



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

# MINUTES

## HORIZONTAL WORKING GROUP

on

## Marine Plastics and Litter & Remote Electronic Monitoring

Ghent, Wednesday 3<sup>rd</sup> of July 2019

9:00 – 12:30

### 1. Welcome and Introduction

The Chair, Emiel Brouckaert, opened the meeting and explained that this is a re-opening of yesterday's HWG due to availability of the various Commission representatives. While the focus yesterday was on fishing opportunities, today will see two presentations on marine plastic litter and remote electronic monitoring. The Chair welcomed to the new DG Mare representatives.

### 2. Marine Plastic Litter in the EU legislation (Alena Petrikovicova, DG MARE)

The Single Use Plastics Directive entered into force on 2<sup>nd</sup> July 2019. The Issue of marine litter is quite a big problem. The majority of marine litter is coming from land sources. However, some litter is from sea, for example fishing, lost containers, shipping, offshore platforms etc. The EU level adopted the Plastics Strategy as part of the Circular Economy Action Plan. The SUP Directive is coherent with and complimentary to existing legislation, including:

- Marine Strategic Framework Directive
  - *30% reduction target for marine litter in EU waters*
- Port Reception Facilities Directive
  - *Ensure that waste, including waste fishing gear, can be returned and adequately managed; 100% indirect fee*
- Fisheries Control Regulation
  - *Mandatory marking, retrieval and reporting of the (lost) gear, obligation to carry retrieval gear for all types of vessels*
- European Maritime Fisheries Fund Regulation
  - *Support to the collection of marine litter and support to the port reception facilities (funding of €53 million for the 2014-2020)*

The SUP Directive foresees measures on extended producer responsibility schemes, the establishment of national minimum annual collection targets in each MS and the monitoring of fishing gear.

Gear that is returned to shore must be properly dealt with from a Circular Economy point of view.

Article 3 (11) of the SUP Directive gives the definition for 'producer':

'(a) any natural or legal person established in a Member State that professionally manufactures, fills, sells or imports, irrespective of the selling technique used, including by means of distance contracts



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

as defined in point (7) of Article 2 of Directive 2011/83/EU of the European Parliament and of the Council<sup>1</sup>, and places on the market of that Member State single-use plastic products, filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities as defined in point (28) of Article 4 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council<sup>2</sup>; or

(b) any natural or legal person established in one Member State or in a third country that professionally sells in another Member State directly to private households or to users other than private households, by means of distance contracts as defined in point (7) of Article 2 of Directive 2011/83/EU, single-use plastic products, filled single-use plastic products or fishing gear containing plastic, other than persons carrying out fishing activities as defined in point (28) of Article 4 of Regulation (EU) No 1380/2013.'

The fishermen and artisanal makers of fishing gear are excluded from the scope of the Directive and thus not covered by the Extended Producer Responsibility (EPR) schemes.

Even though the EPR is an individual obligation, producers can set up producers responsibility organisations to deal with these provisions collectively.

MS will be required to monitor fishing gear placed on the market of the MS, as well as to monitor waste fishing gear collected, and report this annually to the Commission. In this context, DG MARE is launching a study to prepare an implementing act on the monitoring and reporting format for fishing gear put on the market and waste gear collected.

The Commission plans in 6-7 years to review and re-evaluate the Directive and to possibly set quantitative targets for the collection of waste gear.

Article 8 (9) identifies that 'the Commission shall request the European standardisation organisations to develop harmonised standards relating to the circular design of fishing gear to encourage preparing for re-use and facilitate recyclability at end of life.' DG MARE is launching a study in 2019 in order to prepare a request to the European Standardisation Organisation for the harmonized standard.

The SUP Directive is linked to the revised Port Reception Facility Directive. Measures foreseen include:

- MS should set up adequate port reception facilities in order for waste streams to be separated and managed properly
- Requirement for all ships, including fishing vessels and recreational craft, to deliver all their waste before departure
- introduction of 100 % indirect fee (fee irrespective of the amounts of waste delivered)
- passively fished waste included in the scope

Any Extended Producer Responsibility schemes for fishing gear included in the SUP directive should support the proposed 100% indirect fee system and help avoid any increase in fees and ensure a right of delivery.



