



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
NOROCCIDENTALES

MINUTES

HORIZONTAL WORKING GROUP on the LANDING OBLIGATION

**CNPMEM – 134 Avenue de Malakoff, 75116 Paris
Wednesday 1st of March 2017
10:30 – 13:00**

1. Welcome

The Chairman, Emiel Brouckaert welcomed the members and the attendees to the meeting. The full list of participants is included as an annex to these minutes. Apologies for absence were received from Sander Meyns (Rederscentrale), Paul Trebilcock (CFPO), and Dave Cuthbert (NUTFA).

The agenda¹ was adopted as drafted. The following action points from the last meeting in Dublin (14th September 2016) had been completed:

- The AC representatives had put forward an extreme example of a choke situation to the Member States High Level Group (MS HLG) meeting (28th September 2016),
- The Secretariat had obtained and distributed the organiser's report of the choke species workshop held in Edinburgh on 5th and 6th September,
- The Focus Group on Control and Compliance (FG CC) had been established.

2. Reports from recent meetings

An overview was presented of the NWW Member States Group meetings. These meetings were attended by the chair, Emiel Brouckaert, and vice-chair, Liane Veitch, unless otherwise indicated:

- NWW Member States High Level Group, 28th September; attended by Liane Veitch and Purificación Fernández,
- NWW Member States Technical Group, 18th and 19th October 2016; attended by Emiel Brouckaert, Liane Veitch and Debbie Crockard,
- North Sea Advisory Council symposium on choke avoidance measures², 2nd and 3rd November 2016; attended by Liane Veitch and Sara Vandamme,
- NWW MS TG 15th November 2016,
- NWW MS TG 17th January 2017,

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

² Organiser's report on the choke avoidance measures symposium in English only: [link](#)

- NWW MS TG 7th February 2017,
- NWW MS HLG 21th February 2017.

At the last HLG meeting (21st February 2017), the MS Group had asked the AC representatives specific questions regarding the AC advice. The AC representatives provided comment but made it clear that their input could not be considered as AC advice.

The MS Group indicated they were working on specific case studies on how to apply the choke mitigation toolbox. They intended to finalise this document by the end of March or early April and would like to receive AC advice on the working document once completed.

The chair suggested that this item be included at the next NWWAC Advice Drafting Group on the Landing Obligation.

The chair reminded the meeting that the following two NWWAC advice documents were available on the website:

- The AC advice to the MS group on: the experience of AC members with the Landing Obligation in 2016, proposals for phasing-in, in 2018 and views on mitigation measures by stock. (27th January, [link](#)),
- The AC response to the EC request for input to an Annual Report on the implementation of the Landing Obligation (30th January, [link](#)).

The Chair indicated that the meeting reports would be sent to the General Assembly by email as soon as possible.

Although the HLG was unable to share their draft proposal for the 2018 joint recommendation, the HWGLO suggested that the Secretariat stay in touch with the MS group in order that a draft can be shared as soon as possible.

ACTION: Secretariat to stay in touch with the MS group and to circulate the draft Joint Recommendation for 2018 as soon as it is released.

3. Control and enforcement

Sean O'Donoghue informed the meeting on the progress of the Focus Group on Control and Compliance (FGCC). Despite the small size of the group, a lot of progress had been made and the FG chair thanked the members for their collaboration.

The first FG meeting had taken place on 27th October and had been established to provide feedback on the report of the NWW Control Expert Group on 'Recommended measures to achieve compliance with the landing obligation in demersal fisheries in North Western EU Waters'. The NWWAC recommendations ([link](#)) had raised two key points referring to the process of the Control Expert Group (CEG) and stakeholder buy-in. The NWWAC suggested that the process would have been more efficient if the CEG had consulted the AC in advance of sending their report to the HLG and that there was a need for a level playing field within the EU as well as with third countries, in order to guarantee stakeholders buy-in.

The FG Chair emphasised that during the update of the existing Control Regulation (EC 1224/2009, October 2015), there had been very little consultation between the Member States and the AC, and that potential anomalies may be present in the Control Regulation since the

introduction of the LO, regionalisation and the Marine Strategy Framework Directive. As a result, a second meeting of the FGCC had been organised to identify and list issues (11th January, Dublin) and the Executive Committee (ExCom) had already received the draft result of this meeting. A revised draft document would be sent to ExCom, including a request for clarity in relation to article 14 of the Control Regulation. ExCom would be invited to provide additional input and clarification on articles or on potential anomalies between other legislation and articles within the control regulation that needed to be resolved.

The FG Chair requested that ExCom approve the arrangement of a meeting between the NWWAC, the NWW CEG, EC, EFCA and individual Member State control authorities, to address and resolve the issues raised.

ACTION: That the Executive Committee be requested to approve the organisation of a meeting between the: NWWAC, EC, Control Expert Group and EFCA.

