



## Focus Group Landing Obligation

Virtual meeting (Microsoft Teams)  
11 December 2020, 14:00 – 15:00 CET

### Draft Minutes

#### Participants

Emiel Brouckaert (Chair)	Rederscentrale	IND	BE
Sean O'Donoghue	KFO	IND	IE
Mike Park	SWFPA	IND	UK
Stavroula Kremmydiotou	EBCD	OIG	EU
Loeiza Lancelot	FROMNord	IND	FR
Luis Francisco Marin	OPPAO	IND	ES
Caroline Gamblin	CNPMEM	IND	FR
John Lynch	IFO	IND	IE
Puri Fernandez	ANASOL	IND	ES
Anna O'Sullivan	DAFM		IE
Evelien Ranshuysen	DG MARE		
Jonathan Shrives	DG MARE		
Maria Moset Martinez	DG MARE		
Katarina Barathova	DG MARE		
Matilde Vallerani	Secretariat		
Mo Mathies	Secretariat		

#### Apologies

Roos Strating	Dutch administration		NL
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#### 1. Welcome and introductions

The Chair welcomed all participants, and especially those from the Commission and the Member States Group. It had been hoped that the details of Brexit would be much clearer than they are now when the date for this meeting was fixed.

Action points from the last meeting (4 September 2020)

1	Secretariat to ask the COM to share correspondence with the MSG on the modifications of the JR.
	<a href="#">Document received on 7 Dec, circulated to FG members on 9 Dec.</a>
2	Secretariat to move forward in the organisation of a meeting with COM and EFCA on the topic of Article 27 TMR, but in the remit of the Control Focus Group.



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	Closed
3	Secretariat to finalise the Choke ID Spreadsheet and send it out to members of the FG for approval.
	Closed
4	Secretariat to update draft choke advice with inputs from today's discussion and send it to members for the next phase of comments. Another meeting might be organised as well.
	Closed

The last meeting of this FG on 05 November focussed specifically on finalising the advice, and no action points were recorded.

The agenda was adopted as drafted, including an item added last minute on a letter the Commission sent the day before the meeting to all Advisory Councils on the evaluation of the Technical Measures Regulation (TMR).

## 2. ACs input to Technical Measures Regulation evaluation

The NWWAC received on 10 December a communication from the Commission requesting for ACs involvement in the preparation of the implementation report on the Technical Measures Regulation (deadline: 15 February 2021). As the Terms of Reference of this Focus Group also mention that it should get involved with this topic too, members agreed to take on this task on behalf of the NWWAC.

Ms Moset (DG MARE, D3), who has been in charge of this file, was invited to provide an introduction on the task.

Considering that this letter was only received shortly before this meeting, Ms Moset thanked the Focus Group for the flexibility of including the item in the agenda.

The TMR in Article 31 states that the Commission will present an implementation report in December this year, but unfortunately the current health crisis prevented to stay within the planned schedule. The review had to be delayed, but it is the Commission's intention to present it in the first half of 2021.

Inputs are needed from both the ACs and the Member States (that also received similar questions as in the letter to the NWWAC). An online targeted consultation has also been opened.

In order to have a clearer picture of the implementation of the regulation, the Commission is trying to have a simple approach. The annex to the letter you received includes a number of questions that are directly linked to the different provisions of the TMR.

Ms Moset specified that, after the Christmas break, the Commission will try and participate in any further meetings that this AC may organise on this topic. Information on this consultation will also be shared at the Inter-AC meeting on 18 January.

**ACTION:** Secretariat to liaise with FG Chair and prepare Doodle to identify date for the next Focus Group meeting in January, to start drafting a reply to the Commission's request on the TMR.



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### 3. State of play of December Council 2020

The FG Chair pointed out that the NWWAC is still lacking clarity of what the status will be on 01 January 2021. The AC is aware that the Commission and the Council's working groups are still working on this. It seems that a first TACs and quotas proposal for the first quarter of 2021 will be discussed next week at the Council meeting.

The Chair gave the floor to the Commission's representatives for comments and further inputs on the topic.

Jonathan Shrives (DG MARE, C1) pointed out that, in terms of the Commission's proposal, the AC may have seen the one which came out in October, containing the EU-only TACs to avoid pre-empting the UK Brexit negotiations outcome. Negotiations are still ongoing so information which can be shared is limited. However, he reassured that the Commission has contingency plans to ensure that fishing opportunities continue from 1 January 2021. These have been put forward to the MS to see which TACs can be rolled over. The Commission hopes that this would be the basis of further discussion with the UK and Norway, on the understanding that this is a contingency plan only and not necessarily the state of play for all of 2021.

**Question:** Is it likely that there will be some decision at the end of the Fisheries Council in terms of the arrangements for 2021, particularly those TACs and quotas that are shared with other third countries?

Mr Shrives replied that this will be a decision by the Council which cannot be pre-empted. However, the Commission's planning is that a contingency plan is in place for both a Brexit with or without deal. The proposal has been put to the Council to roll over 3 months of 2020 TACs and quotas. It is up to the Council to agree to that or decide to modify it. Certainly, there will be something in place to allow fishing to continue from 01 January 2021.

