



## DRAFT MINUTES

### HORIZONTAL WORKING GROUP

Room 21.04 “Jacob Van Artevelde” - Virginie Lovelinggebouw (VAC)  
Koningin Fabiolalaan, 9000 Ghent

Tuesday 05 July 2022 | 08:30 – 12:00

#### 1. Welcome and introductions

The Chair Emiel Brouckaert welcomed all participants to the meeting, specifically Dirk Van Guyze of the Flemish Department for Agriculture and Fisheries and chair of the MSG till June 30<sup>th</sup>, via whom thanks were expressed to the Flemish authorities for making available the meeting facilities.

Apologies were received from Bruno Dachicourt (ETF), Jacopo Pasquero (EBCD), Alexandra Philippe (EBCD) and Dominique Thomas (OP CME Manche Mer du Nord). Since no DG MARE representative could join the meeting, the Chair proposed to change item 3 on the agenda, making it a dialogue with the NWW Regional Member States Group, looking at the work done under the Belgian presidency.

Action points from the minutes of the last meeting (14 March 2022, virtual) included:

1	Members to send any questions for the Commission on the topics discussed to the Secretariat for written submission to DG MARE
	<a href="#">Questions were sent to DG MARE on 04 April. The reply received was circulated to all members on 17 May</a>
2	Secretariat to contact Hugo Gonzalez to arrange a presentation of Spanish skates & rays research to the NWWAC/NSAC Focus Group Skates & Rays
	<a href="#">The Spanish research has not been yet finalized. A presentation will be possible after summer.</a>
3	Secretariat to consult with the MAC and NSAC regarding the potential establishment of a new Focus Group Brown Crab
	<a href="#">Addressed under agenda item 5</a>
4	ExCom to approve the organisation and running of the NWWAC/PelAC workshop on impacts of seismic and offshore wind energy developments
	<a href="#">The workshop was held on 10 May. A report is being finalised and will soon be published.</a>
5	ExCom to approve additional NWWAC submission on the current fuel crisis
	<a href="#">The letter was sent on 16 March. Reply was received and circulated on 18 March.</a>
6	Secretariat to circulate Commission response to the joint AC letter on AC advice and evaluate if the need arises for a follow-up submission



	No further need to follow up needed
7	Secretariat to set up Doodle for meeting of the Focus Group Landing Obligation to discuss the update of the NWWAC Choke Tool
	Meeting held on 23 March. Further update under item 4.
8	Secretariat to make proposal for a written procedure regarding emergency advice development in the NWWAC
	This proposal will be discussed during GA meeting tomorrow

## 2. Dialogue with the NWW Regional Member States Group

Brouckaert invited Dirk Van Guyze, Chair of the NWW Regional Member States Group (MSG) to take the floor for an update on the work recently carried out under the Belgian presidency. Van Guyze started by explaining that Spain will be chairing the Group in the second half of the year. He will be liaising with the Spanish administration to ensure a smooth transition. Referring to the work under the Belgian presidency, he mentioned that there have been 4 Technical Group meetings, 1 High Level Group meeting and 1 ad hoc group meeting since January 2022. Several topics were discussed during this semester:

- The MSG developed a Joint Recommendation (JR) on a Discard Plan in the NWW, submitted at the end of May. STECF published the report on the JR last Thursday. The Commission is taking time until next Thursday before contacting the Regional Member States Groups to indicate if any additional information needs to be submitted to agree to the proposed exemptions. Van Guyze added that NWWAC advice on the topic was much appreciated.
- The MSG developed a JR on Technical Measures in the North Western Waters, following a short notice request from the Commission as they understood negotiations with the UK in the Specialised Committee on Fisheries (SCF) would not have been concluded on time. The MSG put forward a JR similar to the one from last year and submitted it last week. NWWAC advice on the JR was also taken into consideration before submission to the Commission.
- The MSG had to organise a discussion as a second step on the procedure for the consultation on the functioning of the Common Fisheries Policy with the inclusion of AC representatives. Main issues raised included:
  - o Improvements are needed on the Landing Obligation (LO) and the available tools must be better examined to provide effective solutions. According to some MS a revision of the LO is needed.
  - o Brexit is considered a game changer for fisheries in the NWW, and MS highlighted the need to have a harmonisation mechanism in place to ensure a fair and effective management of shared stocks.
  - o MS agreed on the key role of regionalisation and that better working procedures are needed to ensure its proper implementation.
- MS worked on advice on European eel, following request from the Commission.



