

## DRAFT MINUTES

### HORIZONTAL WORKING GROUP

#### Santiago de Compostela

Tuesday 14 March 2023 | 11:00 – 15:00

#### 1 Welcome and introductions

The Chair Emiel Brouckaert thanked all participants for joining the meeting, thanking the Galician government for the hospitality. Apologies were received from Anais Mourtada (CNPMM), Kenatea Chavez-Hey (ANOP) and Jean-Marie Robert (LPDB) in advance of the meeting.

The agenda was adopted as drafted.

Action points from the last meeting (13 September 2022, virtual):

1	Secretariat to get in touch with ORE to organise presentation on Irish Maritime Planning Act 2021 in collaboration with the PelAC
	<a href="#">Held on 19 January, report in progress</a>
2	Secretariat to monitor registry for participation at stakeholder workshop on MSFD on 15 November organised by the Commission.
	<a href="#">Mo attending in person, invite circulated to all members, topic addressed under agenda item 3</a>
3	Secretariat to contact NSAC to restart FG MSFD.
	<a href="#">To discuss after workshop and today's presentation</a>
4	Secretariat to collect topics to be suggested for the agenda of the upcoming NWW MSG meeting on 26 September.
	<a href="#">Done, the list of topics was shared with the MS Group.</a>
5	Secretariat to consider if a specific forum is needed for further follow-up of developments in global environmental policies
	<a href="#">To be discussed by the FG Climate &amp; Environment</a>
6	The Focus Group LO to discuss and propose contracting Michael Keatinge to work on Choke Mitigation Tool.
	<a href="#">Contract for Year 17 fulfilled, new contract for Year 18 signed</a>
7	The Focus Group Climate & Environment will start working on bottom trawling in VMEs in preparation to the Commission's public consultation.
	<a href="#">Update under agenda item 5</a>
8	Secretariat to organise new Focus Group Control with new Terms of Reference to be agreed.
	<a href="#">Set up, update under agenda item 5</a>
9	Secretariat to propose to NSAC to take over lead of the joint FG on Social Aspects.
	<a href="#">Handover at FG meeting on 13 October, update under agenda item 5</a>

## 2 Presentation by the MSG:

The Chair welcomed Deirdre O'Leary from the Department of Agriculture, Food and the Marine, Ireland. He mentioned that since Ireland took over the chair of the NWW MSG on 1 January, the NWWAC has participated in parts of the Technical Group meetings on 03 and 23 Feb and is invited for the next meeting on 16 March. O'Leary conveyed apologies from Dr Beamish and thanked the AC for the opportunity to engage with its members. She added that the first meeting of the High Level Group is scheduled for 11 April.

The group is working on Joint Recommendations (JR) for the Discard Plan for 2024. The Commission's deadline for this is 01 May and they expect 20 requests for NWW exemptions. The STECF plenary requested to go for longer term exemptions as some of the current ones are only for a single year.

O'Leary continued by stating that Dominic Rihan compiled a listing of the 20 exemptions which currently include 6 survivability and 14 de minimis exemptions in the NWW. Information for the JR is needed in support of these, which will be analysed by STECF in two upcoming meetings, May and June 2023. The relevant Member States are taking the lead on the different exemptions.

A second topic addressed in the MSG was the letter received from the Commission regarding a survey on the Western Waters Multi-Annual Plan (EU 2019/472). It was noted that it is difficult for Member States to reach common views. The deadline for reply has been extended until 01 May.

Other topics addressed by the MSG are:

- Management measures in the Porcupine Bank area
- UK closure of certain areas
- Horse mackerel bycatch quota
- Irish MPAs
- Whelk fishery in the English Channel following NWWAC advice, which will be on the agenda on 16 March

Brouckaert thanked O'Leary for stepping in and presenting on the work. In relation to the JR Discard Plan 2024, he stated that the AC just held 3 regional Working Groups with each reporting the requirement to look at existing exemptions, which will lead to the preparation of advice by the Focus Group Landing Obligation at its meeting on 28 March. He assured O'Leary of the AC's attendance at the upcoming MSG meeting on 16 March and enquired if it would be useful for the MS to have a look at the NWWAC's advice on the MAP survey, which was sent to the Commission by the initial 10 March deadline.

