

## Draft Minutes

### WORKING GROUP 2 (CELTIC SEA & WEST OF SCOTLAND)

Wednesday 13 September 2023, Zoom

#### 1. Welcome and introductions

The Vice-Chair Jean-Marie Robert welcomed all participants as the Chair was unable to attend. Apologies were received from Arthur Yon (FROM Nord) ahead of the meeting.

The agenda was adopted with the proposed change to agenda item 2 as no Commission representative was available to attend and present a follow-up on NWWAC advice on fishing opportunities 2024.

#### Action points from the last meeting (3 July 2023)

<b>1</b>	<p>Comments from members following the presentation of the ICES advice will be taken into account in the preparation of the advice on fishing opportunities by the FG landing obligation. These recommendations include and are not limited to:</p> <ul style="list-style-type: none"> <li>• The creation of a mechanism for the industry to provide structured data to be included in the ICES advice.</li> <li>• Advice sheet should include table with comparison between TACs and advice in previous years. It would be also useful to have a graph showing how the advice has evolved over the years.</li> </ul>
	<a href="#">Done – NWWAC advice on Fishing Opportunities sent on 9 August</a>
<b>2</b>	<p>Members should send any pending comments/questions on the ICES advice to the Secretariat who will forward them to Joanne via email.</p>
	<a href="#">No extra comments received.</a>
	<p>As a follow up of the letter sent to the COM on 9 May on climate change impacts in stock assessment for cod, emphasise the need to quantify such impacts in the advice on fishing opportunities.</p>
<b>3</b>	<p><a href="#">Done – NWWAC advice on Fishing Opportunities sent on 9 August. Moreover, DG MARE sent in their response on 2 August (available on NWWAC website).</a></p>

#### 2 Input on UK consultation on discard reform

The deadline for this consultation is 09 October and focusses on:

- Priority fisheries
- Catch accounting options
- Measures to avoid or reduce unwanted catch
- Discard prevention charge
- Exemptions

Jean-Marie Robert felt that it seems clear that the UK is asking relevant questions on the Landing Obligation which is in line with some messages the AC has been putting forward. This is also part of the political context, and the UK seems to need to distance itself as far from the EU as possible. The most complex item is the tight deadline for providing collective answer. Even if the AC started drafting a response today it may still be impossible to approve a piece of advice before this deadline. *“Do we have the human resources to do this?”*

The Secretariat mentioned that the approach used for the other FMPs included asking for volunteers to draft the responses which could then be submitted to the relevant Focus Group or Working Group where necessary.

Franck Le Barzic agreed that it is important to focus on this piece of legislation which is difficult to implement. Its starting point was a good idea but considering the timeframe we may not be able to answer in a comprehensive way. The AC could state that we believe that it is a good start to review this legislation and then afterwards we could set up a group to start rethink the LO.

Sean O’Donoghue stated that this might need to be looked at at a macro level. As far as the AC is concerned, it can be seen that the right questions are being asked in the consultation, however, as an AC we may need to take a different approach. The fundamental issue is that there will be two diverging policies, one in the EU and one in UK waters, creating a huge discrepancy. This consultation should be used to start leveraging the Commission that under the TCA a rethink is needed of the EU policy on discards (Art. 15 CFP) and how they are going to reconcile the two policies. There are huge interactions between the two fleets on a daily basis, so how can this work in reality? Joint up thinking, which is envisaged under the TCA, is needed and this is part of what the Specialised Committee on Fisheries (SCF) should be doing.

Emiel Brouckaert explained that it is not only a response to this consultation, it involves all the FMPs consultations. The AC should clearly be involved in all of these. The response format is fixed, and a general response is possibly difficult to consider. Specifically, regarding the discards consultation, the AC has several existing comments in existing advice which could be used conveniently to draft advice. The next step would then be under the CFP reporting to initiate a review. A response to the UK should make a reference to the diverging policies.

