



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
LAS AGUAS
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MINUTES

EXECUTIVE COMMITTEE

The Main Conference Centre – Dublin Castle

Thursday 13th September 2018

09:00 – 12:30

1. Welcome and Introduction

The Chair, Emiel Brouckaert, opened the meeting and welcomed the members, observers and COM representatives to the meeting.

Apologies were received from Javier Lopez (Oceana) and Alex Kinninmonth (RSPB). The agenda was adopted as drafted.

The Secretariat updated the meeting on the action points from the last meeting in Ghent (3rd July 2018):

1. Secretariat to look into video conferencing facilities to attend the NWW Technical Group meeting on 11th July.

The Secretariat was informed that this would not be available for this meeting.

2. A Focus Group on the Landing Obligation will be organized on 19th July
3. Secretariat to set up web-based facilities to join the FG LO meeting remotely and prepare the appropriate background documents for discussion.

Due to technical problems, members ultimately could not fully participate.

4. A follow-up meeting of the FG LO should be organised in September.

This will be discussed under agenda item 7

5. The Secretariat to draft advice on the Fishing Opportunities for 2019 by mid-September. ExCom will approve the draft advice after further input from the Working Groups.

The Secretariat drafted the advice based on the discussions from each Working Group at the respected meetings in July 2018. The chairs of the WGs were contacted to provide further input and comments (deadline 22 August). The GA was contacted to provide input in preparation of today's meetings (deadline 27 August). ExCom will be asked to approve the



advice under agenda item 6.

6. The Secretariat to contact the SWWAC for information on their plans for advice on WWMAP.
7. Members are invited to send their comments and suggestions for AC advice on the WWMAP to the Secretariat.

The Secretariat had been in touch with the SWWAC since May 2018 on this topic. The SWWAC informed us that their ExCom would discuss the NWWAC's proposal for joint advice on the COM proposal on a WW MAP at their next meeting.

Following the NWWAC meetings in Ghent (3rd July), the SWWAC was asked for an update. SWWAC informed the Secretariat that they had drafted their own advice and are finalizing the document. Following a meeting with the Chair and vice-chairs of the NWWAC, it was proposed that the Secretariat draft advice on behalf of the NWWAC. This draft advice was distributed to the ExCom on 4th September. ExCom will be asked to approve the advice under agenda item 6.

8. A Focus Group on Control and Compliance will be organized to draft advice on the COM proposal for the Revision of the Control Regulation early October.

The meeting is scheduled on 15th October at DG MARE in Brussels. Members who wish to participate have to send an email to the Secretariat.

9. The Secretariat to draft advice on the EMFF proposal for the Advisory Councils and contact the other Secretariats to verify if a joint position could be submitted.

The NWWAC had submitted input to the COM on 29 March 2018. Following communication between the AC Secretariats the proposal for a joint position was not taken forward. The ExCom decided there is no need to proceed with this action point.

10. The Secretariat to contact the NSAC to organize a joint meeting on seabass, if approved by the NSAC ExCom.

This meeting took place in London on 21st August. Draft advice to be discussed under agenda item 6.

11. Request an extension of the deadline to the COM for the advice on seabass

The COM approved an extension till 15th September.

12. The Secretariat to inform the COM on the procedure taken on the consultation on the entry-exit fleet scheme.

Members were informed about the consultation at the meetings in Ghent and by email (16th July).



13. Members are invited to send their comments and suggestions for AC advice on eel management to the Secretariat. These will be used as the basis of our response.

At the meeting in Ghent (3rd July) ExCom decided to distribute the request to collate input by 28th August. As there was only one member organisation that submitted comments, ExCom directed that the individual response be sent directly to the Commission instead of drafting NWWAC consensus advice.

ACTION: Members to inform the Secretariat if they wish to participate in the Focus Group on Control and Compliance (15th October, Brussels)

The Executive Committee was asked to approve the action points from previous meetings. Action points from future Working Groups meetings will be approved via written procedure.

Action points arising from Working Group 2:

ACTION: The WG suggested the addition of a specific paragraph to the advice 'Addressing Choke Risk in NWW after exemptions' on the changes to the Joint Recommendations regarding High survival exemptions and *De Minimis* exemptions

ACTION: The Secretariat to discuss the consultation process with the Member States on seismic surveys.

