



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

MINUTES

PRESENTATION ON THE EC PROPOSAL ON TECHNICAL MEASURES

Conference Room 01, Victoria Quay, Edinburgh
Wednesday 6th of July 2016
09:00 – 10:00

1. Welcome

The Chairman, Bertie Armstrong, welcomed all attendees to the meeting. The full list of participants is included as an annex to these minutes.

The meeting agreed with the agenda¹ as drafted. Marc Ghiglia proposed that the situation regarding the outcome of the UK referendum on EU membership and the status of the UK membership of the EC and the AC should be discussed as a matter of priority. The chair, with the agreement of the members present, started the meeting with this topic.

Brexit

Marc Ghiglia indicated that the result of the UK referendum to leave the EU on the 23rd of June would have great consequences for the status of the UK members of the NWWAC. He specifically noted that it would be difficult for the AC to draft advice on issues, which may not apply to UK members in the future. It was clear that on matters, such as the TACs for 2017, the input from UK members would still be relevant, but engagement in discussion in relation to other issues, such as the topic of the discussion of this meeting (i.e. the EC proposal on technical measures) may not be appropriate as the eventual regulation may not come into force before the UK leaves the EC. Mr Ghiglia concluded that the AC needed to consider how it would deal with the involvement of UK members during such a transition and asked the Chair for his opinion on his own position in this regard.

The Chair thanked Mr Ghiglia for bringing up this topic, which would also be discussed at the Executive Committee meeting on the 7th of July. It was clear that political changes had taken place as a result of the outcome of the referendum, and even though no institutional changes had taken place yet, the Chair willingly offered to stand down as Chair of the Executive Committee should the members of the Executive Committee consider this necessary and if this was agreed, he would step down as an office bearer at the earliest possibility, and would only carry out administrative functions

¹ All relevant documents to the meeting can be found on the NWWAC website: [link](#)

until then. He noted that the next meeting of Executive Committee and the General Assembly in September might be an opportune moment for this to take place.

Barrie Deas agreed that the questions raised were very relevant. The discussion of management measures, long-term plans for technical measures, multi-annual plans and marine protected areas would not be relevant to UK members and therefore UK members should not be party to the discussion of advice on rules, which would not apply to them. He suggested that there were a number of options for a Governance system for fisheries after the UK left the EC and provided them as follows:

1. The UK could decide on rules for UK waters;
2. Agreements could be reached between the UK and the EU and Norway, similar to the EU/Norway management agreements;
3. A sea basin, regional management approach could be established.

It was also noted that although Article 50 may not be invoked directly, the AC could not pretend that it was business as usual, and he supported the proposal made by the Chair.

Olivier Le Nezet commented that since the UK government had not yet invoked Art. 50, the AC should not get ahead of itself. As chair of the General Assembly he argued that the AC could only follow the decisions taken on a political level in the long run, while the referendum result should of course be respected. He highlighted that the choice made by the UK population should be an important indicator for the EC and EP on the perception of the EU, and that this should have a bearing on management decisions at an EU level.

Hugo González concluded that the UK referendum result left the AC with many questions. Although the Chair was greatly appreciated, he agreed with the chair opinion and that of members that the consequences of Brexit needed to be taken into account. Mr González noted that two weeks after the referendum was not a time to take final decisions, but that the Executive Committee should be tasked to decide on a way forward. Reconsidering the position of both the Chair and the role of UK members was needed, and the AC meeting in September would be a good moment for this discussion.

Sean O'Donoghue asked the Chair to open up the agenda for the Executive Committee meeting the next day. Administratively, he agreed that the AC should make decisions in September when matters may be clearer, but the Executive Committee should discuss any transitional arrangements. On reflection, he questioned if ACs would be the most suitable stakeholder entity in the future. He reminded the meeting that before the establishment of the Pelagic AC the idea had been to organise a "Coastal States AC", combining more than only the EU stakeholders. Mr O'Donoghue agreed that input into the advice on long-term EC legislation by UK members should be reconsidered, suggesting that active observer status would be more relevant for UK members in those cases, rather than voting members.