Robert felt that most points were agreed upon, stating that the AC would provide a response despite the tight deadline. This advice would be rather general and short. It might be easier to provide an AC own advice instead of using the prescribed UK online response. He proposed that instead of leaving the Secretariat to find points from past advice, members have a week to send input and elements that could be integrated into the advice. He asked if the Secretariat could work with such a tight deadline.

The Secretariat felt that this is achievable especially using the fast-track approval procedure.

Brouckaert agreed that though the AC is not an official entity for the UK, it would need to point out that it is an important partner in the consultation. Therefore, a separate response could be emailed on top of the online response.

Robert stated that it is of course better to have a brief document especially considering the timeframe and the priority would be to answer the questions raised by Defra. He felt that the AC could explain to a certain extent its thoughts on the various elements which may not be possible in

the online format. It may state on the website that it is possible to send contributions via email instead of using the online format.

John Lynch confirmed that the UK has provided an email address as part of the consultation.

**ACTION:** Members will send input to the consultation to the Secretariat by 20 September, matching the consultation format available online as much as possible. The Secretariat will then check which response format is possible and prepare draft advice based on previous advice and comments received from members.

### 3 Discussion on choke risks in the Celtic Sea and in the West of Scotland

The Secretariat discussed with Michael Keatinge on how to take the work on the choke tool forward and that mainly two aspects should be considered in the advice:

- The new choke challenges for next year also in relation to the scientific advice received from ICES
- The remaining problems with the discard plan 2024-2027 taking into account the STECF evaluation

Today's discussion was based on the traffic light system, and the choke tool will be used to support the analysis.

O'Donoghue mentioned the need to keep highlighting the issue of management areas for haddock between the Celtic Sea and Irish Sea which is also mentioned in the Fishing Opportunities advice.

Brouckaert stated that a de minimis exemption exists for whiting and that this may have effects on the choke risk. The Secretariat felt that this could be investigated further using the choke tool.

Also commenting on whiting, Le Barzic reported that most of his organisation's vessels fish in the Western Channel and that the exemption in place is enough to avoid chokes. However, he felt that the Celtic Sea management unit includes a lot of stocks which are not covered by the exemption, which makes the situation for this stock quite problematic. Therefore, the choke risk should remain high.

Regarding plaice 7f,g Brouckaert referred to previous discussions that it was felt that the abundance for this Cat. 3 stock is much higher and that there is a misuse of the LO exemption to avoid a discussion between EU and UK. The Secretariat felt that this comment might be more suitable for the advice document than for the table itself and that the FG LO could decide this.

Patrick Murphy mentioned the retrospective bias for the hake stock which leads to downgrading of the stock and felt that this will lead to chokes, which can already be observed for certain vessels who have to stop fishing for certain weeks during a calendar month to not exceed the quota.

Regarding cod 7e-k O'Donoghue felt that climate and environmental conditions need to be emphasised which are a significant driver not only for this stock. It may not be possible to recover the biomass of this and other stocks.

Murphy added that scientists are looking at catch ratios and movements, but the complexities distort catches for other species, and it should be noted that movement between fishing grounds based on catch records must be considered by scientists.

Brouckaert commented that it may be good to add that the precautionary approach for sole h,j,k is further complicating the matching of TAC and opportunities and accordingly the avoidance of discarding.

Robert agreed with Brouckaert comment and felt that theoretically to have a real LO in the EU, it would need to be ensured that defined TACs evolve in line with abundances seen at sea. High increases have been observed in yields on TACs, but on the other hand TACs are being reduced because of the precautionary approach. Political reasons play a big part in this.

Regarding plaice 7h,j,k Brouckaert felt that most of the selectivity issues have been addressed. The reason the Belgian fleets still consider it a high risk is that the bycatches are mostly not under MCRS and can be landed and sold properly.

Regarding *Nephrops* O'Donoghue commented that Ireland is evaluating the management of the entire stock, but no concrete results are available yet.

On pollack O'Donoghue felt that the quality assurance issue regarding this stock must be highlighted and it should be asked if this has undergone the full ICES quality assurance system as well as the Transparent Assessment Framework. He felt it was unacceptable to go from a fishery to a 0-catch option.