4. Selectivity measures; outcomes of recent research projects

Three topics were presented on gear selectivity improvements:

- *Developments in Nephrops gear and survivability* (Ronan Cosgrove, BIM)
Project outcomes are also available in the DiscardLess factsheets ([link](#) in English only), or on the [BIM website](#) (in English only),
- *Update on UK gear trials and new project ideas* (Kenny Coull, SFF)
The individual projects presented have been supported by the Gear Innovation and Technology Advisory Group (GITAG). Details of the projects will be made available on the Scottish Fishermen's Federation ([link](#)),
- *Pulse trawl (dis)advantages* (Dr Hans Polet, ILVO).

During the discussion, questions were raised on whether the effect of weather conditions had been taken into account during the selectivity trials.

Several questions were raised about the effects of pulse trawls:

- Fishermen present indicated that they had observed a large number of dead fish near pulse trawlers and fish with burn wounds and/or broken backs,
- The effect of the electric field on elasmobranchs and other electrically sensitive species,
- The potential biochemical impact of the electric field on the ecosystem,
- The potential for a negative effect on the survival of affected fish.

Further questions related to the difference in catch-per-unit-effort data for the sole pulse trawl between projects which had used scientific observer or self-sampling data, and the potential for competition between pulse trawl vessels and small artisanal fisheries.

Dr Polet pointed out that a lot of research³ had been conducted which, to his surprise, had shown no indication for increased numbers of dead or wounded fish as a result of pulse trawling, compared to conventional beam trawling⁴. Experiments had shown that the

³ Soetaert, M. (2015) Electrofishing: Exploring the safety range of electrical pulses for marine species and its potential for further innovation. Phd Thesis in English only [link](#)

⁴ Desender, M., *et al.* (2016) Short-term effect of pulsed direct current on various species of adult fish and its implication in pulse trawling for brown shrimp in the North Sea. *Fisheries Research* 179: 90-97.

appearance of fish with broken backs was a problem in large white fish species when they had come in close proximity to the electrodes (i.e. within 10 to 20cm)⁵. In collaboration with the Netherlands, research is ongoing on the biochemical impacts of the electric field and studies are being conducted to reduce spinal damage in certain whitefish like cod and whiting. Currently, research on elasmobranch species has found no negative effects of the pulse trawl⁶. Studies on survivability were being conducted in collaboration with the Netherlands⁷, comparing the pulse trawl and conventional beam trawl and results should be available soon. No significant effect on survivability are expected as the use of pulse trawling has less mechanical impact on the catch, catch volumes are smaller and tow duration is shorter.

The EC indicated that there is a large difference between data collected during self-sampling and observer trips, which may have an effect on results.

In relation to the political decisions on the use of the pulse trawl, the proposal on Technical Measures retained an area restriction for the use of the pulse trawl to areas 4.b and 4.c, but the 5% capacity limit of beam trawlers allowed to use the method that was currently in place, was removed. The reasoning for this was that advice from ICES⁸ and STECF⁹ clearly indicated that the pulse trawl was a better alternative to the conventional beam trawl in many aspects (e.g. Reduction in CO₂ emissions, fuel consumption and benthic impact).

The Netherlands had approximately 84 licences for pulse trawling in place on the basis of the following three legislative mechanisms:

- Scientific pilot projects to reduce unwanted catches as part of Art 14 of the EC 1380/2013,
- No more than 5% of the beam trawler fleet per Member State use the electric pulse trawl; EU 227/2013 (Art 1 (14)) and,
- Scientific research conducted as part of the observer program in accordance with EC 850/98 (Art. 43).

The main issue the EC formerly had with the use of the pulse trawl was related to control. Progress had been made in the last year on the monitoring systems onboard vessels used to constrain the output of the pulse system to the levels for use determined under laboratory conditions. The EC emphasised that the pulse trawl was a complicated gear to legislate for, since the characteristics of the electrical pulse are critical to its impact. As a result, the EC had opted to take a results-based management approach regarding this gear type.

Soetaert, M., *et al.* (2015) Side-effects of electrotrawling: exploring the safe operating space for dover sole (*Solea solea* L.) and atlantic cod (*Gadus morhua* L.). *Fisheries Research* 177: 93-103.

⁵ De Haan, D., *et al.* (2016) Pulse trawl fishing: characteristics of the electrical stimulation and the effect on behaviour and injuries of Atlantic cod (*Gadus Morhua*). *ICES Journal of Marine Science* 73(6): 1557-1569.

Soetaert, M. *et al.* (2016) Atlantic cod (*Gadus morhua* L.) show highly variable sensitivity for electric-induced spinal injuries. *Marine and Coastal Fisheries*, 8: 412-424.