- MS sent a letter to the Commission on the infringement procedure on the LO. An answer was received last week stating that the Commission cannot accept the demand to have a meeting with the MSG on the matter because of a procedural issue.
- MS are discussing the issue of raising fishing effort in the BSA area.
- MS also started working on a recommendation on directed fishing for squid, which is still work in progress.
- The Group worked on a JR on dual codend in the Irish Sea, which has been recently submitted to the Commission, following consultation with the NWWAC.

Referring to the CFP reporting exercise, Sean O'Donoghue asked whether the points raised by Van Guyze also included inputs from the NWWAC and the PelAC. He also enquired about the duration of the MSG Chairmanship, as it was a one-year term in 2021.

Van Guyze confirmed that the MSG took note of the ACs' interventions. The PelAC exposed their recommendation to establish a dedicated MSG for pelagic fisheries, mentioned Brexit as one of the main challenges in implementing the CFP and the central role of ACs in regionalisation. The NWWAC highlighted the lack of clarity on stakeholder engagement in the SCF, mentioned the shortcomings brought by Brexit and the importance of implementing an ecosystem based approach to fisheries. The NWWAC also mentioned communication and coordination between ACs, Commission and MS and highlighted the difficulties fishers face in implementing the LO.

Referring to the MSG Chairmanship, Van Guyze explained that it is normally on a six-month basis. However, last year France chaired the Group for a year following a specific agreement with the Netherlands, which was chairing the Scheveningen Group. Now the Group is going back to the six-month system and Spain will be the next Chair.

Brouckaert expressed appreciation for the Belgian presidency in the last six months for the continued cooperation with the NWWAC.

### **3. Choke tool**

Mo Mathies shared the Choke tool on screen. She explained that the NWWAC developed the tool a few years ago but could not be updated because of lack of necessary data. Following the availability of new data and the need to incorporate Brexit effects in the choke analysis led to the NWWAC decision at the meetings in March 2022 to update and revamp the tool. The Secretariat has been helped greatly by Michael Keatinge, one of NWWAC's Directors, especially in getting the upper part of the tool running and ensuring all calculations to identify choke situations are functioning. The bottom section of the tool provides qualitative information and needs to be fed with recommendations and inputs from members. This has been filled by the Secretariat with information from 2017 and now needs to be updated through members' expertise. The Secretariat can assist to a certain extent but most input needs to come from members.

Members agreed that the Secretariat update the qualitative section with the available regulatory information (exemptions and technical measures in place). Then, the tool will be shared with members for inputs to be reviewed by the Focus Group LO.



Mathies added that the Commission finds this tool very useful and is looking forward to a functioning, updated tool. She also specified that some information is still missing from the dataset feeding the tool and that Keatinge will update it when he has the time. Unfortunately, he has currently been busy with other projects and had to put aside this pro-bono task for the NWWAC.

**ACTION:** Proposal by the Horizontal Working Group to subcontract Michael Keatinge to work on this in future for continue update of the tool.

#### **4. Offshore wind energy developments in the Irish EEZ – Captain Robert McCabe, Chairman Seafood/ORE Group Ireland**

Brouckaert introduced the topic and Captain Robert McCabe. He explained that under the Maritime Area Planning Act 2021, all offshore wind energy applications in Ireland will have to go through a very rigorous consultation process. Maritime area plans will have to be established before any applications are considered. The Seafood / ORE Working Group has been established to facilitate discussion on matters arising from the interaction of the seafood and offshore renewable energy industries, to promote and share best practice, and to encourage liaison with other sectors in the marine environment. Captain Robert McCabe, who was appointed Chairman in May 2022, is a qualified Master Mariner (Trinity College) who has extensive maritime experience in a variety of senior roles throughout a 35-year career with the Commissioners of Irish Lights. Brouckaert explained that the work of the Seafood/ORE group is only beginning and thanked Captain McCabe for his time to join the AC to provide an insight on the work to come.

