



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
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MINUTES

Focus Group Landing Obligation

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Participants

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Emiel Brouckaert	Rederscentrale	IND	BE
Jenni Grossmann	ClientEarth	OIG	EU
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Sean O'Donoghue	KFO	IND	IE
Matilde Vallerani	Secretariat		
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Caroline Gamblin	CNPMEM	IND	FR
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Mindaugas Kisieliauskas	DG MARE		
Mike Park	SWFPA	IND	UK
Dominic Rihan	BIM		
Jim Portus	SWFPO	IND	UK

1. Welcome

The Chair Emiel Brouckaert welcomed all participants to the meeting, including the Commission and Member State Group's representatives.

The last meeting of this focus group in early August resulted in the presentation of a draft advice or actually draft views and issues with the definition of the directed fisheries. The document to be finalized, presented to ExCom, and was ultimately and subsequently approved by ExCom.

The agenda was adopted as drafted.

2. Update on Joint Recommendation Discard Plan

The Member States Group submitted an updated version of the JR to the commission on the 29th of July. This is the version that has been used as well to feed the choke ID table. This version is currently being considered by the Commission. The NWWAC was informed by the MSG that there are some forthcoming technical and high-level group meetings and will receive invitation.

Mindaugas Kisieliauskas: This year we followed a bit of a different approach because of the adoption of the Technical Measures Regulation. As regard to Discard Plans, we separated provisions which are linked to discards, linked to the landing obligation and to the technical measures. We also adopted a single discard plan for North Western Waters and South Western Waters. However, the approach is that the Joint Recommendations are submitted by two separate groups, so nothing really changed. We simply incorporated them in a single Discard Plan.



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I would also like to mention that we have had exchanges with the MSG on the JR and asked them to make certain adaptations to ensure that the submitted JR is in line with the principles of the basic regulation and of the multiannual plan. The discard plan was adopted already by the Commission in the end of August, which allows four months for European Parliament to scrutinize because they have a period where they can object to the Delegate Act.

Dominic Rihan: What is the status of the JR on technical measures? I know it was late being submitted by the North Western Waters Group and I know that the STECF evaluation took a very long time. Just looking to see if there's any update on where that process is actually at.

Mindaugas: Unfortunately, I cannot give you more details from what you know already because the JR arrived late and it was not possible to incorporate it in the Delegated Acts that were adopted in August. The Commission is still scrutinizing it and the adoption will take place later in the year.

Sean O'Donoghue: I just want to clarify with the Commission in relation to the letters they sent to the Scheveningen Group and the North Western Waters Group in early July about rejecting some of the *de minimis* proposals. There was meant to be replies in relation to those. Did the MS address that? Secondly, has the Commission been satisfied that it has been addressed?

Mindaugas: I cannot give you a response about this exact provision. I think the best is that you look at the adopted Discard Plan and you see what was actually adopted. Indeed, after receiving the JR, the Commission had certain concerns about some of the *de minimis* provisions. These concerns indeed are based that each provision has to be supported by the science and it was not always the case. We wrote to the regional groups asking them to change some of their provisions. After the exchanges with the regional groups, we found solutions that allowed us to adopt the Discard Plan. So, there were modifications to the JR in this respect which are after reflected in the Discard Plan.

Jenni Grossmann: I was wondering, in the past few years, there was a letter from the Commission to the MSG that was listing which parts they had concerns about and what should be changed. I was wondering if that is available again this year as well because I think that's quite interesting for the AC members to just see what the Commission said, and then maybe even what the response of the MSG was to those things. We can obviously, of course, check what the final result was, but even just for the sake of transparency of the process, that might be interesting.

Mindaugas: Yes, indeed. This year and the previous years we had exchanges in writing with the regional group and they did send a letter detailing the exemptions which we considered problematic. So, we would have no problem to share that matter with the AC.

ACTION: Secretariat to ask the COM to share correspondence with the MSG on the modifications of the JR.

3. Art 27 TM & Art 15 CFP – next steps?

Chair: This was partially discussed at the webinar that we had or the seminar together with the European Fisheries Control Agency. Some of our members put forward about a conflict between those two articles. We did have the intention to contact the Commission specifically on this or the Secretariat to be in touch and see to organize a specific meeting on it.



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Secretariat: We had sent a request for a meeting with the Commission for clarification on this topic. We had sent this to Elisa Roller who has now changed DG. This issue has been discussed when we were preparing the directed fishing paper. I'm not sure if members of this Focus Group feel like this is an issue that still needs to be addressed with the Commission, if this is the correct Focus Group to do so or if it should be a Control Focus Group topic.

Sean: I think this is an aspect for the Control Focus Group. When we had the workshop on the landing obligation, we had agreed with EFCA and the commission there needed to be a meeting between the Advisory Council, the Commission and EFCA, specifically in relation to this. I would see that that's the next step here because we have already written in relation to the article 15 and article 27, but this is not easy to resolve and there are very specific control issues around it. I would suggest that we leave this to the Control Focus Group but that we do pursue that meeting that I understood had been agreed would happen sometime after the workshop obviously not during July and August, but in the autumn of this year.

