whiting in the Irish Sea becomes subject to the LO (phased-in).

MS indicated they were not in favour of a reduction of the MCRS since as some concern exists that this may increase the fishing mortality. Norman Graham informed the meeting that whiting is included in the ICES benchmark meeting for the Irish Sea (WKIrish). It was argued that increasing the volume of whiting available for human consumption would not increase the fishing mortality on this species, considering that all bycatch of whiting from the *Nephrops* fisheries will be landed under the Landing Obligation.

Technical Measures

The meeting stressed that the development and application of new, more selective fishing gears and avoidance strategies was the most appropriate starting point for the implementation of the LO. The meeting noted that results from gear trials were extremely valuable and it was considered important to make an effort to collate this information and transmit it to the industry and other members. The meeting agreed that it did not expect one solution which would fit all circumstances and understood that appropriate technical measures would be fishery and Member State dependant. As such, good communication with the MS was considered to be very important and it was the opinion of the group that the NWWAC should attend the forthcoming workshops on quota swapping and choke species.



Choke species

The meeting agreed that identification of choke species will be of the utmost importance if Technical Measures or other derogations needed to be implemented in order to avoid them. The meeting generated a first draft of the list of species/fisheries, which the industry considered could represent a high risk of choking fisheries (Table 1). The meeting agreed to expand the table for the advice to MS at the end of February, and address this subject at the Working Group meetings in July 2016 (Edinburgh).

Table 1. List of potential choke species by fishery and area.

Fisheries	Area	Species
	Irish Sea	Haddock
Nephrops	Irish Sea	Whiting
Beam trawl	Irish Sea	Sole
Nephrops	West of Scotland	Haddock
	Celtic Sea	Whiting
	Celtic Sea	cod
	Celtic Sea	Haddock
Gill nets	Celtic Sea	hake

Spanish industry members highlighted the fact that zero-TAC species will be a big problem for the Spanish industry as they have no more means to improve their selectivity. OIG (IE) referred to the UK project on spurdog management that was presented to the AC at the meeting in July 2015, as a possible solution to deal with choke species. It was noted that spatial tools and real time reporting systems aimed to reduce unwanted catch but required a level of trust and confidence between fishermen, scientists and administrators.

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

1. Members to indicate their interest in participating in the Landing Obligation seminar on the 24th of February, by email, to the Secretariat;
2. The Secretariat to compile a draft response on the MS request for advice on the implementation of the landing obligation to based on the meeting results;
3. An Advice Drafting Group will be established. Members who wished to be involved were asked to indicate their interest to Secretariat,
 - a. The Advice Drafting Group will likely meet by WebEx due to time constraints to finalise the text for decision by ExCom.



Annex 1

List of Participants

NWWAC members	
Bertie Armstrong (Chairman)	Scottish Fishermen's Federation (1)
Emiel Brouckaert	Rederscentrale
Marina Le Gurun	Blue Fish
John Crudden	European Anglers Alliance
Andrew Clayton	The Pew Charitable Trusts
Francoise Paul	CDPMEM 14
Romain Le Bleis	CDPMEM du Finistère
Caroline Gamblin	CDPMEM
Daniel Lefèvre	CDPMEM de Basse Normandie
Olivier Leprêtre	CDPMEM du Nord / Pas de Calais / Picardie
Dominique Thomas	Coopératives Maritimes Etaploises & Armement Cooperatif Artisanal du Nord
Richard Brouzes	Copeport Maree OPBN
Francois Hennuyer	FROM Nord
Rachel Lagièrre	OP COBRENORD
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
Eibhlin O'Sullivan	Irish South and West Fish Producers Organisation
Sean O'Donoghue	Killybegs Fishermen's Organisation
Geert Meun	Stichting van de Nederlandse Visserij / Dutch Fisheries Organisation (2)
Hugo Gonzalez	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 Rodríguez Moreda	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
Alan McCulla	ANIFPO
Patrick Murphy	Irish South & West Fish PO
Heather Hamilton	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
Dave Cuthbert	New Under Ten Fishermen's Association
Philip Taylor	Royal Society for the Protection of Birds, representing Birdlife International
Ross Dougal	Scottish Fishermen's Federation (2)
Frank Stride	Scottish Fishermen's Organisation
Jim Portus	South West FPO
Anne-Margaret Anderson	The Scottish White Fish Producers Association (2)
Kevin McDonnell	West of Scotland Fish Producers Organisation



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Observers	
Emily Baxter	Northwest Wildlife trust
Vera Coelho	The Pew Charitable Trusts
Paul Duane	Sea Fisheries Protection Authority
Robert Griffin	European Commission
Laurent Markovic	European Commission
Kåre Nolde	Norwegian College of Fisheries
Juana Poza Poza	M ^o de Agricultura, Alimentación y Medio Ambiente
Colm O'Suilleabhain	Department of Agriculture, Food and Marine
Glenn Quelch	EFCA
Jamie Walsh	National Seafood Centre
Alan Addison	SWFPA skipper
Gael Lavialle	Cobrenord
Sam Tedcastle	Celtic Seas Partnership
Benoit Guerin	Celtic Seas Partnership
Dominic Rihan	BIM
Pierre Tribon	Secrétariat d'Etat aux transports, à la mer et à la pêche
NWWAC Secretariat	
Conor Nolan	Executive Secretary
Barbara Schoute	Deputy Executive Secretary
Sara Vandamme	Project Development and Communications Manager