



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
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ADVISORY COUNCIL

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# MINUTES

## Focus Group Control, Enforcement and Compliance

### Virtual meeting

Wednesday 10 January 2024, 10:00 - 11:30 CET

#### 1. Welcome and introductions

The Chair, Patrick Murphy, welcomed all participants to the meeting. Apologies were received from Emiel Brouckaert in advance of the meeting.

The Secretariat proposed to replace item 3 with a discussion to elaborate questions to raise with DG MARE Control Unit during the afternoon session of the next Inter-AC meeting on 6 February, which will be dedicated to the new Control Regulation.

Action points from the last meeting (20 July 2023) included:

1. The Secretariat will invite DG MARE Unit D4 to next meetings once the text of the regulation is finalised.
2. The Secretariat will ask the Commission and the MS for document on correlation between new and old control regulation.
3. The Secretariat will take note of the items requiring clarification from COM and/or EFCA for discussion at upcoming meetings.

Regarding action points 1 and 2, the Secretariat reported that it has been difficult to liaise with Unit D4, which is not accepting meetings with individual ACs at the moment but organising sessions at Inter-ACs meetings, like the one planned on 6 February.

Regarding action point 3, the items discussed at the meeting in July are listed in the slide corresponding to item 3 on the agenda, as they could be relevant for questions to the Commission at the next Inter-AC.

#### 2. Preparation to meeting with EFCA on evaluation of compliance with the landing obligation

The workshop is planned in Copenhagen on 16 January in the afternoon. Those who are not able to attend in person will be provided an observer link to follow the meeting online.

The Secretariat informed members that the Commission might not be able to attend. In that case, EFCA will make sure that any issues discussed which are in the remit of the Commission will be transmitted to DG MARE.

Participants discussed the challenges faced in complying with the current legislation in relation to landing obligation and control due to its rigidity and lack of flexibility. Both John Lynch and the Chair



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expressed their concerns about the landing obligation and its inconsistent application, highlighting the risk that compliant vessels can still be prosecuted.

Participants also discussed the introduction of new control regulation and the need for a harmonized application of control measures, which EFCA needs to ensure.

Lynch pointed out that the introduction of REM will bring great change. In his opinion, if REM is to be used not just to control but also re-evaluate the landing obligation and see where improvements can be made, it may be of help to show the Commission where a re-think of the LO is needed.

According to Aodh O'Donnell, ensuring a harmonised application of the legislation is of utmost importance. Another vital element is to have deep understanding of the risk assessments and how they are applied.

Anais Mourtada added that a blanket approach on REM would not be effective and that other technological solutions should be explored. There is a major issue with compliance with both the landing obligation and the technical measures regulation. The implementation of the LO requires flexibility in relation to each type of fishing gear, vessel and circumstances that can occur at sea. Currently, nor the LO or the technical measures regulation are enforceable and this needs to be the main focus for EFCA and the Commission.

Alexandra Philippe asked whether the NWWAC intended to produce advice following the workshop with EFCA. Regarding the control regulation, she felt that it would be interesting to focus on the risk assessment, because compliance with the LO for those vessels under 18 meters that are not in the risk assessment mechanisms will still be a responsibility of national control agencies. The Chair agreed that it is still not clear how it would be determined whether a vessel is boarded for inspection or not. *"Moreover, how many times would a vessel have to be visited with a clear bill of health before it can be removed from the high risk category?"* he asked. According to him, the main focus needs to be on the implementation of these pieces of legislation, to ensure there are no contradictions and avoid chokes. He also raised a question on whether rules on catch compositions are to be applied on the vessel or when the catch is landed: *"Vessel can choose a net intending to get a certain amount of fish in a certain area from their own experience and knowledge. If the catch composition doesn't come up, will they be required to keep swapping around nets and changing nets until they become within the legal limit, and then, if they go out of it again, do they keep swapping nets?"*

Seamus Bonner suggested requesting EFCA to present on their work priorities following the new control regulation. The Chair agreed and added that it would also be important to have more details regarding the procedure EFCA implements to ensure control measures are applied fairly and transparently across MS. He also suggested the need for a streamlined communication and engagement process between EFCA and stakeholders, including a protocol for reporting anomalies and receiving feedback.

**ACTION:** The Secretariat will raise the questions and issues discussed under item 2 with EFCA via email as preparatory information for discussions at the workshop on 16 January.



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### 3. Questions for Inter-AC on 6 February afternoon session on the new Control Regulation

The Secretariat explained that the Commission is looking for input and questions to frame the discussion at the next Inter-AC meeting, where the afternoon session will be dedicated to the new control regulation. ACs have been invited to provide input on key topics and questions by 16 January, but complementary contributions will also be considered after the deadline.

The Chair expressed his concerns about the AIS system, which was originally designed for ships safety and will now be used as a control measure. He referred to a communicate from the Irish Control Agency on the use of this system following the new control regulation and proposed to share it with the other participants. Lynch took the floor and pointed out that while the old control regulation stated vessels should have AIS installed, the wording in the new regulation states that AIS should always be turned on. However, since AIS is a radio signal, it is not possible to be constantly within its range, as this might be disturbed by weather conditions or the vessels might simply be out of the signal range. In his opinion, the Commission needs to clarify the definition of AIS and the way it is going to be used.

Bonner asked for clarification of the expression “haul by haul” in relation to accounting for landings, as it will become compulsory for all EU catching vessels greater than 12 meters 2 years from the entry into force of the new control regulation. The Chair added another related question: during an inspection, if the catch at that particular time does not meet the catch composition rules corresponding to the net that is being used, will that constitute offense immediately? Or will the catch composition be examined when the catch is landed in relation to the nets used? He raised concern on how the different MS would enforce this aspect.

Philippe felt it would be important for the Commission to clarify what are the changes in the current framework on the control of the landing obligation for vessels that are not in the scope of obligatory CCTV. REM will be implemented for vessel that are more than 18 meters long and that are categorised as high risk, but what treatment would be reserved for the other vessel categories?

**ACTION:** The Secretariat will collate all questions for DG MARE and share them with members for further input via email by 16 January.

The Chair suggested that it would be helpful to get a comparison document between the old and new control regulation and see if other questions arise.

### 4. Action points & closing of the meeting

|   |  |
|---|--|
| 1 | The Secretariat will raise the questions and issues discussed under item 2 with EFCA via email as preparatory information for discussions at the workshop on 16 January. |
| 2 | The Secretariat will collate all questions for DG MARE and share them with members for further input via email by 16 January.  |



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## 5. Participants list

| Name               | Organisation                               |
|--------------------|--|
| Seamus Bonner      | Irish Islands Marine Resource Organisation |
| Falke De Sager     | Rederscentrale                             |
| Franck Le Barzic   | Cobrenord                                  |
| John Lynch         | IS&EFPO                                    |
| Mo Mathies         | NWWAC Secretariat                          |
| Sander Meyns       | Rederscentrale                             |
| Anais Mourtada     | CNPMEM                                     |
| Patrick Murphy     | IS&WFPO                                    |
| Aodh O'Donnell     | IFPO                                       |
| Alexandra Philippe | EBCD                                       |
| Irene Prieto       | ARVI                                       |
| Matilde Vallerani  | NWWAC Secretariat                          |