Capitan McCabe explained that the Working Group's first meeting will be on 20 July. This is going to be a 2-year project aiming to enable engagement between seafood sector and the ORE sector. The WG is going to address issues such as displacement of activities and will give the opportunity for fishers to be engaged in the discussion. McCabe mentioned that best practices and standards on coordination and cooperation between the two sectors will be considered. This will in turn lead to the publication of a statutory guidance will then be published to be used if difficulties arise. *"The Group is aware that inshore fishers, who will be largely impacted by new ORE developments, have limited resources to engage in the consultations and will work to ensure their effective participation"*, he concluded.

Brouckaert asked whether there could be a role to play for the NWWAC in this Working Group. McCabe explained that the group already has a good number of participants from individual organisations, but he is not excluding possible collaboration in the future. Mathies added that indeed many of the NWWAC Irish members are already participating in the WG and that the Secretariat can facilitate coordination and keep NWWAC members updated.

O'Donoghue pointed out that Captain McCabe is chairing a seafood subgroup within the ORE Advisory Group. He felt that the AC should formally write to that Advisory Group explaining its role and seeking representation through Secretariat or Chairs participation. The new Maritime Spatial Plan completely changes the focus on the use of marine space in Ireland and affects everyone fishing in the Irish EEZ. Thus, the NWWAC needs to be involved as a legitimate EU body.

**ACTION:** Secretariat to write to the ORE advisory group with request to be considered for participation and explaining the NWWAC's role and interest.



John Lynch felt the WG has a very difficult task to address, considering how discussions started. He added that *“there has been a lot of dialogue between fishers and wind farms developers, but it has been very difficult to progress and find common ground”*. He believes this WG is likely the only chance to stay out of conflicts and find effective and fair solutions before development starts.

As a member of the WG, Patrick Murphy asked whether there is still the possibility to comment on the Terms of Reference and expand them to other areas. McCabe explained that a condensed version of the ToR will be presented at the first meeting of the WG for discussion. However, it would be preferable to send comments in advance of the meeting.

## 5. Update from the Focus Groups

### - Inter-AC Brexit Forum

Brouckaert explained that this Forum had been established between PelAC, NWWAC, NSAC, MAC and LDAC and met 4 times so far. The last meeting was held on 30 June and was chaired by the MAC. DG MARE also participated in the meeting and minutes will soon be available for internal use only. Since the updates from the Commission on discussions in the SCF are on very sensitive topics, a certain degree of confidentiality is requested for Forum meetings reports.

The Forum prepared a joint letter on stakeholder participation in the Specialised Committee on Fisheries submitted to the Commission on 04 April 2022. DG MARE replied positively, appreciating the Inter-ACs Forum initiative.

Brouckaert explained that, among the many topics addressed, the Forum is looking at the formalisation of quota swapping procedures/structure, management of non-quota species and mixed fisheries, listing and prioritisation of topics on the SCF agenda and EU stakeholder participation. Referring to the Domestic Advisory Group and Civil Society Forum dealing with the follow up of implementation issues and the content of TCA, he added that the ACs have been drafting a letter proposing to take out the fisheries chapter to be handled by the Forum. He concluded by mentioning that members will be kept informed of future Forum meetings to ensure the opportunity to raise issues to add on the agenda for discussion.

**ACTION:** Secretariat to request MAC Chair/ PelAC Secretariat to set up next date of Inter-AC Brexit forum.

O’Donoghue mentioned an issue in relation to the use of the square mesh panel above 120mm. This measure had been removed by the Technical Measures Regulation in 2019. The UK removed it from their legislation as well but this measure still being enforced by the Scottish Authorities. Until this is resolved, any EU vessel fishing in the area could be detained by the Scottish Authorities for something that is not legal. O’Donoghue proposed that the NWWAC follows this up with the Commission.

**ACTION:** Issue regarding Scottish regulation specific request to be kept on the NWWAC agenda

David Curtis asked for information on the development of the seabass catches allocation tool. Brouckaert replied that DG MARE provided an update in Working Group 3 the day before and suggested to contact Curtis’s colleague David Vertegaal, who attended that meeting. Detailed minutes from that meeting will also be available.