Aodh O'Donnell asked if O'Leary could elaborate on the management measures in the Porcupine. O'Leary explained that a MS had asked to put this on the agenda, but there is no update at this point in time. O'Donnell replied that discussions are being held at Irish industry level in an attempted bottom-up approach in liaison with the Marine Institute.

Patrick Murphy enquired if the MS have considered an evaluation on what would happen if any of the exemptions were to be lost, i.e., the potential effects on fisheries and choke species, displacement, loss of economic and social difficulties. O’Leary replied that only technical discussions are taking place. Dominic Rihan added that there is not enough time to do this in the MSG, nor in STECF where 100 exemptions need to be looked at. It will be the Commission that decides.

Manu Kelberine asked if any specifics on the JR on exemptions in the Channel were available. Rihan replied that no details are available yet.

Members made reference to the issue of spurdog and the Chair stated that the NWWAC’s advice would be shared with the MS at the earliest convenience.

**ACTION:** Add review of Porcupine Bank fisheries management to list of topics to follow-up with NWW MSG.

**ACTION:** Focus Group Landing Obligation to include an analysis of potential effect should the exemptions be lost.

### 3      **Legislative impacts of the Biodiversity Strategy in the national context**– Richard Cronin, DHLGH

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

The Chair welcomed Richard Cronin to the meeting explaining that Cronin is the Principal Adviser in the Department of Housing, Local Government and Heritage and has responsibility at Head of Business Unit level for the implementation of the Marine Strategy Framework Directive including measures to reduce the effect of marine litter; leading Ireland’s participation in the OSPAR Commission and its subsidiary bodies for the Implementation of the Northeast Atlantic Environment Strategy and supporting the development and implementation of relevant parts of UN Sustainable Development Goal 14. The unit also provides policy, scientific and operational advice to support other policy streams and ensuring alignment with MSFD and OSPAR objectives. It also works to establish a network of marine protected areas, including the protection of listed threatened and/or declining species and habitats. He represents Ireland at EU, macro-regional and global levels and negotiates for Ireland and as part of the EU team in different fora. Cronin was also Chair of the OSPAR Commission from 2018 – 2022.

Cronin thanked the Chair for the introduction and invitation to present at this meeting. He explained that he was attending for an informal exchange, not presenting the national Irish position but points for the NWWAC to reflect on.

- On the Action plan for the protecting and restoring marine ecosystems for sustainable and resilient fisheries: no new funding is provided and in the communication. Reason and capacity are not considered in the communication.

- On the Marine Strategy Framework Directive: Threshold Values on all 11 descriptors (GES requirements). The current proposed threshold for habitat loss is 2%. The ability of the habitat to recover is accepted at 25%.
- EU Nature Restoration Law: most ambitious piece of legislation ever seen. The text is still being negotiated.
- Forthcoming Irish Marine Protected Area Bill: 99% of support and wish to be involved, also fisheries. Working on a funding for participation.

The Chair thanked Cronin for this insightful presentation and pointed out that the AC will need to evaluate the work in its various Focus Groups to identify where these aspects are best addressed.

Alexandra Philippe commented on the Action Plan that while it targets fisheries, whilst confirming that there are many other aspects impacting the objectives. Cronin stated that he did feel that the Commission or this approach is trying to single out one group. He referred to the BBNJ which now needs adoption after agreement was found following 6 years of negotiation.

Murphy asked about the issue of good water quality under the MSFD. Cronin commented that the MSFD has an impact as there is an overlap for the first mile for water quality and for contaminants. This also comes up in the Nature Restoration Law, particularly on free-flowing rivers and river connectivity, but it is not included in the Fisheries action plan.

