



CONSEIL CONSULTATIF POUR  
LES EAUX OCCIDENTALES  
SEPTENTRIONALES

NORTH WESTERN  
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## Focus Group Landing Obligation

Virtual meeting

09 February 2022, 10:00 – 11:30 CET

### MINUTES

#### 1. Welcome and introductions

The Chair Emiel Brouckaert welcomed all the participants to the meeting. No apologies were presented in advance of the meeting. The agenda was adopted as drafted.

#### 2. Updated Terms of Reference

The Secretariat had circulated an updated version of the Terms of Reference of this Focus Group, which became a standing Focus Group. Members had no specific issues with the ToR but suggested to clarify that the aim should be to support the Horizontal Working Group in drafting advice on topics such as discard plans, choke risk and technical measures when the task demands specific focus and effort.

The Chair welcomed a new member of the FG, Aodh O'Donnell.

#### 3. Review of COM's reply to advice on Fishing Opportunities 2022

The Chair provided an overview on the content of DG MARE's reply to NWWAC advice on Fishing Opportunities 2022. The Commission mentions the Fleet Report and agrees on the need to continue efforts to minimize and avoid unwanted catches, including evaluation of technical measures in place for that purpose. DG MARE also recommended that the NWWAC continues its work on the choke tool and referred to the control and enforcement of the landing obligation as a topic on which NWWAC support continues to be appreciated. Finally, the Commission recognised the importance of a full implementation of ICES Transparency Assessment Framework (TAF) and advised that the NWWAC request for amending the advice sheets with information regarding quality should be conveyed to ICES directly. The Chair suggested that this could be addressed with ICES directly at the MIACO meeting in June. Alternatively, a letter could be written to ICES. The Executive Committee will have to discuss and choose the approach to move forward. Finally, the Commission also refers to the Data Collection Framework.

Considering the Commission's reply, the Chair asked members for suggestions on topics to bring forward for discussion with the NWW MSG at the following Technical Group meeting.

Sean O'Donoghue suggested to put the Fleet Report on the agenda of the next HWG. Referring to the work carried out in 2019 by the Focus Group Control & Compliance on the advice on the revision of the control regulation, he pointed out that a lot of time and effort were spent to get a consensus opinion. The NWWAC managed to find a good compromise between industry and OIGs, thus it would



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be risky to reopen discussions at this stage. Hence, there is no need to meet with the Control FG. However, recommendations made on risk categories and other points raised in the 2019 advice are worth mentioning, especially in meetings with the Member States. O'Donoghue added that it would be very important to mention the huge issue represented by the clash between Article 27 of the Technical Measures Regulation and Article 15 of the CFP, which is seriously hampering the implementation and control of the landing obligation.

John Lynch added that the Commission emphasized the role of MS to ensure the landing obligation is implemented and complied with and focused on the importance of evaluating and improving selectivity measures in place before introducing new ones. This approach had been flagged many times by the NWWAC since 2013. The Chair agreed with Lynch's comment, pointing out that minimization and avoidance should have been the main management objectives.

#### **4. Review of COM's reply to choke advice**

The Chair reported that DG MARE referred to the choke tool, recommending that it is updated with more recent data. The Chair added that cooperation on shared stocks with the UK will be an important aspect in this update.

The Commission reminded that the AC will be requested to produce advice on the Joint Recommendation on the Discard Plan prepared by the MS and referred to current technical measures that require further evaluation, also in line with the choke risk avoidance. The chair concluded that a draft should be requested from the MSG asap.

Regarding Inter-Species Flexibility, the Commission commented that the use of this approach to mitigate chokes in the NWW is hampered by having most stocks shared with the UK and therefore any measures are dependent of discussions and consultations with the other party.

DG MARE then mentioned the recently published Delegated Regulation (EU) 2021/2324 as regards technical measures for certain demersal and pelagic fisheries in the Celtic Sea. These measures are going to be the subject of discussion with the UK under the remit of the SCF. DG MARE also mentions in the review of the TM there will be a focus on avoidance. The Chair added that the issue of having different technical measures between EU and UK waters had already been raised with the MS and will be followed up in the upcoming MS Technical Group meetings.

Finally, referring to issues with data availability and data completeness, DG MARE ensures they continue working closely with the Member States to find solution to help overcome these problems and mentioned the recently approved (13 of January) EU multiannual programme for data collection from 2022 onwards.

The Chair concluded by adding that the discussion points mentioned in the choke advice should be items to build on as a basis for the preparation of the advice on the Joint Recommendation from the Member States on the Discard Plan 2023.

O'Donoghue highlighted that DG MARE is not recognizing that CFP art. 14 is 'may' and art. 15 is 'shall'. As such the Commission focusses on art. 15 instead of on avoidance measures and minimization of unwanted catches. The importance of article 14 of the CFP should be highlighted as well.

Alexandra Philippe suggested asking the Commission which role the AC would play in the SCF.



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Especially referring to shared technical measures, it is not clear what the adoption process would be, if the technical measures would be directly included in TAC & quota regulations or implemented through Delegated Acts, as this would significantly impact the way stakeholders are involved.

## 5. Preparation of advice on Discard Plan 2023

The Chair addressed the agenda of the upcoming MS TG to which the NWWAC is invited for the conclusion. He mentioned that the MSG will be asked for their draft joint recommendation to be sent as soon as possible to the NWWAC for advice, to ensure enough time is allowed for discussions and drafting in the AC.

Matilde Vallerani added that the Discard Plan topic had been included on Geographical Working Groups' agendas to gather comments and feedbacks from members.

O'Donoghue asked about the community discard provision in UK waters, whether there is a reciprocal arrangement with the EU. This is something the AC should get clarification on.

## 6. Update on Choke Tool

Vallerani reported on a meeting held with Dominic Rihan and Michael Keatinge discussing how to update the Choke Tool, especially in relation to the available data, with the intention of making it a predictive tool. The data will be taken by the STECF FDI database and amended quota and MS uptakes will be considered as well. An update will be given at the March meeting of the Horizontal Working Group.

## 7. Planning and next steps

1. The Secretariat will collate the comments made today into a first draft advice on the Joint Recommendation Discard Plan.
2. The updates on the Choke Tool will be presented at the Horizontal Working Group meeting in March.

## 8. Participants list

Name	Organisation
Emiel Brouckaert (Chair)	Rederscentrale
Sean O'Donoghue	KFO
John Lynch	ISEFPO
Alexandra Philippe	EBCD
Anais Mourtada	CNPMEM
Solene Prevalet	FROM Nord
Aodh O'Donnel	IFPO
Matilde Vallerani	NWWAC Secretariat