#### - Focus Group Landing Obligation

The Chair, Emiel Brouckaert, explained that the Focus Group met twice in February and April 2022, developing a recommendation to update the economic fleet data to reflect the current commodity price crisis and advice on the Joint Recommendation Discard Plan. Looking at the work ahead, the Focus Group will be tasked with developing NWWAC advice on Fishing Opportunities 2023, taking into account the new ICES advice and the comments raised by members during the July plenary meetings. The Group will also work on the production of advice on choke risks in the NWW and on the development of the Choke Tool.

#### - Focus Group Skates & Rays

This is a Joint Focus Group with the NSAC, chaired by John Lynch, who explained that the group met twice in December 2021 and February 2022 and delivered the following:

- Submission of supporting information for the setting up of an STECF Expert Working Group on Skates & Rays in January 2022;
- Submission of NWWAC Advice on best practice measures for the management of skates and rays in the North Western Waters and the North Sea to the NWW Member States Group in May 2022.

The work of the ACs on this topic has been positively noted by the Commission as it informed the EU-UK negotiations. Moreover, individual members participated in the Dutch Elasmobranch Society's workshop on the implementation of the roadmap that is part of the High survivability exemption for skates and rays caught by all fishing gears in the North Sea in ICES division 3a and ICES subarea 4 (Article 9 of Regulation (EU) No 2019/2238) in June 2022. Lynch gave an overview of the main points discussed at the workshop, which led to the suggestion of establishing a subgroup in the Scheveningen Group to focus on survivability exemptions and collect information from projects and gear trials across the interested Member States. Another recommendation from the workshop relates to the need for an EU standardised identification tool. DES is hoping to have another meeting later in the year.

Members of the Focus Group will also attend the STECF EWG 22-08 skates & rays scheduled for 26 – 30 September 2022 as observers.

Finally, Lynch put forward a proposal on behalf of the Focus Group to organise a workshop on skates and rays management, similar to the EC Focus Group meeting held in 2017 in Brussels. This should include representatives from the European Commission, Member States representatives, interested ACs, STECF and national research institutes.

**ACTION:** Secretariat to initiate the organisation of a workshop on skates & rays management similar to the EC Focus Group in 2017.

#### - Focus Group Climate and Environment

Since the Chair, Jacopo Pasquero, could not attend the meeting, Matilde Vallerani introduced the work of the Focus Group. She explained that the Group met twice in April and May 2022 to work on



a response to the public consultation on “Sustainable EU Food System”. Besides replying to the questionnaire, the Focus Group also developed a position paper to be distributed to the Horizontal Working Group for review. The Focus Group is also following developments on decarbonization of the fisheries sector on foot of DG MARE’s presentation on the topic at the Inter-AC meeting in April 2022. However, it is still not clear how the Commission plans to address this in relation to fisheries. The Secretariat is following the work of the NSAC Climate Focus Group and will liaise with them in case opportunities for collaboration arise.

#### - **Focus Group Control & Compliance**

The Chair, Sean O’Donoghue, explained that the Focus Group is waiting for the approval of the new Control Regulation before reviewing previous NWWAC advice on the topic. He felt that a lot of effort was engaged in working on those recommendations and consensus was achieved on very important points. However, some control issues that were raised last year with EFCA – for example, the issue of Article 27 of the Technical Measures Regulation – should be followed up with a meeting before the end of the year. Finally, he pointed out that he has been very busy chairing other groups and would appreciate if other Focus Group members would take on the Chair position.

**ACTION:** Secretariat to contact the members of the Focus Group Control regarding expressions of interest for taking over Chair position

#### - **Focus Group Social Aspects**

Mathies took over from the Chair Bruno Dachicourt, who could not attend the meeting, and introduced the work of this Joint Focus Group with the NSAC. She mentioned that the group met 6 times since its establishment in September, however Terms of Reference still need to be agreed. In the meantime, the group prepared the joint NSAC/NWWAC submission to the Commission regarding the fuel crisis and is working on developing a questionnaire to identify barriers to employment and recruitment of new fishers. The next meeting is planned for September 2022.

Curtis asked for clarification on the reason why the ToR still have to be approved. He also expressed the EAA concern about work continuing on a questionnaire that cannot be sent out to recreational fisheries stakeholders, which seems to be inappropriate given the disagreement over the ToR. Mathies referred to previous email exchange with Curtis and explained that the ToR could not be finalised as no EAA representative attended the Focus Group meeting at the time. Moreover, the questionnaire is still a work in progress and more discussion is needed. Both the ToR and the questionnaire will be on the agenda for the next meeting in September.

