



## DRAFT Minutes

### EXECUTIVE COMMITTEE

05 July 2023 | Ghent & Zoom

#### 1. Welcome and introductions

The Chair Emiel Brouckaert welcomed all participants to the meeting. Apologies were received from Bruno Dachicourt who was unable to attend in person but joined remotely. The agenda was adopted as drafted.

Action points from the last meeting (15 March 2023, Santiago de Compostela):

1	Members to send any additional questions for Director Donatella to the Secretariat for written follow up
	<a href="#">Nothing received</a>
2	AC to review TCA 2026 and consider development of advice
	<a href="#">Agenda item 3 – Addressed in Inter-AC Brexit Forum</a>
3	Members to review WP presentation, and specifically the planned recommendations and meetings
	<a href="#">Email sent 22/03/2023, no replies received</a>
4	Secretariat to contact members regarding points for inclusion in the WP for YR19
	<a href="#">Email sent 22/03/2023, no replies received</a>
5	Members to send any questions to the Secretariat for written follow-up with EFCA
	<a href="#">Email sent to members on 4 April, no replies received</a>
6	Focus Group Control & Compliance to include points from this discussion in its Terms of Reference.
	<a href="#">On agenda for next FG Control meeting – Discussed at HWG with consequent action proposals coming up.</a>

Mo Mathies introduced a proposal by the Secretariat for a modification of the NWWAC rules of procedure to include clear indications on how non-consensus issues should be addressed. This development was initiated based on a complaint issued by the EAA and IFSUA following interruption of works on advice on seabass in 2022.

A discussion followed on the structural relationship between Focus Groups and Working Groups as well as the details of the advice drafting and approval procedures.



**ACTION:** Secretariat to collect ExCom members written suggestions, add RoP definition of FG, draft amendments and present to ExCom for written approval to submit to GA in September.

## 2. Approval of action points from the Working Groups

- WG1: The Chair requested that a recommendation be included in the NWWAC Fishing Opportunities advice regarding the 0 TAC advice and the reasoning behind it, and addressing the fact that this needs follow-up from ICES technical services.
- WG2: The Chair asked for the same recommendation to be included as in WG1.
- WG3: all action points were approved.
- HWG: The ToRs of new joint FG with PelAC on spatial dimension approved by ExCom. Sean O'Donoghue requested that SPAs, MPAs and other management measures be included in action point 5 on OECMs. The request was approved. All action points were approved.

## 3. Dialogue with DG MARE – Fabrizio Donatella, Director in the Directorate C: Fisheries Policy Atlantic, North Sea, Baltic and outermost regions

The Chair welcomed Director Donatella to the meeting and thanked him for his commitment to continuing the dialogue which began last year when he also joined the members of the Executive Committee in Ghent in person.

Director Donatella began by addressing the **Commission's annual communication on "Sustainable fisheries in the EU - state of play and orientations for 2024"** published on 14 June which was developed while the EU is experiencing a number of crises, for example the increase in energy prices. He felt that while the Commission had quickly and successfully put in place crisis support measures to mitigate consequences for the sector, exchange with stakeholders remains vital to inform the Commission's approaches in the future. He referred to the need to assess the resilience of the fleet and to evaluate the level of investment needed to reduce the exposure to these externalities.

This shows the importance of the fisheries and ocean package which aims to launch a process of reflections and actions to address these key challenges for Europe's fisheries today. The package is part of the Commission's overall long-term approach to sustainability, protection of biodiversity and ultimately of jobs. Vulnerability remains regarding the socioeconomics of the sector especially in light of the high dependence on fossil fuels which is linked to the energy transition initiative.

These challenges were taken into account when developing the orientations for Fishing Opportunities 2024. The main objective of the Commission's proposal for EU only stocks in the NWW is to propose TACs in line with MSY. Challenges include the scientific advice for 0 or low catches and where certain TACs have to be agreed with third countries. Where MAPs are available a certain flexibility can be applied to set the catch limit, and the Commission could propose upper ranges for healthy stocks depending on the content of the advice especially in the context of mixed fisheries. He stated that it is



important to maximise the balance between fishing opportunities and the CFP's sustainability objectives.

Regarding the EU-UK interactions Director Donatella stated that the main issue is to find the right leverage for engagement and to agree a sharing arrangement especially when it comes to the widely distributed stocks, such as mackerel, herring and blue whiting. There is a need to strike the right balance in assessing when the divergence in measures is due to new conditions with the UK after Brexit while staying in line with the principles, conditions and rules of the TCA.

His final point regarding the communication on fishing opportunities was to invite the AC for feedback on the communication by 31 August 2023.