The Commission (Robert Griffin) stated that the Commission would not be making plans for any form of change and it would be business as usual until such time as Article 50 had been triggered.

The Secretariat (Conor Nolan) encouraged the Commission to begin a process of informal, internal discussion regarding the future of the ACs in order to be prepared for the circumstance of the UK leaving the EU on the basis that it was important to keep the forum of representatives, currently constituted as the AC, working together on regional fisheries management issues.

The Chair concluded that the shape of the outcome of this process will be in the hands of the policy makers, and that the role of the AC would be to advise on the issues relevant to the AC's existence and its members. He was happy to note that most speakers showed general agreement with the principle that UK members could remain as office bearers on an administrative basis until more clarity was provided at the September meeting of the AC. The Chair informed members that he would ask the Executive Committee (the following day) to decide on the status of office bearers in the near future, and to put the item on the agenda for the NWWAC meetings in September.

Johnny Woodlock noted that a lot of effort had been put into the proposal for the technical measures, and it would be short-sighted of the UK to throw out the work that had been done.

2. Presentation of the EC proposal on Technical Measures [COM\(2016\) 134](#)

The Commission (Norman Graham) presented the Proposal for a regulation of the European Parliament and of the Council on the conservation of fishery resources and the protection of marine ecosystems through technical measures. He noted that since 1980, 90 regulations had been in place, but evaluations had shown these to have sub-optimal performance as the legislation was prescriptive and complex and it had proven difficult to measure effectiveness. With the introduction of the co-decision process in the Lisbon Treaty, the flexibility of the decision making process would make this type of legislation even more difficult to adapt.

It was also noted that the regulations, so far, lack "buy-in" from stakeholders due to negative incentives to mitigate regulations, instead of reducing unwanted catches, also described as a technological and legislative arms race. From a management perspective it was concluded that clear, quantitative, objectives and targets were needed to be able to evaluate effectiveness in the future.

The meeting was informed that the current proposal had been based on a consultation process with stakeholders together with an impact assessment. The proposal was designed to provide a general structure for future technical measures, based on long-term perspectives and goals, decided by co-decision. In addition the proposal contained baseline measures by sea basin, in the absence of measures adopted under regionalisation through Commission Regulations (COM acts).

Regarding the actual measures proposed, the proposal contained no fundamental changes to existing rules and provisions, but consisted of a simplification for mesh size regulations and a shift of detail to COM acts. This should ensure that existing conservation and selectivity standards are retained. Closures and area restrictions had been reviewed based on scientific advice (NATURA 2000 sites are unaffected).

The proposal consisted of a body of the legislative text, along with Annexes for each region. The final content of the regulation would be decided by co-decision, but chapter III (Regionalisation) and the Annexes could be updated by delegated acts similar to the process for the Landing Obligation.

The Chair opened the floor for questions.

Questions were raised regarding the implementation of the landing obligation (LO) and how changes in selectivity and fishing patterns would be incorporated in the regulation.

Mr Graham commented that the new proposal was not designed to change the regulation, but to change the governance structure. He agreed that the implementation of the LO will involve many changes, and the regulation should only be there to apply safeguards for conservation standards. That was why the proposal used simplified mesh bands, with a new way of defining fisheries (based on fish prices) in order to remove the catch composition rules.

Some members of the group acknowledged that the new format of the regulation seemed sensible, but noted that a number of provisions in the general text were controversial. Some industry members considered that a number of the definitions should be put in Annexes (for example 'storage of unwanted catch') and the scientific quatum, referred to in the Control regulation, should be mentioned. There was general agreement on the application of clear targets, and it was highlighted that the definition of these targets is very important, especially if they are to be part of the text under co-decision.

Industry members noted that the general mesh size increase would be difficult to deal with, especially for megrim and queen scallop fisheries in North Western Waters. These points would need to be raised with Member States to make the proposal a better reflection of fishing practices. It was also mentioned that the mesh sizes proposed were based on a selectivity pattern where approximately 5% of the catches would consist of fish under the mean conservation reference size (MCRS). In light of the LO, it would be very unprofitable for the industry to be obliged to land 5% of catches that could not be sold.