Action points arising from the Horizontal Working Group:

ACTION: The Secretariat to remain in contact with Dr Feekings around ways to improve communication on gear trials in different Member States.

ACTION: Members to send recommendations for future discussion at the Horizontal Working Group on "Social welfare and sustainability in the fishing industry"

2. Work plan for Year 14 (2018 – 2019)

The chair of the NWW Member States Group sent their apology, but informed the AC that the focus of the MSG remains on the landing obligation and finding solutions for choke issues. The MSG aims to have the following meetings:

- 19th September Technical Group meeting, without AC participation
- 3rd October High Level Group meeting
- 1 or 2 meetings may be organised in November

The NWWAC work plan was presented at the meeting of the General Assembly (12th September). ExCom had no further comments.

3. Advice drafting procedures and process



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Following the difficulties with finalizing recent advice documents, the Secretariat clarified the procedure:

- A Focus Group or Advice Drafting Group is set up to draft advice on a specific topic. These meetings are open to all NWWAC members upon registration. This draft advice is a compromise position between the participants.
- After the meeting the draft advice is distributed to the participants for finalisation. At this stage there are no new topics added that were not discussed at the meeting.
- Participants are invited to send their comments by a given deadline. These comments have to be presented as alternative text with changes tracked as appropriate. If a comment simply states that the participant does not like a section, without providing alternative text, the text will not be changed
- In cases where significant change is proposed, time permitting, a follow-up web or tele-meeting may be organised with the main contributors, following which a further draft may issue.
- The draft is next sent to ExCom for comment on the compromise suggested by the chair of the Focus Group or Advice Drafting Group. ExCom members may choose to consult other members.
- If ExCom members wish to propose text edits, they should be minimal. ExCom members must submit their request early in the process and should not leave it until the deadline to provide enough time for further negotiation and discussion with other parties. Comments received after the deadline will not be accepted.
- Unless otherwise indicated via written procedure, ExCom members will receive an updated draft version of the advice for final approval. Finally the ExCom has to approve or reject the advice.

The Secretariat reminds members that preparation is crucial if you wish to attend Focus or Advice Drafting Group meetings as these aim to develop a compromise position. Lately, the Secretariat has received both comments and new input after the meeting which can often prove unworkable, especially with the tight deadlines and increased workload experienced by the Secretariat.

Before asking ExCom to approve the procedure, the chair asked the floor for further input. Members recommended that Terms of Reference should be developed for each of these meetings.

ACTION: ExCom approved the advice drafting procedure

4. Fisheries Control Regulation (presented by Manuela Musella)

COM presented an update on their proposal for the Fisheries Control Regulation (COM (2018) 368 2018/0193 (COD)). Draft advice will be developed on this subject by the Focus Group on Control and Compliance (15th October, Brussels).

In response to questions raised by members, the COM clarified that:

- The NWWAC advice, submitted in January 2018, has been taken into account to finalise the COM proposal (link – lien - enlace). For example, a list has been included of criteria that define serious



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infringements (see new Article 98a). Further, paragraph 3 of the modified Article 90, includes a list that described infringements which are not considered as serious per se, however, MS can consider the infringements serious if they are repeated offences.