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

Measures foreseen under the revision of Fisheries Control Regulation include:

- Reporting lost gear (Electronic logbooks for all categories of vessels)
- Retrieval of lost gear (Removal of derogation to vessels < 12m to carry on board the necessary equipment)
- Marking of gear (extended to recreational fisheries)

The implementation plan includes an Implementing Act which needs to be finalised next year (1 year after the entry into force of the Directive), as well as a plan for harmonising data collection.

Under the current EMFF 108 operations are foreseen in the Ms's operational programmes in relation to marine litter (the so called "Fishing for Litter" schemes) which are to be concluded by 2023. The next programme period of the EMFF is under review now.

In addition, five EMFF Blue economy Projects relating to marine litter have just commenced involving a variety of MS.

The European Marine Observation and Data Network (EMODnet) extended its dataset to marine litter in 2017. Survey trawlers (not fishing trawlers) carry out marine litter surveys which can be viewed on their website.

The DG Mare workshop on Tuesday 02 July addressing Abandoned, Lost and Otherwise Discarded Fishing Gear (ALDFG) in Europe brought together a large number of stakeholders to discuss how the proposed legislation can be implemented.

Unfortunately, NWWAC members had to miss this workshop, but Catherine Barrett (BIM) attended and was able to provide a brief review for NWWAC members.

The DG Mare meeting (in cooperation with World Animal Protection and Global Ghost Gear Initiative) on ALDFG addressed a number of key areas:

- Extended producer responsibility
- Port facilities
- Recycling
- Circular design

A lot of discussion is needed at the MS level and the workshop highlighted some of the gaps and issues with interpretation.

BIM held workshop in Ireland with multi stakeholder attendance to enable national dialogue. Both Directives, the Port Reception Directive and the SUP Directive are looking for certain but different reporting, though they both have a common goal, which makes it imperative that both directives be read together.

Following the presentation, NWWAC members raised a number of issues, including:

- The fact that the tools which fishermen are using for collecting litter are the same that are now on the list of rubbish as well. Does the 30% of litter to be removed from the oceans relate to the litter that is there already in the sea, or to the litter that is continuously reaching the sea. Also,



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

maybe the Commission could look into setting up a credit line to alleviate the cost of recycling of the gears, as the fishing industry is expected to clean up the mess of other people but is not rewarded for it.

The Commission explained that they fishermen are seen as part of the solution. The Commission is aware that they are hit by the plastic pollution in the sea, for example by propeller fouling and microplastics in fish which is why the Commission is looking for solutions to help fishermen to bring in litter without increasing costs.

When the ports collect waste from fishing vessels, for example gear, the boats are not going to be charged extra. As some types of netting are more valuable for recycling than others, the Commission is interested in raising the value of this material so it can be reused and not landfilled.

The producer of the gear is responsible for the management of gear returned to shore, including recycling and disposal. Producers do not expect an increase in price for new gear as any additional costs for management should be offset by the value of recyclable materials. Gear producers are also worried about the fact that 60% of gear is imported from Asia, and thus have no interest in raising gear prices to remain competitive.

Estimations of marine litter are very vague so monitoring is necessary, however, analysis of litter collected from 800 beaches shows that 27% of this litter comes from fishing.

- A comment was made by and NWWAC member that in Ireland at the Young Scientists competition a student developed a mechanism for picking up nano-plastics in washing machine that could be adapted for vessels. In addition, as there is an extra burden on larger vessels to bring in passively fished waste could there be a credit system for these vessels?

The view of the Commission is that passively fished waste is very mixed and would need to be manually sorted which is also very difficult.

- A query regarding the inclusion of ghost gear in the SUP Directive.

The Commission pointed out that gear is retrieved through passive fishing. There is a difference between end of life gear which can be easily recycled as it is clean and various materials can easily be separated. Ghost gear/abandoned gear is often more difficult to recycle as it is not clean. There are no actions that are obligatory to go and seek ghost gear in water. There are some specific organisations who carry this out but under the SUP Directive there is no proposal for search and clean up. Of course the Directive covers ghost gear recovered during fishing operations by vessels and brought to port reception facilities.