**Question:** In the preparation of its advice, the NWWAC was not able to discuss any numbered proposals on TACs and quotas coming from the Commission. The ICES advice was used to prepare our advice, but with the result that some numbers do not match up, especially between TAC areas for certain stocks and the stocks themselves. For example, this was an issue for the combined TAC & quota for the skates and rays stocks. How does the Commission see suggestions coming through for joint stocks and the differences between TAC areas and ICES stock advice?

Mr Shrives appreciated the difficulty to prepare advice in these times. In terms of any potential management changes to any of the stocks, the Commission is very much in a contingency planning mode, proposing a rollover of 2020 including not just the amount of the TAC but also the structure. In terms of changing anything, for example TAC unit changes, the Commission is not in the position to start this yet. This would be discussed later in the year pending the outcome of the discussions with the UK. From 01 January 2021 it is effectively like the 2020 fishing opportunities, but it is a matter for the Council how this is going to come out. No dramatic changes will be witnessed come 01 January 2021. Certainly, the Commission won't allow this difficult situation to prevent working towards a better fisheries management.

The Chair pointed out that when the Group was planning this meeting, members had hoped to be a



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lot further with the details around Brexit. This topic will be further discussed and included in the agenda of the FG next meeting in January.

#### **4. Follow up on NWW Discard Plan and Choke Advice**

The Western Waters Discard Plan was recently published. The NWWAC intends to comment aiming for the Joint Recommendation which the MS are probably preparing again for 01 May 2021, but currently there is not enough information to work on this.

Evelien Ranshuysen (DG MARE, D3) reported that the Commission really appreciated the fact the choke advice was sent early, though the input on the Fishing Opportunities for 2021 may be limited. This is still important as the Commission monitors the implementation of the Landing Obligation and reports on it every year. The choke advice will also feed into this report. The advice is also very concrete for the MS as it clearly states the challenges for the implementation but offers specific solutions. The Commission is planning to discuss with the MS regional groups early next year to go into more detail on the scientific assessments that are necessary for certain derogations and also for the roadmaps that are in place. The AC advice has advised that there should be continued monitoring on this, which is very useful for the STECF which will guide and assess the Joint Recommendations for next year.

Since Anna O'Sullivan, representing the Irish presidency of the NWW Member States Group, was experiencing technical difficulties and could not take the floor during the meeting, she provided the following written update via email after the meeting:

#### **5. Follow up on directed fishing definition for the NWW**

Last August, the NWWAC delivered a document to the MS expressing its views on and concerns with the definition of directed fishing in the NWW. The MSG then requested the Commission to extend the August deadline. So far, the NWWAC hasn't received any feedback on the document provided.

Ms Ranshuysen took the floor providing a quick summary of this task's state of play from the Commission and STECF's points of view.

The Commission received NWWAC advice on this topic in August and the conclusion of the AC was that it is important to specify the derogations. Ms Ranshuysen asked for clarification of the closing sentence in the AC document, mentioning that the chosen approach should be easy to follow. As this is a very complicated matter, explanation on what this sentence actually means would be very appreciated.

The Commission was supposed to receive the Joint Recommendation on the definition of directed fishing and where MS wanted to derogate from the mesh sizes in the TMR. The Commission has received Joint Recommendations from the South Western Waters and from the three Mediterranean regional groups. However, there were no new derogations from the baseline mesh sizes.

To enable the STECF to assess the Joint Recommendation, the STECF had already discussed this in its



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plenary in July and gave recommendations on how to define directed fishing by particularly respecting to optimize the exploitation patterns. There was also an ad hoc contract carried out by STECF and the conclusion was used in the last plenary session two weeks ago, where the four Joint Recommendations received were assessed. Unfortunately, STECF concluded that there was not enough information to allow the evaluation of the consequences of the thresholds that were proposed. The STECF also stated there are no means to monitor or control the specific thresholds stated in the Joint Recommendations, therefore it is unclear how they can be implemented in the relevant fisheries.

In order to move forward, the Commission encourages all the regional groups to continue work on this issue. The matter also links with the questionnaire that was recently distributed on the TMR evaluation, which is asking how the ACs are involved in preparing this particular work on the definition of directed fishing. The same set of questions was also sent to the MS and specifically asks to point out how they deal with the vacuum of not having a definition on directed fishing and how they monitor and control specific thresholds.

**ACTION:** The Group will check back on the directed fishing advice and clarify Commission's query on the document's closing sentence.

Since Anna O'Sullivan, representing the Irish presidency of the NWW Member States Group, was experiencing technical difficulties and could not take the floor during the meeting, she provided the following written update via email after the meeting:

## 6. Summary of actions agreed and planning (Chair)

Action points:

1. Secretariat to prepare Doodle to identify date for availability for meeting in January addressing the TMR evaluation and following up on 2021 TAC & Quota and Joint Recommendations on Discard Plan and directed fishing definition.
2. The Group will check back on the directed fishing advice and clarify Commission's query on the document's closing sentence.