- The COM recognized that legal systems differ between MS (criminal vs administrative procedures). However, there are examples in other policies where certain MS that have criminal procedures apply administrative sanctions. In case of administrative sanctions, the Lisbon Treaty allows the COM to rule over those sanctions.
- Regarding tracking and reporting of vessels under 12m, the NWWAC had agreed with the description of the problem and supported the proposed solution for control of these vessels. There is no minimum threshold, so all vessels below 12m have to report their catches.
- There is a difference in opinion between the AC and the COM in relation to weighing catches after transport. The audit that was conducted in several MSs identified several causes of non-compliance. Therefore, the COM has to propose a solution. The COM stressed that the weighing does not have to take place at designated ports, but may be performed by registered masters. EMFF funding would be available for small portable scales.
- The COM does not have jurisdiction to control and enforce other human activities in Marine Protected Areas.
- The consultation process with stakeholders identified that there is a lack of information on the numbers of recreational fisherman (both individuals and vessels) and their catches. The COM wants to introduce a uniform regulatory system for reporting catches of recreational fisheries. Recognising that some MS have already systems in place, it is up to the MS the methodology.
- The COM made it clear that it is up to the MS to enforce the regulations for control on recreational fisheries. The COM wants more information on the impact of recreation fisheries, especially for species that are on a recovery plan.
- The appropriateness of measuring engine power (kW) to control fishing capacity has been questioned by several stakeholders. The CFP however, states that there should be a maximum, or, at least, a certified kilowatt power for the engine along with a measure of the gross tonnage of the vessel. As such, the control regulation has to define measures to verify this. Changing this requirement would have to be addressed through the revision of the CFP.
- Preliminary audit results showed several examples of tampering with engine rating. Therefore, the court of auditors has asked for more strict rules to control and verify the KW and gross tonnage of engines. The COM is obligated to act upon a court of auditor's request. Continuous monitoring of the engine power was considered a possible solution to verify that the maximum certified power is not exceeded. The risk assessment will determine which vessels will be equipped with the continuous monitoring.

The COM did not agree with the point raised by the NWWAC that this may require changes in other legislations as the COM only wants a method to verify that the maximum engine power is not exceeded. The COM does not specify a new methodology of certification.

The Chair concluded that this discussion will be useful for the Focus Group on 15th October. The COM stressed that when the AC drafts its advice it should not just list problems, but also provide alternative solutions. The COM has to act on the requests raised by the Court of Auditors. They want to propose solutions that have the support of the industry, so stakeholder input is much appreciated.



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5. Functioning of the Advisory Councils

The Horizontal Working Group discussed the topic more extensively and the ExCom was asked to agree on an action to be taken forward.

Highlights from the HWG were:

- The collaboration with the MSG should be evaluated and improved, especially on topics like the landing obligation.
- UK can continue to take part in AC meetings even after Brexit, e.g. as an active observer
- There is still no clarity on the potential outcomes of Brexit or an eventual Common Fisheries Policy reform;
- Annex 3 of the CFP on the Functioning of the Advisory Councils is an important reference document;
- The legal status of ACs vary and often depend on the relevant legislation in the Member State where the AC is based. It was suggested this should be standardized across all the ACs, with the final legal status equivalent to that of other Commission agencies e.g. the European Fisheries Control Agency.

The ExCom agreed to draft a discussion document for a Focus Group to continue the discussion. Members were invited to send their input to the secretariat to draft such document.

ACTION: Members are invited to forward input for a discussion document on Functioning of the Advisory Councils to the Secretariat. A Focus Group will be organized if required.

The COM was reminded that the NWWAC sent a letter on 4th September asking clarification on the UK membership of the NWWAC after 29 March 2019.

6. Advice process

6.1 Western Water Multi-Annual Plan
Members had one comment.

ACTION: Members to provide alternative text on one paragraph before signing of on the advice on WW MAP

6.2 COM request on eel management measures for 2019
Considering the limited input received from members on eel management proposals, the ExCom agreed to forward the individual submissions provided by NWWAC members to the COM.

ACTION: Secretariat to submit the individual input provided by NWWAC members in response to the COM advice request on eel management measures for 2019

6.3 Fishing Opportunities for 2019
ExCom approved advice without further comments.



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ACTION: Secretariat to submit the advice on the Fishing Opportunities for 2018

6.4 COM request on management measures for sea bass for 2019
ExCom agreed that the alternative position of the EAA will not be included as a separate annex to the advice on seabass. However, a reference will be made to their alternative position of the EAA in the introduction and the member organisation may submit their input separately. The NSAC will be contacted for their approval thereby facilitating the submission of joint advice.

On the comment received by a NSAC member, the NSAC Secretariat informed the meeting that their ExCom members had agreed not to include this new input as its submission did not follow agreed procedures.

Following the clarification from the Commission (that the landing obligation does not apply to seabass), Mr Deas offered to provide additional text to reflect this in the advice. In order for the ExCom to evaluate the new text, the Secretariat will ask for a short extension of the deadline.