Manu Kelberine thanked the speaker for confirming that the action plan is not ecosystem based. stated that in France, approx. 4,300 fishermen and 1,200 vessels would be affected if the bottom fisheries or bottom touching fisheries ban is coming through. In the English Channel already 40% protected areas are in place of which 60% are coastal. Cronin commented that he focussed on fishing, but it is well understood that other activities have an impact on the sea floor. Regarding No Take Zones he stated that in Ireland's approach, human activities that are compatible with the conservation objectives are permissible. If activities need to be modified potentially, and modification may be reduction in activity, this may be a change in the approach to that activity. It may be cessation of that activity or temporary removal of that activity. It is about trying to create the balance, so that sustainable use can be achieved, so that the ecosystem produces for this generation and the generations to come.

**ACTION:** Members to email queries in relation to Richard Cronin's presentation to the Secretariat for written follow up.

#### 4 Protected areas designations in the EU and the UK

Slides are included in the NWWAC presentation [here](#).

The Chair introduced the topic using slides from an MMO presentation to EU stakeholders in February in which there even was a stage 4 announced. In the meantime, three of the areas (one in the North Sea, one in the Irish Sea and one in the Channel) have been classed as HPMAs, triggering measures as of 6 July

this year. Last check returned that neither COM nor MSs are addressing this, and it appears not being a topic in the SCF, meaning that stakeholders need to respond / take initiative directly with the UK authorities. He thanked Raluca Ivanescu, Deputy Head of Unit MARE C1, for joining the meeting and invited her to comment on the topic from the Commission's perspective.

Ivanescu conveyed the apologies from colleagues in MARE's C5 unit who were unable to attend. She offered to provide written follow-up for any questions left open. She strongly encouraged the AC to participate in the Member States Group consultations. In her understanding, there are ongoing discussions in the SCF about these initiatives, trying to get as much coherence as possible between the EU and the UK. She was unsure if the Commission was going to provide input on behalf of the EU at this stage of the process, but there was no info from the UK either.

**ACTION:** Members to send questions to the Secretariat for written follow-up with the Commission.

**ACTION:** Commission to send written response on process of EU involvement in UK MPA consultations

## 5 Celtic Seas Ecosystem Overview – Henn Ojaveer, ICES

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

The Chair welcomed and introduced Henn Ojaveer thanking him for joining the AC to present this ICES overview. He explained that Ojaveer is a vice-chair of the Advisory Committee of ICES and primarily responsible for shadowing ecosystem advice in the ACOM leadership. The Chair referenced that the ecosystem overviews are available on the ICES website and on the NWWAC website, under this meeting, a link was provided. He thanked Ojaveer for accepting the invitation to present the Celtic Sea Ecosystem Overview at this HWG, which was also triggered by the fact that the NSAC chair at MIACO hinted to the opening statement of the respective ICES Ecosystem Overviews: *"Fishing continues to be the main threat to ecosystem health"*.

Ojaveer explained that the main purpose of overviews is to support the ICES approach to ecosystem-based management. Socio-economic aspects are now included in ecosystem overviews. The overview highlights key signals by the following four topics:

- ✓ Human activities and their pressures
- ✓ State of the ecosystem
- ✓ Climate change
- ✓ Environmental and socio-economic context

The overview identifies the extraction of species as priority pressure:

- ✓ Most fish stocks are now fished at or below FMSY.
- ✓ Average fishing mortality for shellfish, demersal, and pelagic fish stocks reduced since 1990s.
- ✓ Pelagic stocks are above the reference point.

- ✓ 33 stocks (out of 43 evaluated) are now fished at or below FMSY.
- ✓ High bycatch rates of some elasmobranchs (e.g., porbeagle, angel shark, spurdog, thorny skate, thornback ray, the common skate complex, and deep-water sharks) in trawl gears and nets.
- ✓ Longline fisheries pose the greatest risk of bycatch to seabirds offshore, and net fisheries inshore areas.
- ✓ Discards of benthic fisheries is around 10% but can be very high for some species: plaice around 60% of tonnage and whiting 17–99% of tonnage.
- ✓ Recreational fishing targets wide range of species with significant total stock removals (around 27% of seabass and 42% of pollack).