- A comment regarding biodegradable rings on traps to prevent ghost fishing, and that maybe something similar could be invented for ghost gear.

The Commission will be working very hard on the implementation of the SUP Directive with a lot of surveys and interviews planned and is looking forward to receiving input from the ACs to assist with implementation.



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

As agreed in the last NWWAC meetings in Madrid in March 2019, a Focus Group Marine Plastics is being set up. Expressions of interest have been received from nine members and a video conference is to be scheduled next week to advance the work.

**Action:** The Secretariat to set up a video/teleconference for the FG Marine Plastics.

### 3. Remote Electronic Monitoring (John Hederman, DG MARE)

The Landing Obligation was introduced on 1 January 2015 on a phased basis to allow the fishing industry time to adapt and to develop measures to avoid unwanted catches, as well as to give the MS competent authorities time to develop measures to control the LO. It came fully in force from 1 January 2019.

The MS have an obligation to adopt appropriate measures, resources and structures to ensure control, inspection and enforcement of all activities that come under the scope of the CFP (Art 5(3) CR & Art 36(3) CFP Reg).

For the purpose of monitoring compliance, MS shall ensure the accurate and detailed documentation of all fishing trips and adequate capacity and means (Art 15(13) CFP Reg).

Controlling the LO is complicated by several exemptions such as predator damaged fish, prohibited species, high survivability and *de minimis*, meaning that the LO is not a straightforward discard ban. The MS cannot ensure effective control and enforcement of the LO at sea by using conventional controls such as inspections at sea/landing and aerial surveillance with relatively few infringements detected to date. This makes it necessary to introduce a practical means of continuous monitoring at sea. However, observers are costly and impractical. In addition, there is no harmonised agreement between MS on use Remote Electronic Monitoring (REM) as well as a lack of a legal basis for mandatory use of REM which is why this is included in the revised Fisheries Regulation proposal (May 2018: COM(2018)368).

An example was provided of a large discarding event in a harbour during a control inspection that went undetected – how can inspections at sea work then? Inspections at sea only give a snapshot and don't provide for continuous compliance.

There are strong drivers for non-compliance with the LO by the fishing industry, including

- Quota utilisation on low value catches.
- "Choke" issues.
- Handling and stowage of unwanted catches.
- Limited outlets for the sale of unwanted catches.

This is compounded by low likelihood of detection of illegal discarding at sea.

Voluntary compliance is highly unlikely in the absence of meaningful control.

Without effective control and enforcement it will not be possible to develop a "culture of compliance".

All credible sources point towards widespread non-compliance with the LO:



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

- DG MARE audit series in selected MS.
- Little significant increase in the quantities of <MCRS landed and quantities reported discarded.
- Numerous evaluation reports (EFCA, Advisory Councils, NGOs, national).
- Fully documented fisheries trials indicated differences in catch composition between CCTV equipped and non-CCTV equipped vessels.
- EFCA coordinated last haul programmes and other catch composition studies indicate discrepancies between verified reference catch data and unverified catch registration documents.

Looking ahead, REM (incorporating CCTV and sensors) is widely recognised as the best way to effectively control the LO at sea. Supplementary sensor monitoring, for example at net, winch, pump etc.) can indicate potential non-compliances and high risk events.

Recent advances in automatic recognition software can facilitate reviewing large volumes of data. MS, including the UK, DK, NL and DE, have conducted various REM trials.

REM is being increasingly used for control purposes in fisheries around the world, for example in Canada, US, AUS and being introduced into Iceland, NZ.

Level playing field between the MS is vital which is why there needs to be a legal basis which is why the legal basis for mandatory, risk based use of REM is included in the proposal for a revised Fisheries Control System (Art 25a, COM(2018)368

(<http://ec.europa.eu/transparency/regdoc/?fuseaction=list&n=10&adv=0&coteld=1&year=2018&number=368&version=F&dateFrom=&dateTo=&serviceld=&documentType=&title=&titleLanguage=&titleSearch=EXACT&sortBy=NUMBER>).