ACTION: Secretariat to finalise the joint advice on seabass with the NSAC, based on the decisions of the ExCom.

ACTION: Secretariat to ask for a short extension of the deadline for the seabass advice.

7. Information points

a. Focus Groups progress

i. Sea bass (Mathieu Vimard)

Mr Vimard presented a summary of the FG meeting he chaired in London on seabass (21 August 2018). He thanked the participants and Secretariat for their good work. The FG had identified topics that may need further discussion. Members were invited to send their topics to the Secretariat and, if required, a Focus Group could be organised.

ACTION: Members are invited to send topics for discussion at a Seabass FG in 2019. Note: this FG will be organised if required.

ii. Control and Compliance (Secretariat)

ExCom had agreed that a FG will be organised to draft advice on the COMs proposal for the new control regulation (COM (2018) 368 2018/0193 (COD) at the meeting in Ghent. An invitation will be send around to members for participation (15th October, Brussels).

iii. Landing Obligation (Emiel Brouckaert)

To finalise the draft advice on the landing obligation, the chair suggested that web meeting be organised. The Focus Group members will be informed of a date.

ACTION: A web meeting will be organized finalise the advice for ExCom approval



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iv. Brown Crab (Norah Parke)

Ms Parke presented an overview of the work done by the Focus Group and potential future work (see NWWAC [website](#)). The original Terms of Reference had been finalised and for future work, the focus would lie on the market evolution, its opportunities and treats.

ACTION: ExCom agreed to continue the work of the FG on Brown crab. The chair and Secretariat will develop the Terms of Reference.

b. Update of Rules of procedure / Board of Directors

Mr Keating informed the meeting on the governance of the NWWAC Company and the requirement of having more than one director. The meeting agreed that a balance is required between BIM and AC members on the board of directors of the NWWAC. The Directors will provide a summary document about the legal requirements to be a company director.

ACTION: The Directors of the NWWAC Company will provide a summary document on the legal requirements to become a director.



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

| | |
|----|---|
| 1 | Members to inform the Secretariat if they wish to participate in the Focus Group on Control and Compliance (15 th October, Brussels) |
| 2 | The Executive Committee was asked to approve the action points from previous meetings. Action points from future Working Groups meetings will be approved via written procedure |
| 3 | The WG suggested the addition of a specific paragraph to the advice 'Addressing Choke Risk in NWW after exemptions' on the changes to the Joint Recommendations regarding High survival exemptions and <i>De Minimis</i> exemptions |
| 4 | The Secretariat to discuss the consultation process with the Member States on seismic surveys. |
| 5 | The Secretariat to remain in contact with Dr Feekings around ways to improve communication on gear trials in different Member States. |
| 6 | Members to send recommendations for future discussion at the Horizontal Working Group on "Social welfare and sustainability in the fishing industry" |
| 7 | ExCom approved the advice drafting procedure |
| 8 | Members are invited to forward input for a discussion document on Functioning of the Advisory Councils to the Secretariat. A Focus Group will be organized if required. |
| 9 | Members to provide alternative text on one paragraph before signing of on the advice on WW MAP |
| 10 | Secretariat to submit the individual input provided by NWWAC members in response to the COM advice request on eel management measures for 2019 |
| 11 | Secretariat to submit the advice on the Fishing Opportunities for 2018 |
| 12 | Secretariat to finalise the joint advice on seabass with the NSAC, based on the decisions of the ExCom. |
| 13 | Secretariat to ask for a short extension of the deadline for the seabass advice. |
| 14 | Members are invited to send topics for discussion at a Seabass FG in 2019. Note: this FG will be organised if required. |
| 15 | A web meeting will be organized finalise the advice on the landing obligation for ExCom approval |
| 16 | ExCom agreed to continue the work of the FG on Brown crab. The chair and Secretariat will develop the Terms of Reference. |
| 17 | The Directors of the NWWAC Company will provide a summary document on the legal requirements to become a director |