**ACTION:** Secretariat to organize the next meeting of the Focus Group Social Aspects for September 2022 with specific focus on finalising the ToR.

#### - **Advice Drafting Group Seismic & Wind**

Mathies explained that this group was established jointly with the PelAC and was responsible for the organisation of the virtual workshop on the impacts of seismic and offshore wind energy



developments held on 10 May 2022 (the report is being finalised). Following this workshop, the group has drafted advice and circulated it to the Horizontal Working Group for review. The Secretariat received many comments from this consultation, which led to the need to organise another meeting in July to finalise the draft.

#### - **Brown Crab**

Norah Parke, Chair of the previous Focus Group on Brown Crab, took the floor and explained that the NWWAC should consider continuing work on crab, which despite becoming a more and more relevant fishery, still remains mostly unregulated. This needs to be addressed without causing too many restrictions being implemented on the fishery. She suggested to start with an analysis of work and projects carried out in previous years and then produce an overview of threats and opportunities for the fishery. This should include considerations on the non-quota species status, on the stock status across different MS and on market aspects (especially in relation to cadmium levels allowed by the Chinese legislation). Mathies added that DG MARE had mentioned crab among those non-quota species the SCF will be working on and that input from the AC would be appreciated.

**ACTION:** Secretariat to contact the NSAC with a view of establishing a joint Focus Group Brown Crab to review existing work and advice on potential management measures

O'Donoghue pointed out that the AC needs to be careful in addressing this topic, as Brexit brought a new dynamic and the non-quota species represent a delicate situation, where the EU and the UK have diametrically opposed views. Mathies explained that the Focus Group will only focus on reviewing previously agreed work and on opportunities to revamp it, without agitating anything.

## 5. **Online Chart Tool**

The presentation can be found [here](#).

Jacob Ashton (Mindfully Wired Communication) shared the tool prototype on screen, showing the features and layers implemented so far. Ashton explained that some elements still needed to be finalised, but that it was important for members to have a look at something tangible to provide feedback on the tool's functionality. He recalled that the tool is not to be used for legal or navigational purposes. After concluding the demonstration, he stated that a survey will be distributed via the Secretariat, including a link to the prototype, that would give members the possibility to explore the tool itself in their own time. Ashton invited members to provide feedback following the survey and also welcomed questions from participants in the meeting.

O'Donoghue appreciated the good initiative and the time and effort involved. However, he pointed out that in his opinion the tool needs to be more user friendly. *"This is an interactive tool and we want this to be of use to fishers. When you click on a rectangle, the information should pop up immediately with the regulations in the area. Also, who is going to maintain this and be responsible for update it?"*, he commented.

Ashton agreed with O'Donoghue's comment. He felt that in order to solve this issue, members will need to think about trade-offs between making it more user friendly and the time and resources





available for keeping it updated and useful. Mathies added the budget proposal for the next 4 year takes into account costs for a maintenance contract.

O'Donoghue felt there should be a way for the updates automatically coming into the system. Mathies pointed out that the Secretariat had already had this conversation with the tool developers (Octophin), who explained that the difficulty is related to the variety of data formats which then need to be translated into the tool. This is especially true for information on regulations and legal documents. The Secretariat is considering contacting the Commission for their assistance on this issue.

Lynch expressed his enthusiasm for this tool, which in his opinion will be well used in the vessels. *"This is a tangible example of what the NWWAC does"*, he added. He thought that the Technical Measures section could be particularly useful, especially if links can be implemented that allow to select a rectangle and automatically see the measures in place there. He then asked how widely survey and prototype link could be shared, as he felt the more people can review it, the quicker improvements needed can be pointed out.

Mathies confirmed that the more it can be exposed, the more we will understand what we need to improve. She invited participants to share the link with all members in their organisation.

Jésus Lourido Garcia asked whether it would be possible for users to import data into the tool. Ashton replied that it would be interesting to know what that data would be. A big challenge is that much of the data needed, especially on regulations, needs substantial transformation to be turned into the right format. In terms of there being options for people to add their own data to the tool, Ashton will ask Octophin, but expressed his concern regarding data standardisation, which would likely need a vetting process. Mathies added that the tool would need an extra, individual data layer for users to add their own data to better tailor the use of the tool. However, this must be discussed further with developers.