Additional priority pressures include marine litter, the introduction of contaminating compounds.

The Chair thanked Ojaveer for his presentation and stated that this condensed introduction to such a large document seemed to bring mostly bad news. He enquired regarding the objective of this advice from an ICES perspective, what its intention was and who would be acting on it. Specifically, he queried the statement of 59 to 80% reduction of biodiversity and the reference area on which this estimate is based.

Ojaveer explained that the objective is to better address EBFM and to provide a broader picture and help managers and stakeholders to interpret sectoral advice in the wider ecosystem context. Regarding the % decline he stated that this is the estimated decline of benthic invertebrate biomass at ecoregion scale. He promised to contact the relevant experts about the methodology and further relevant details and report back to the AC.

Llibori Martinez asked what the error margin of the 88% impact of recreational fisheries was especially in relation to the impact of recreational seabass fishing.

Ojaveer commented that ICES do not have the uncertainty margin for this parameter. ICES is aware that stakeholders would like to know error margins in the advice. ICES is working towards inclusion of error margins in its advice as much as possible.

John Lynch asked if it was possible for Ojaveer to provide links or access to sources of information regarding the determination of the decline in biodiversity as he was interested in the baseline from which the reduction was measured. He felt that it was easy to assess the surface activity but rather difficult to assess subsurface activity.

Ojaveer stated that he would provide a written answer to this question.

Murphy wondered how climate change had been taken into consideration for example in calculations on biomass reduction and what parameters are being used regarding restoring the ocean to identify when it is at good status.

Kelberine stated the 33 stocks fished in MSY conditions are even better and that bottom trawling fishing has been reduced dramatically in the last years, so in light of this, what would ICES recommend for further improvement.

Ojaveer commented that the purpose of ICES advice is not to scare people, and that there are many pressures on the ecosystem including human activities which need attention to improve the situation. ICES has started to provide the conservation advice, e.g., on eel. Restoration is not being discussed at the moment, and ICES is not providing restoration advice. Regarding the 33 stocks fished at MSY, he stated that fishing is still considered the main pressure on the ecosystem and that the general message should be to further reduce this pressure.

**ACTION:** Members to submit questions on Celtic Sea ecosystem overview to Secretariat for written follow up

**ACTION:** Secretariat to suggest this topic as an agenda item for the next MIAC/MIACO meetings.

## 6 Focus Group update

Detailed updates can be found in the NWWAC presentation [here](#).

- Inter-AC Brexit Forum (Chair)
- Landing Obligation (Chair)

Michael Keatinge provided an update to the changes made to the NWWAC choke tool explaining how the exemptions are now included to assist with the preparation of advice on the discard plan. The current exemptions have been ranked and it would be useful if members could discuss this work. He considers it important to be aware that the tool is data based, but this cannot replace expert input.

- Skates & Rays (John Lynch)
- Climate & Environment (Jacopo Pasquero)
- Control and Compliance (Secretariat)
- Social Aspects (Tamara Talevska, NSAC Executive Secretary)

Talevska added that the over 24m safety directive draft advice will be aligned with ETF.

- Seismic & wind energy (Secretariat)

The Secretariat stated that the Commission's reply to the NWWAC/PelAC advice on the impacts of underwater noise and offshore wind energy developments on commercial fisheries was received on 02 March. With this reply as well as the results from the joint briefing on the Maritime Area Planning Act 2021 in January and the discussions in the working groups on the impacts of ORE, it is proposed to establish a new joint Focus Group with the PelAC to follow up on this work.

The Chair referred to the FG Climate and Environment, Marine Spatial Planning and the upcoming suggestion on the CFP Package. He suggested to look into the Terms of Reference



of the different FGs, aiming at combining them, and into also contacting other ACs to work together on these topics.