⁶ Desender, M., *et al.* (2017). Pulse trawling: Evaluating its impact on prey detection by small-spotted catshark (*Scyliorhinus canicula*). *Journal of Experimental Marine Biology and Ecology* 486: 336-343.

De Haan, D. *et al.* 2009. The effect of pulse stimulation on biota - Research in relation to ICES advice - Effects on dogfish. ICES Document C105/09. 32 pp.

⁷ Uhlman, S., *et al.* (2015) Reflex impairment of beam-trawled flatfish. *ICES Journal of Marine Science*, 73: 1244-1254.

⁸ ICES has produced advice on the pulse trawl in [2006](#), [2012](#) and [2016](#) (English only). The reports of the ICES working group can be found here [SGELECTRA](#)

⁹ STECF reports evaluating the use of the pulse trawl in ICES area 4.c and 4.b: [PLEN-12-01](#)

STECF report reviewing electrofishing in the razor clam fisheries: [PLEN-16-03](#)

The Chair thanked the presenters and highlighted the AC's role in distributing information on different initiatives taking place in other MS. NWWAC Members were encouraged to forward information to the Secretariat on research results and initiatives (e.g. selectivity trials) to ensure that the results of scientific experiments could be incorporated into future AC advice and recommendations.

ACTION: NWWAC Members were invited to inform the Secretariat of research results and initiatives (e.g. selectivity trials) that could be of interest to all members and future advice.

5. Future advice; Joint Recommendation 2018

A summary was presented of the Working Group discussions on experiences and specific regional examples of the implementation of the LO.

The chair asked the meeting if this summary, along with answers to the specific questions raised by the MS on the NWWAC advice provided in January 2017, and the AC advice on the MS case studies on the application of the choke toolbox, would provide a sufficient basis for the next AC advice. If agreed, ExCom would be asked for approval.

Mr O'Donoghue considered that the WGs had raised relevant points, but that the NWWAC advice should focus on addressing the imminent, full implementation of the LO in January 2019. A full assessment of the magnitude of the choke problems and their potential impact was required in order to be able to find solutions for choke situations.

Mr Park recommended that a similar approach as that used by the NSAC be employed to quantify the magnitude of the choke problem based on landing and discard data for individual fisheries and by MS. The choke toolbox solutions could subsequently be matched to each choke situation, quantifying how far a choke problem could be resolved with the current toolbox. Mr Park agreed to help collate the landing and discard information for the next drafting group on the landing obligation (ADGLO).

Ms Coelho welcomed such a pro-active approach where the AC brought forward solutions instead of only indicating problems. Mr Deas emphasised the need for a workable LO and considered that both ACs and MS groups recognised that the current choke toolbox was insufficient. The next ADGLO should, therefore, produce definite proposals for the development of alternative solutions and contingency plans, before the full implementation of the landing obligation on 1st January 2019.

It was agreed that a recommendation for an ADGLO focussed on the development of definite proposals for alternative solutions and contingency plans before the full implementation of the landing obligation on 1st January 2019, be submitted to the Executive Committee.

ACTION: That a recommendation for an ADGLO focussed on the development of definite proposals for alternative solutions and contingency plans before the full implementation of the landing obligation on 1st January 2019, be submitted to the Executive Committee.

The EC (Mr Graham) signalled that a number of similar discussions are ongoing within the MS groups, the EC and the ACs, and more coordination would help to avoid the duplication of work in this area. The EC agreed with the following tasks proposed for the ADGLO:

- Collate evidence to quantify the choke problem,
- Conduct an assessment on quota distribution within and across Member States,
- Propose alternative management measures (e.g. the management of zero TAC stocks).

Mr Graham suggested that the AC could develop a 'decision tree' to identify the different choke situations, indicate which measures in the choke toolbox could be used to resolve the problem and devolve responsibility between individual fishermen, ACs, MSs and EC. The meeting agreed that this was a good approach and asked the EC for their help in developing this idea further. The EC agreed to this request.

ACTION: The Secretariat to engage the EC in the development of a 'decision tree'

Mr O'Donoghue added that from his experience with the pelagic LO, there was a responsibility to inform the industry about the landing obligation and its implementation. The AC, in collaboration with EFCA and especially the MSs, should develop a guide for fishermen so the industry knows well in advance what they may expect on the full introduction of the Landing Obligation.

ACTION: The ADGLO will be asked to define the format and content of a guidance note for fishermen.