Lourido gave the example of a collaborative layer based on a common effort to import data on ecosystems that are less protected. Ashton and Mathies agreed that this can be explored but the focus on making the tool fully usable as it is now needs to be prioritised.

Brouckaert asked for clarification regarding the next steps planned and in particular how comments on the survey and prototype link would be organised, raising the possibility of establishing a Focus Group. Mathies confirmed that the survey will be shared with all NWWAC members, who will be invited to respond directly to Ashton. She agreed with Brouckaert's proposal to establish a Focus Group after the prototype review to finetune the information and the functionality of the tool. *"We will also organise an instructional training workshop with members later in the year to understand how the tool works"*, she concluded.

Ashton agreed that September could be a good timing for a Focus Group to give Octophin the time to implement the most straightforward changes.

**ACTION:** Secretariat to circulate link and survey from Mindfully Wired Communications on the online fisheries tool.

**ACTION:** Secretariat to initiate the setting up of a Focus Group Online Chart Tool to assist with the fine tuning of the prototype.



## 7. Action points

1	Proposal from the HWG to the ExCom to subcontract Michael Keatinge to work on this in future for continue update of the tool
2	Secretariat to write to the ORE advisory group with request to be considered for participation and explaining the NWWAC's role and interest
3	Secretariat to request MAC Chair/ PelAC Secretariat to set up next date of Inter-AC Brexit forum
4	Issue regarding Scottish regulation specific request to be kept on the NWWAC agenda
5	Proposal for the Secretariat to initiate the organisation of a workshop on skates & rays management similar to the EC Focus Group in 2017
6	Secretariat to contact the members of the Focus Group Control regarding expressions of interest for taking over Chair position
7	Secretariat to organise next meeting of the Focus Group Social Aspects for September with specific focus on finalising the ToR
8	Secretariat to contact the NSAC with a view of establishing a joint Focus Group Brown Crab to review existing work and advice on potential management measures
9	Secretariat to circulate link and survey from Mindfully Wired Communications on the online fisheries tool
10	Secretariat to initiate the setting up of a Focus Group Online Chart Tool to assist with the fine tuning of the prototype

## Participants

NWWAC members		
José	Beltran	OPP-7 Burela
Emiel	Brouckaert	Rederscentrale
David	Curtis	EAA
Gérald	Hussenot Desenonges	Blue Fish
Manu	Kelberine	CRPMEM de Bretagne
Julien	Lamothe	ANOP
Olivier	Lepretre	CRPMEM Hauts de France
Jesus Angel	Lourido Garcia	OPP77 PUERTO DE CELEIRO
John	Lynch	Irish South & East Fish Producers Organisation Ltd
Geert	Meun	VisNed
Sander	Meyns	Rederscentrale
Patrick	Murphy	Irish South & West Fish Producers Organisation
Aodh	O'Donnell	IFPO
Sean	O'Donoghue	KFO LTD
Norah	Parke	KFO
Irene	Prieto	ANASOL
Jean-Marie	Robert	LPDB
John	Woodlock	Irish Seal Sanctuary



Arthur	Yon	FROM Nord
<b>Experts and Observers</b>		
Killian	Chute	EFCA
Daniela	Costa	CC RUP
Marta	del Avellanal	Ministerio de Agricultura Pesca y Alimentación
Juan Antonio	Espejo Leña	Ministerio de Agricultura Pesca y Alimentación
Nicolas	Fernández	FECOPESCA
Caroline	Gamblin	MSC
Deirdre	Hoare	Independent Consultant
Dirk	Van Guyze	Dep. Agriculture and Fisheries
José Basilio	Otero Rodriguez	Federación Nacional de Cofradías de Pescadores
Cristina	Perdiguero Arenas	Secretaría General de Pesca
Morgane	Ramonet	CDPMEM 29
Cristina	Ribero	DG MARE
Tamara	Talevska	NSAC
<b>NWWAC Secretariat</b>		
Mo	Mathies	Executive Secretary
Matilde	Vallerani	Deputy Executive Secretary