Regarding the **EU-UK Trade and Cooperation Agreement review**, Director Donatella mentioned that under article 776 of the TCA the joint review of the implementation of this agreement and supplementing agreement is every 5 years after entry into force of the TCA. It is important to underline that article 776 TCA does not constitute a commitment to reopen the TCA or to negotiate supplementary agreements. The complexity of the agreement has led to difficulties in the implementation. His key message was to base preparations on reasonable expectations. The Commission will engage with the ACs at the right time for the review while evaluating the overall perspective in the Northeast Atlantic and how the TCA fits in.

Director Donatella identified that the **revision of the control regulation** will impact on all sea basins. A transparent presentation of the revision will be organised at the next Inter-AC on 10 October including an overview of implementation deadlines and deliverables for the Commission, such as technical requirements for REM, traceability of processed products and IT tools for small scale fisheries.

Director Donatella continued his intervention with a recap on the **VMEs** stating that currently 87 areas have been closed and are part of the implementing act with the upcoming STECF advice needed to ensure full integration of socio-economic parameters. He emphasised that full engagement is needed from all parties including MS authorities to have feedback on the advice.

An increase in available data has allowed ICES to restrict the geographic distribution of the newly proposed areas leading to 30-40% less in terms of geographic coverage, so while there are more areas proposed, the area coverage will be less. The Commission now needs to analyse the 5 proposed scenarios for protecting VMEs and identify the most favourable one. To allow for additional stakeholder feedback, a meeting similar to the one held in May is planned for September which will also include a discussion of the STECF opinion. The Commission will ensure that ACs are given sufficient time and capacity to respond. As a result of this process, the Commission may propose a revision of the regulation.

To conclude Director Donatella referred to the high workload for both the NWWAC and the Commission calling for pragmatism when prioritising issues to be addressed.

O'Donoghue thanked Director Donatella for his engagement with the AC. He commented that the KFO investigated the VME advice in detail since its release and has found significant errors in the data for area 6, the only one the KFO investigated. This was communicated to ICES in a lengthy report. Since it seems impossible for the KFO to submit this information to the STECF directly, he asked how



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further uptake of this report might look. From legal point of view, he felt that the existing regulation contains 46 areas that are not in accordance with the 2016 regulation as they are at 0 to 400m of depth. While O'Donoghue agreed that 2026 will not necessarily bring a review of the TCA, he pointed to significant issues regarding access that could arise and wondered if the Commission had looked into this aspect. In addition, he appreciated that the Commission had taken on board some of the comments previously made by the AC when it comes to the presentation of STECF fleet data which is now much more current. However, when it comes to the breakeven point, he pointed to the different figure for fuel compared to last year questioning how this was arrived at. He concluded that in his opinion the language regarding ecosystem-based management is very loose and that the UN and ICES definitions should be taken into account, and socioeconomics included.

Brendan Beirne queried how the negotiating partners could protect the interest of Member States in terms of coastal states dynamics and wondered what the post 2026 situation and default position might mean for Ireland? He complimented the Commission on their supporting measures in relation to the situation in the Ukraine but felt that not all Member States implemented these equally. IN his opinion a further analysis should be carried out on the implementation of these funds.

Jean-Marie Robert made a general comment regarding the fishing opportunities and scientific advice for Cat 3 to 6 stocks. He felt that while ICES tried to be creative using new methods such as the rfb approach, the operational outcomes are currently poor as work should be based on the precautionary approach. For some stocks the advice given by the ICES does not take into account the evolution of fish abundance, e.g., ling. These stocks often lead to choke situations. Complying with the LO for these stocks becomes very difficult when a TAC that does not take into account the reality at sea. The situation will become more complex with new control regulation framework and associated the risk assessment.

The Chair added that the option to step away from topline advice is needed rather than simply accepting the topline science to be included in FO advice.

Director Donatella responded that the Commission would provide the KFO's VME report to ICES and STECF who will look at those elements. Inconsistencies with the deep-sea access regulation is being raised by EFCA with national authorities that need to ensure flexibility. He stated that the Commission needs to be prepared in relation to the TCA's default situation in terms of access. He felt there was an advantage compared to previous negotiations as these are now starting from a known regime. Regarding the fuel index he stated that he would send a written answer to the AC following consultation with colleagues. The indicators for monitoring of the socio-economic assessment of the fishing opportunities proposal need to be adapted, and the model is being finetuned to ensure its optimally used. He confirmed that the objective in negotiations with Coastal States is to protect EU interests while maximising available leverage. Donatella added he would report comments made regarding the ICES advice to his colleagues also to better understand the working methodology on stock assessments and what to ask for in the advice. Relationship to establish with reps of scientific community to understand how concerns from a stock can be taken into account in the assessment process.

**ACTION:** Members to send additional questions for Director Donatella and additional comments on his intervention to the Secretariat for written follow up.



#### 4. Dialogue with NWW MSG – Nanou Beekman

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

The Chair welcomed Nanou Beekman and Marissa Giesen from the Dutch administration which has taken over the presidency of the North Western Waters Member States Group (MSG) and invited Beekman to address the work programme under the Dutch presidency for the remainder of 2023.