A specific point was raised relating to static nets (Article 10), where the proposal seemed to deviate from the current legislation (i.e. instead of waters below 200m, 600m is mentioned), and where it appeared that ICES areas 6b and 7h seem to be missing from the Annexes.

The Commission agreed that it was the intention of the proposal to retain the same measures as regulation EC 850/98, and that this point had been noted and it would be amended. Mr Graham concluded that comments from the stakeholders would be much welcomed in the decision making process.

3. Summary of actions agreed and decisions adopted by the Chair

The Chair thanked Mr Graham for his presentation and indicated that the AC would compile a response to the proposal, which would be distributed to Member States and the EC following endorsement by the Executive Committee.

NWWAC Document
Chairman: Bertie Armstrong
Rapporteur: Barbara Schoute
Review and editing: Conor P. Nolan

Annex 1 – List of Participants

NWWAC members		
Bertie	Armstrong	Scottish Fishermen's Federation (1)
Emiel	Brouckaert	Rederscentrale
Hugo	Boyle	Irish South and East Fish Producers Organisation
Richard	Brouzes	Copeport Maree OPBN
Thomas	Bryan-Brown	Mallaig and North West Fishermen's Association
Lydia	Chaparro	Fundació ENT
Andrew	Clayton	The Pew Charitable Trusts
Alan	Coghill	Orkney Fish Producers Organisation
Juan Carlos	Corrás Arias	Pescagalicia-Arpega-Obarco
John	Crudden	European Anglers Alliance
Dave	Cuthbert	New Under Ten Fishermen's Association
Barrie	Deas	National Federation of Fishermen's Organisations
Ross	Dougal	Scottish Fishermen's Federation (2)
Siobhán	Egan	BirdWatch Ireland
Paul	Françoise	Comité Départemental des Pêches et des Élevages Marine: CDPMEM 14
Caroline	Gamblin	Comité National des Pêches Maritimes et des Élevages Marins
Marc	Ghiglia	Union des armateurs de la pêche en France
Hugo C.	González García	Asociación Nacional de Armadores de Pesca de Gran Sol
Romain / Manu	Le Bleis / Kelbérine	Comité Départemental des Pêches Maritimes et des Élevages Marins du Finistère
Marina	Le Gurun	Blue Fish
Olivier	Le Nézet	Comité Régional des Pêches Maritimes et des Élevages Marins de Bretagne
Jesús Angel	Lourido García	Puerto de Celeiro S.A. OPP-77
John	Lynch	Irish Fishermen's Organisation
Pascal	Coquet	Comité Régional des Pêches Maritimes et des Élevages Marins de Haute-Normandie
Geert	Meun	Stichting van de Nederlandse Visserij / Dutch Fisheries Organisation (2)
Thierry	Missonier	FROM Nord
John	Ward	Irish Fish Producers Organisation
José Luis	Otero Gonzalez	Lonja de La Coruña S.A.
Julien	Lamothe	Les Pêcheurs de Bretagne SA
Jim	Portus	South Western Fish Producer Organisation
Dominique	Thomas	Coopératives Maritimes Etaploises & Armement Cooperatif Artisanal du Nord
Paul	Trebilcock	Cornish Fish Producers Organisation
Liane	Veitch	ClientEarth
Damien	Venzat	OP COBRENORD
John	Woodlock	Irish Seal Sanctuary
Observers		
Benoît	Archambault	Ministère de l'écologie, du développement durable et de l'énergie
Emily	Baxter	Cumbria Wildlife
Stéphan	Beaucher	Consultant
Norman	Graham	European Commission
Roy	Griffin	European Commission
Jenni	Grossmann	Client Earth
Juana	Poza Poza	Mº DE AGRICULTURA
NWWAC Secretariat		
Conor	Nolan	Executive Secretary
Barbara	Schoute	Deputy Executive Secretary
Sara	Vandamme	Project Development and Communications Manager
Aoibhín	O Malley	Financial Administrator and Event Manager