ACTION: Secretariat to move forward in the organisation of a meeting with COM and EFCA on the topic, but in the remit of the Control Focus Group.

4. Update of last year's Choke advice with inputs from WGs

The Choke ID spreadsheet was shared on the screen, including main comments from the discussions in the Working Groups. Members of this focus group were asked to examine these inputs and add or revise them. Subsequently, with that information, the group examined and revisited the advice document, which was mainly based on last year's text.

Members discussed extensively especially on the choke risks in the West of Scotland and in the Celtic Sea. Comments made in this regard were included directly in the Choke ID spreadsheet.

No major comments were made on the Channel and Irish Sea stocks.

Members took the opportunity to ask the Commission representative about any update on the Bycatch Reduction Plans.

Mindaugas: The story already dates for some years, and indeed, when we decided to establish bycatch TACs, MS took the commitment that they would submit Bycatch Reduction Plans. The MSG for North Western Waters submitted such a plan, which was assessed by the STECF. Unfortunately, the plan did not contain ambitious measures and that was also reflected in the STECF assessment. Last year the Commission decided to include remedial measures as part of its proposal for the Fishing Opportunities. Some of these remedial measures were adopted by the Council as part of Fishing Opportunities. If you look at the articles of the latest version of the Fishing Opportunities, you will find articles for certain stocks. Now, this year, the MSG also made an attempt to incorporate some of these measures in the JR. It took some time for MS to come up with a common approach, and that is why the JR was submitted after the established deadline for certain difficulties with STECF assessment which took longer. The Commission is currently looking into it and we'll see how to proceed with this new submitted JR.

Jenny: I was wondering if there has been any movement as well on this discussion around full catch documentation, monitoring in association with the bycatch TACs? I remember, originally, there was

a commitment that those bycatch TACs would be adopted associated with some kind of catch documentation system. Has this been discussed recently?

Mindaugas: About full documentation of catches, the Commission also had provisions as part of its proposal for the 2020 Fishing Opportunities to have these measures included. Unfortunately, MS were not supportive. In their view, this should be part of the new Control Regulation and these measures were taken out by the Council. Then, the final version of the Fishing Opportunities was adopted, and the discussions about the Control Regulation are still ongoing.

Comments were made on general issues, such as:

- the need to assess the effectiveness of the technical measures currently in place rather than including new ones.
- The functioning of pooling system in place as stated in Article 8 of the Fishing Opportunities 2020 Regulation should also be assessed, as members are concerned it could have enabled nations with zero quota having a greater allocation than the simple bycatch amount and it is important to avoid this allows for directed fishing.
- Reconfirming the definition of the choke risk categories

ACTION: Secretariat to finalise the Choke ID Spreadsheet and send it out to members of the FG for approval.

Members agreed that the background paragraph contained in the draft advice should include a point where the AC acknowledges the incumbency of Brexit (which could mean this advice to be revised) and the provisions in the Discard Plan adopted by the Commission (including reference to MSG work expected for 2021).

It was also agreed that a mention to WKIRISH results on the implementation of the ecosystem approach to fisheries management needed to be included in the General Remarks section.

Members decided to update the paragraph on the Bycatch Reduction Plan, mentioning that while the work on the Bycatch Reduction Plan appears to not have progressed since the STECF evaluation, the NWWAC recommends that the options explored should be revisited and the implementation initiated.

Members discussed that some measures, even technical measures, are having an impact on fishing mortality or rather on fish mortality. Even if they escape, their survival is not certain. There can be a contradiction sometimes that on one hand a stock is in a very bad shape, on the other it is very difficult to avoid the unwanted catches of that species (referred to the whiting example under the General Remarks paragraph). The FG agreed on the importance of the notion of aiming to restore the stocks rather than just avoiding the choke risk. It would be preferable to have measures that actually allows the fish that escapes to still survive, aiming for a solution not just to the choke, but a more permanent solution that would mean the stocks actually come back and then eventually wouldn't represent a choke anymore because they're in a better shape. This should be reflected in the advice text.

Members agreed to acknowledge that thanks to the exemptions and measures to address zero TAC advice species, there haven't been any choke issues this year. Thus, it is relevant to suggest assessment of the effectiveness of these measures.



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Looking at interspecies flexibility, members expressed the need to examine what happened over the last year as this topic was put forward in 2019. How shall this be addressed and what is the AC suggesting? What has happened with the interspecies flexibility option up till now?

ACTION: Secretariat to update draft with inputs from today's discussion and send it to members for the next phase of comments. Another meeting might be organised as well.

5. Summary of actions agreed and planning (Chair)

1	Secretariat to ask the COM to share correspondence with the MSG on the modifications of the JR.
2	Secretariat to move forward in the organisation of a meeting with COM and EFCA on the topic, but in the remit of the Control Focus Group.
3	Secretariat to finalise the Choke ID Spreadsheet and send it out to members of the FG for approval.
4	Secretariat to update draft with inputs from today's discussion and send it to members for the next phase of comments. Another meeting might be organised as well.