**ACTION:** Secretariat to contact the Pelagic AC regarding the proposed new joint Focus Group to identify focus

- Brown Crab (Norah Parke)
- Proposal to establish new FG on CFP package

The Chair explained that following the publication of the CFP package and its presentation at the Inter-AC meeting in Brussels last week, further work on this is needed to evaluate all aspects in relation previous NWWAC advice and to prepare additional submissions. This work should cover all aspects of the package, i.e., the CFP communication, the Action Plan, the energy transition and the CMO without duplicating efforts made in other NWWAC Focus Groups or encroaching on other AC's remit.

The Secretariat commented that while it was able to reach out to see if collaboration was possible with any other ACs, it could not lead on such a complex piece as it is working at capacity.

The Chair added that two candidates had already come forward for chairing this new Focus Group, Alexandra Philippe (EBCD) and Manu Kelberine (CRPMEM de Bretagne).

Members agreed to the establishment of this Focus Group.

**ACTION:** Secretariat to contact other AC Secretariats regarding joint work on CFP package.

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

1	Add review of Porcupine Bank fisheries management to list of topics to follow-up with NWW MSG.
2	Focus Group Landing Obligation to include an analysis of potential effect should the exemptions be lost.
3	Members to email queries in relation to Richard Cronin's presentation to the Secretariat for written follow up.
4	Topics raised by Richard Cronin to be addressed in relevant Focus Groups (Climate & Environment, potential new CFP package, potential new ORE/spatial squeeze)
5	Members to send questions for the Commission on the topic of protected areas to the Secretariat for written follow up.
6	Secretariat to follow up with Henn Ojavaer to send information on scientific data query to Secretariat.
7	Members to submit questions on Celtic Sea ecosystem overview to Secretariat for written follow up.
8	Secretariat to put forward Ecosystem Overview topic for next MIAC/MIACO meeting
9	Secretariat to contact the Pelagic AC regarding the proposed new joint Focus Group to identify focus.
10	Secretariat to contact other AC Secretariats regarding joint work on CFP package.





## Participants

NWWAC members	
Jose Beltran	OPP-7 Burela
Emiel Brouckaert (Chair)	Rederscentrale
Kenatea Chavez-Hey	ANOP
Enda Conneely	IIMRO
Juan Carlos Corras Arias	FREMSS
Gérald Hussenot Desenonges	BLUEFISH
Franck Le Barzic	OP COBRENORD
Olivier Lepretre	CNPMEM
Jesus Lourido	Puerto De Celeiro SA OPP77
John Lynch	Irish South & East Fish Producers Organisation Ltd
Kelberine Manu	CRPMEM de Bretagne
Luis Francisco Marin	O.P.P.A.O.
Llibori Martínez Latorre	IFSUA
Anais Mourtada	CNPMEM
Patrick Murphy	Irish South & West Fish Producers Organisation
Aodh O'Donnell	IFPO
Sean O'Donoghue	KFO LTD
Mikel Ortiz	O.P.P.A.O.
Norah Parke	KFO
Alexandra Philippe	EBCD
Corentine Piton	France Pêche Durable & Responsable
Irene Prieto	ANASOL
Erwan Quemeneur	CDPMEM 29
Jean-Marie Robert	Pêcheurs de Bretagne
Dominique THOMAS	OP CME MMN
John Woodlock	Irish Seal Sanctuary
Arthur Yon	FROM Nord
Experts & Observers	
Richard Cronin	Irish Government
Paulien Depickere	Government of Flanders
Raymond Hall	SWFPA
Raluca Ivanescu	DG MARE
Risteard Ó Domhnaill	Aqualicense
Henn Ojaveer	ICES
Mike Park	SWFPA
Tamara Talevska	NSAC
Sara Vandamme	independent
NWWAC Secretariat	
Mo Mathies	Executive Secretary
Matilde Vallerani	Deputy Executive Secretary



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