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Annex 1 – List of Participants

| NWWAC members | |
|----------------------------|--|
| Emiel Brouckaert (Chair) | Rederscentrale |
| Purificación Fernández | Asociación Nacional de Armadores de Pesca de Gran Sol (ANASOL) |
| Jesús Angel Lourido García | Puerto de Celeiro S.A. OPP-77 |
| Jenni Grossman | ClientEarth |
| Anna Szczodrowska | European Anglers' Alliance |
| Jessica Demblon | European Bureau for Conservation and Development (EBCD) |
| Bruno Dachicourt | European Transport Federation |
| Debbie Crockard | Seas at Risk |
| Julien Lamothe | Association Nationale des Organisations de Producteurs (ANOP) |
| Caroline Gamblin | Comité National des Pêches Maritimes et des Élevages Marins (CNPMEM) |
| Pascale Coquet | France Pêche Durable et Responsable |
| John Woodlock | Irish Seal Sanctuary |
| Patrick Murphy | Irish South and West Fish Producers' Organisation |
| Norah Parke | Killybegs Fishermen's Organisation |
| Geert Meun | Stichting van de Nederlandse Visserij (Dutch Fisheries Organisation) (2) |
| Barrie Deas | National Federation of Fishermen's Organisation (UK) |
| Mike Park | The Scottish White Fish Producers Association Ltd. (1) |
| Observers | |
| Manuela Musella | European Commission |
| Jonathan Shrivess | European Commission |
| Vera Coelho | The PEW Charitable Trusts |
| Fintan Kelly | BirdWatch Ireland |
| Francis O'Donnell | Irish Fish Producers' Organisation (IFPO) |
| Hugo Boyle | Irish South and East Fish Producers Organisation |
| Irene Kingma | Dutch Elasmobranch Society |
| Paul MacDonald | Scottish Fishermen's Organisation |
| Jim Portus | South Western Fish Producers Organisation Ltd. |
| Kenny Coull | The Scottish White Fish Producers Association Ltd. (2) |
| José Manuel F. Beltrán | Organización de Productores Pesqueros de Lugo (OP-LUGO) |
| Gérald Hussenot | Blue Fish |
| Lionel Bottin | Comité Départemental des Pêches et des Élevages Marins du Calvados (CDPMEM 14) |
| Manu Kelberine | Comité Départemental des Pêches Maritimes et des Élevages Marins des Côtes d'Armor (CDPMEM 22) |
| Erwan Quemeneur | Comité Départemental des Pêches Maritimes et des Élevages Marins du Finistère (CDPMEM 29) |
| Thierry Kerzerno | Comité Local des Pêches Maritimes et des Élevages Marins (CLDPMEM) de Bayonne |
| Rogoff Dimitri | Comité Régional des Pêches Maritimes et des Élevages Marins (CRPMEM) de Basse Normandie |
| Sylvie Roux | Comité Régional des Pêches Maritimes et des Élevages Marins (CRPMEM) de Bretagne |



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| Olivier Le Pretre | Comité Régional des Pêches Maritimes et des Élevages Marins (CRPMEM) Hauts de France |
| Mathieu Vimard | L'organisation de producteurs de Basse-Normandie (OPBN) |
| Delphine Roncin | FROM Nord (Fond Régional d'Organisation du Marché du poisson) |
| Jean-Marie Robert | Les Pêcheurs de Bretagne (LPDB) |
| Franck Le Barzic | Coopérative Maritime Bretagne Nord (COBRENORD) |
| Dominique Thomas | Organisation de Producteur Coopérative Maritime Etaploise Manche Mer du Nord (OPCMEMMN) |
| Jérôme Jourdain | Union des armateurs de la pêche en France (UAPF) |
| Olivier LeNezet | Comité Départemental des Pêche Maritimes et des Elevages Marins du Morbihan (CDPMEM 56) |
| Brendan Prue | Irish Seal Sanctuary |
| Eric Foucher | Ifremer |
| Glenn Quelch | European Fisheries Control Agency |
| Pinto Stephane | CRPMEM Haut de France |
| Secretariat | |
| Michael Keatinge | Executive Secretary NWWAC |
| Dominic Rihan | BIM |
| Sara Vandamme | Deputy Executive Secretary NWWAC |
| Monica Negoita | Executive Assistant (Finance and Administration) NWWAC |