The EFCA coordinated *Technical guidelines and specifications for the implementation of Remote Electronic Monitoring (REM) in EU fisheries* (<https://www.efca.europa.eu/en/content/technical-guidelines-and-specifications-implementation-remote-electronic-monitoring-rem-eu>) are a guidance document for MS on REM minimum technical requirements and standards.

In conclusion, the LO is an ambitious policy that the EU collectively signed up to. Without effective control and enforcement the LO will not be respected. Conventional controls at sea are generally ineffective.

REM technology is advancing rapidly and offers the best means to control the LO and promote compliance.

Failure to control and enforce the LO jeopardises the credibility of the EU fishing industry and the objectives of the CFP which could potentially lead to a loss of markets and overfishing.

This presentation was followed by a request of the Chair of the HWG to the Chair of the Focus Group Control if he would continue as Chair of same FG to work on further advice on this specific topic. The ExCom agrees that the FG Control has produced vital advice on the new proposal on Control to which the Commission has replied (available on NWWAC website).

The Chair of the FG Control replied that he would not like the future work solely focussed on REM but rather on overall adequate control of the LO and that the remit shouldn't be too narrow for the FG.



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

**Action:** The Terms of Reference for the Focus Group Control to be reviewed.

A number of issues were then raised by members of the NWWAC including:

- Adequate control and enforcement of the LO is needed but there is a difficulty with the analysis that there is widespread discarding. For most stocks involving the NWW the LO only came fully into force this year so discarding was still perfectly legal for a lot of stocks in 2017, thus the analysis of widespread discarding is slightly misleading. For the NWW the bycatch provisions vital and it seems to be a new catchphrase that if REM is introduced all control and enforcement issues are solved. Is the Commission already at the end game? Have they identified high risk vessels? There should not be a need for CCTV on every single vessel in the EU.
- A review of definition of high risk vessel is essential, and once these are identified, all existing tools should grip. There is a need to identify what the best way of control and enforcement is on high risk vessels.
- In addition, there is a contradiction in Art 27 of the new TCM regulations regarding catch composition. Has the control and enforcement side issued guidance or instruction to MS on how that article is going to be implemented?

The Commission agrees that it is not practical to put cameras on all of the 85,000 vessels in the EU. Art 5 (4) addresses risk-based control. The MS are not able to assign high risk to individual vessels, so this might be better addressed on a fleet segment level.

- Could REM be used to provide data collection to feed into ICES data, possible to provide unbiased catch data?

The Commission sees the potential uses of REM much wider than just control, as it can assist fishermen in estimating their catches and also be linked to automatic recognition systems.

- Agreement was voiced from an NWWAC member regarding the implementation of LO in NWW. Control modalities were not a priority for MS of NWW. Thus, it is not possible to say that the LO is not working in the NWW. Time is needed for things to settle and for the MS to find solutions. July 2019 is too early for an LO assessment.
- REM is one solution for specific vessels, for example large vessels, but the NWW fisheries also have smaller vessels to which this might not always be applicable.
- There is no tangible information on what is possible or not for example regarding automated recognition technology.
- Other techniques for control have been evaluated at the beginning of the LO discussion and should not be disregarded in favour of REM. A risk based approach is favourable.

The Commission pointed to the fact that the phasing in period of LO over five years was to allow MS to find solutions so this is not a new subject for 2019.

Technical specs for Rem and automated recognition technology are available from service providers who explain specifically what is possible and have been attending a lot of conferences. It is mainly the automotive industry that is developing automated recognition technology.



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

Majority of EU fleet is under 10m and REM systems can be small and inobtrusive, and REM is not a one size fits all approach.

#### 4. Summary Discussion and Close

Any further questions and comments on both topics can be directed to the Commission via the Secretariat.

1	The Secretariat to set up a video/teleconference for the FG Marine Plastics.
2	The Terms of Reference for the Focus Group Control to be reviewed.