Beekman explained that the regional group plans to address the following topics:

- > EU Action Plan Marine Ecosystems
- > JR Directed Fisheries for squid
- > PelAC letter on EFCA reports
- > Technical measures
- > Any other topic relevant for group

Under the Dutch presidency this is envisaged as an open dialogue on these topics in close cooperation with the Advisory Councils.

The Chair thanked Beekman and added that the AC will readdress topics from its previous list for discussion with the MSG also in relation to the discussions held in the WGs on the preceding days.

O'Donoghue commented on the very good interaction with the regional group over the past years and asked if a calendar of meetings was available. Since the regional group does not get involved in bilateral with EU and UK he wondered if this was also on the MSG's agenda.

Murphy referred to the decision by Advocate General on the issue on bycatch TACs for 0 TAC advice stocks and asked whether the MSG had any concerns regarding this.

Beekman stated that the meeting calendar would be shared with the ACs and that the issue regarding the Advocate General's decision could be put forward for discussion.

**ACTION:** Secretariat to forward NWWAC outstanding list of topics as raised in the first half of the year, adding question if Celtic Seas fishing opportunities will be discussed, to NWW MSG presidency

O'Donoghue added that mixed fisheries in the Celtic Sea is a huge topic for the NWW and wondered if this would be on the agenda in the MSG.

Beekman stated that this was not intended as it is not part of the remit of the MSG.

#### 5. Performance Review update – Noémi van Bogaert

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

The Chair welcomed Noémi van Bogaert who provided an update on the preliminary results from the



various steps carried out as part of the performance review. The final results and the report will be presented to the General Assembly on 27 September.

A discussion followed regarding the opinions collected and reflected in the final report and if there was a procedure regarding prioritization or the weighting of comments and their prospective inclusion in the report.

Van Bogaert responded that in order to be included in the final report, recommendations need to have general support from members, and some could potentially be included as a quote. She added that the team will pay attention to weighting of comments.

**ACTION:** Secretariat to liaise with performance review team regarding structure of final report

## 6. NWWAC Work Programme and Budget overview Year 18 (Secretariat)

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

Mathies presented the overview of the Work Programme for Year 18, the topics included, meetings held, and recommendations produced. She recalled that the Programme is available online on the NWWAC website in all three languages of the AC.

O'Donoghue pointed out that ecosystem-based approach to fisheries management should be included as a topic for Working Group 3. He also suggested to point out the role of WGs in the preparation of recommendations and specifically in the DG MARE template on planned recommendations.

Mathies proceeded with an overview of the current position of the NWWAC budget for Year 18 regarding income and expenditure.

In addition, she provided an update on the new NWWAC – BIM Agreement, which is being prepared following BIM's decision to move premises in 2023. The NWWAC Board of Directors have met with the BIM CEO to ensure the NWWAC office is accommodated in this move.

## 7. Summary of actions agreed and decisions adopted by the Chair

1	Secretariat to collect ExCom members written suggestions, add RoP definition of FG, draft amendments and present to ExCom for written approval to submit to GA in September
2	Members to send additional questions for Director Donatella and additional comments on his intervention to the Secretariat for written follow up.
3	Secretariat to forward NWWAC outstanding list of topics as raised in the first half of the year, adding question if Celtic Seas fishing opps will be discussed, to NWW MSG presidency
4	Secretariat to liaise with performance review team regarding structure of final report
5	Secretariat to add "ecosystem based management" to WG3, adjust in WP FGs in brackets and add WG as originator in NWWAC WP



## Participants

NWWAC members	
Emiel Brouckaert (Chair)	Rederscentrale
Bruno Dachicourt	ETF
Suso Lourido Garcia	Puerto de Celeiro
John Lynch	IS&EFPO
Anaïs Mourtada	CNPMEM
Patrick Murphy	IS&WFPO
Brendan Byrne	AIPCE
Sean O'Donoghue	KFO
Alexandra Philippe	EBCD
Corentine Piton	France Pêche Durable et Responsable
Irene Prieto	ANASOL
Jean-Marie Robert	Pêcheurs de Bretagne
NWWAC observers	
José Beltran	OPP-7 Burela
Gerald Hussenot	Blue Fish
Geert Meun	VisNed
Dominique Thomas	OP CME MMN
Johnny Woodlock	ISS
Experts & Observers	
Marta del Avellanal	Spanish administration
Paulien Depickere	Belgian administration
Fabrizio Donatella	DG MARE
Marissa Giesen	Dutch administration
Dominic Rihan	BIM
Agnieszka Sadowska	DG MARE
Naomi van Boagert	Independent consultant
Dirk van Guyze	Belgian administration
NWWAC Secretariat	
Mo Mathies	Executive Secretary
Matilde Vallerani	Deputy Executive Secretary