The chair summarised the workplan for the next Advice Drafting Group based on the discussion as follows:

- Develop a landing and discard data table to quantify the choke problem (Mr Park to assist in the data collation);
- Develop a 'decision tree' to resolve different choke situations and assign responsibilities;
- Provide advice on the 2018 Joint Recommendation;
- Address the question from the NWW Member States Group in reply to previous AC advice (see supporting document on the NWWAC website [link](#))

ACTION: The Secretariat to coordinate with members to fix an appropriate date for the ADGLO and draft an agenda based on the discussion of the meeting

To avoid parallel processes and similar discussions taking place between MS Groups, ACs, the EC, it was suggested to organise a workshop in addition to the ADGLO. The meeting agreed that this should form the basis of a proposal to the Executive Committee. The Secretariat agreed to develop options for the date, venue and agenda of the workshop.

ACTION: Proposal to the Executive Committee that the NWWAC organise a Workshop on the application of the Choke toolbox. The Secretariat to develop options for the date, venue and agenda of the meeting.

The chair informed the meeting that the ADGLO was open to all members and requested that any member who wished to participate in the ADGLO, contact the Secretariat.

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

Action	
1	Secretariat to stay in touch with the MS group and to circulate the draft Joint Recommendation for 2018 as soon as it is released.
2	That the Executive Committee be requested to approve the organisation of a meeting between the: NWWAC, EC, Control Expert Group and EFCA.
3	NWWAC Members were invited to inform the Secretariat of research results and initiatives (e.g. selectivity trials) that could be of interest to all members and future advice.
4	That a recommendation for an ADGLO focussed on the development of definite proposals for alternative solutions and contingency plans before the full implementation of the landing obligation on 1st January 2019, be submitted to the Executive Committee.
5	The Secretariat to engage the EC in the development of a 'decision tree'
6	The ADGLO will be asked to define the format and content of a guidance note for fishermen.
7	The Secretariat to coordinate with members to fix an appropriate date for the ADGLO and draft an agenda based on the discussion of the meeting
8	Proposal to the Executive Committee that the NWWAC organise a Workshop on the application of the Choke toolbox. The Secretariat to develop options for the date, venue and agenda of the meeting.

NWWAC Document
Chairman: Emiel Brouckaert
Rapporteur: Sara Vandamme
Review and editing: Barbara Schoute
Final revision: Conor P. Nolan

Annex 1 – List of Participants

NWWAC members	
Emiel Brouckaert (Chairman)	Rederscentrale
Alex Kinninmonth	RSPB
Debbie Crockard	Seas at Risk
Javier López	Oceana
Liane Veitch	ClientEarth
Olivier Le Nezet	Blue Fish
Vera Coelho	The Pew Charitable Trusts
Caroline Gamblin	CNPMEM
Erwan Quemeneur	CDPMEM du Finistère
Gaël Lavialle	OP COBRENORD
Julien Lamothe	Les Pêcheurs de Bretagne LPDB
Julien Lamothe	Association nationale des Organisation de Producteurs
Ken Kawahara	Plateforme de la Petite Pêche Artisanale Française
Bruno Leduc	Union des armateurs de la pêche en France
Olivier Le Nézet	CRPMEM de Bretagne
Enda Conneely	Irish Islands Marine Resource Organisation
Francis O'Donnell	Irish Fish Producers Organisation
John Woodlock	Irish Seal Sanctuary
Hugo Boyle	Irish South and East Fish Producers Organisation
John Lynch	Irish Fishermen's Organisation
Sean O'Donoghue	Killybegs Fishermen's Organisation
Sinéad Cummins	Birdwatch Ireland
Geert Meun	Stichting van de Nederlandse Visserij / Dutch Fisheries Organisation (2)
José Beltran	Organización de Productores de Lugo (OPP-7)
José Luis Otero Gonzalez	Lonja de La Coruña S.A.
Juan Carlos Corrás Arias	Pescagalicia-Arpega-Obarco
Luis Francisco Marín	Organización de Productores de pesca de Ondarroa
Puri Fernandez	Asociación Nacional de Armadores de Pesca de Gran Sol
Alan Coghill	Orkney Fish Producers Organisation
Barrie Deas	National Federation of Fishermen's Organisations
David Beard	Manx Fish Producers Organisation
Kenny Coull	Scottish Fishermen's Federation
Kevin McDonnell	West of Scotland Fish Producer Organisation
Mike Park	The Scottish White Fish Producers Association (2)
Peter Smith	Scottish Fishermen's Organisation
Observers	
Hans Polet	ILVO
Despina Symons	European Bureau for Conservation and Development
Antoine Balazuc	CRPMEM de Haute-Normandie
Juana Poza Poza	Mº de Agricultura, Alimentación y Medio Ambiente
Edward Farrell	UCD
Paul Duane	Sea Fisheries Protection Authority
Norman Graham	European Commission
Emily Baxter	North West Wildlife Trusts
Michael McLeod	Marine Scotland
Rachel Bower	JNCC
William Steward	EFCAs
NWWAC Secretariat	
Conor Nolan	Executive Secretary
Barbara Schoute	Deputy Executive Secretary
Sara Vandamme	Project Development and Communications Manager