---

CONSEIL CONSULTATIF POUR  
**LES EAUX OCCIDENTALES**  
SEPTENTRIONALES

**NORTH WESTERN**  
**WATERS**  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
**LAS AGUAS**  
NOROCCIDENTALES



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

## Annex 1 – List of Participants

NWWAC members	
Emiel Brouckaert (Chair)	Rederscentrale
Alena Petrikovicova	DG MARE
John Hederman	DG MARE
Jonathan Shrives	DG MARE
Elsa Tudal	Ministère de l'agriculture et de l'alimentation
Juana Porza	Ministerio de Agricultura, Pesca y Alimentacion
Dirk van Guyze	Vlaamse Overheid
Ghislain Chouinard	ICES
Pedro Santos	EBCD
Purificación Fernández	Asociación Nacional de Armadores de Pesca de Gran Sol (ANASOL)
Debbie Crockard	Seas at Risk
Jenni Grossman	ClientEarth
David Vertegaal	European Anglers' Alliance
Julien Lamothe	Association Nationale des Organisations de Producteurs (ANOP)
Caroline Gamblin	Comité National des Pêches Maritimes et des Élevages Marins (CNPMM)
Pascale Coquet	France Pêche Durable et Responsable
Norah Parke	Killybegs Fishermen's Organisation
Sean O'Donoghue	Killybegs Fishermen's Organisation
Geert Meun	Stichting van de Nederlandse Visserij
Barrie Deas	National Federation of Fishermen's Organisation (UK)
Fintan Kelly	BirdWatch Ireland
Patrick Murphy	Irish South and West Fish Producers Organisation
John Lynch	Irish Fishermen's Organisation
Francis O'Donnell	Irish Fish Producers' Organisation
Ciaran Whelan	Irish South and East Fish Producers Organisation
Paul Trebilcock	Cornish Fish Producers' Organisation
Seamus Bonner	Irish Islands Marine Resource Organisation
Irene Kingma	Dutch Elasmobranch Society
Paul Macdonald	Scottish Fishermen's Organisation
Jim Portus	South Western Fish Producers Organisation Ltd.
Mike Park	The Scottish White Fish Producers Association Ltd.
Paul Fletcher	Scottish Fishermen's Organisation
Jean-Christophe Vandevelde	The PEW Trusts
José Manuel F. Beltrán	Organización de Productores Pesqueros de Lugo (OP-LUGO)
Luis Francisco Marín	Organización de Productores de Pesca (OPPAO)
José Luis Otero Gonzales	Lonja de La Coruña S.A.
Juan Carlos Corrás Arias	Pescagalicia-Arpega-Obarco
Lydia Chaparro	Fundació ENT



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
WATERS  
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA  
LAS AGUAS  
NOROCCIDENTALES

Oscar Sagué	IFSUA
Lionel Bottin	Comité Départemental des Pêches et des Élevages Marins du Calvados (CDPMEM 14)
Erwan Quemeneur	Comité Départemental des Pêches Maritimes et des Élevages Marins du Finistère (CDPMEM 29)
Thierry Kerzerho	Comité Local des Pêches Maritimes et des Élevages Marins (CLDPMEM) de Bayonne
Dominique Thomas	FROMNord
Mathieu Vimard	L'organisation de producteurs de Basse-Normandie (OPBN)
Delphine Roncin	FROM Nord (Fond Régional d'Organisation du Marché du poisson)
Jean-Marie Robert	Les Pêcheurs de Bretagne (LPDB)
Franck Le Barzic	Coopérative Maritime Bretagne Nord (COBRENORD)
Dominique Thomas	Organisation de Producteur Coopérative Maritime Etaploise Manche Mer du Nord (OPMEMMN)
Olivier LeNezet	Comité Départemental des Pêche Maritimes et des Elevages Marins du Morbihan (CDPMEM 56)
Stephane Pinto	CRPMEM Haut de France
Jerome Jourdain	UAPF
<b>Observers</b>	
Sara Vandamme	Universiteit Gent
<b>Secretariat</b>	
Michael Keatinge	Executive Secretary NWWAC
Mo Mathies	Deputy Executive Secretary NWWAC
Matilde Vallerani	Deputy Executive Secretary NWWAC
Monica Negoita	Executive Assistant (Finance and Administration) NWWAC