Brouckaert added that for the 0-catch advice a bycatch TAC needs to be foreseen in order to apply Art.15 of the CFP.

Robert agreed with the previous speakers. He felt that a bycatch TAC is an easy solution to allow for a small amount of bycatch to help vessel comply with the LO, but it seems to be very complicated to define such a TAC. Often the vessels are negatively impacted and seem to discard more than when a small bycatch TAC was in place. A TAC should match unavoidable catches instead of referring to "bycatch" again.

Lynch agreed that a TAC is needed as a huge problem in the system adopted that it is based mainly on landings data. If there is a 0 TAC, landings data can never be approved, so other data must be considered as well.

Murphy stated that the inshore fleet is dependent on this fishery and what is not taken into consideration is the predator element for this fishery as the scientific assessment is only based on landings. Smaller vessels do not have the same abilities to record data.

O'Donoghue agreed that the word "bycatch" needs to be deleted to avoid contention.

Manu Kelberine stated that a fleet of small vessels in France is specialised in this fishery who started working on seabass and then moved to targeting pollack. These vessels have no fall-back option if there is 0 TAC.

There was not enough time to address the stocks in the West of Scotland during the meeting. Robert proposed to address this in written procedure via email.

**ACTION:** The Secretariat will share an updated version of the traffic light choke spreadsheet after the meeting. Members will review it and send comments on West of Scotland stocks to the Secretariat.

#### **4 Follow up on NWWAC meeting on hake from 6 June 2023**

The AC received replies from the Commission to pending questions from the workshop over the summer which need to be discussed. Other topics still need to be reviewed if additional advice is needed.

Intervening as a member and not in his position as Vice-Chair, Robert felt that the answer provided by DG MARE lacks a certain amount of respect. A 4-page document was sent to the Commission, and they responded with two lines without analysis or supporting documentation which raises questions on the technical interactions between the AC and DG MARE. All the work carried out by the AC seems to have been completely ignored, and it seems that there is no constructive dialogue with the Commission.

The Secretariat felt further discussions could be held on how to address technical discussions with the Commission.

Brouckaert agreed that more constructive responses need to be provided by the Commission and the AC should consider to point this out to DG MARE. He asked where positive interactions exist which could be used as an example, e.g., work on skates & rays. It could be suggested that the same principles could be applied to the hake issue.

The Secretariat felt that involvement and responses from the Commission may be related to the individual representatives involved in the work.

The Secretariat then presented several possible elements for AC advice:

- Mesh size for targeted fisheries in ICES area 7 – 100 vs 120 mm – no agreement at the meeting in June
- Complexity of technical measures and difficulties with application of the technical measures regulation:
  - Issue of catch compositions
  - Clarify rules with enforcement agencies and Member States
  - Consider request to STECF to review what would happen if derogations were removed

O'Donoghue suggested that, in order to avoid another fruitless meeting, the issues highlighted are pursued with the enforcement agencies and the Member States, for example EFCA. STECF and ICES could be involved to look at the potential effects should derogations be removed based on factual situations.

Robert proposed following up on the topic of hake to avoid opening up the debate today and for members to send their replies to the Secretariat regarding these proposals made by the Secretariat. He felt the AC may not be ready to make a decision and more debate may be needed.

The Secretariat felt that since the first two issues do not apply to hake solely, they could be included in the workshop planned with EFCA in the first week in November. A letter could be sent to the Commission to request that STECF and ICES in relation to removing derogations and using 100mm or 120mm mesh sizes respectively.

**ACTION:** Pending issues of catch composition and application of the technical measures regulation across MS will be addressed with EFCA directly.

**ACTION:** The Secretariat will draft letter to the Commission requesting that ICES and STECF are asked to look into mesh sizes and derogations for hake respectively.

**ACTION:** The Secretariat will draft a letter to the Commission on the need of constructive collaboration, specifically on technical matters.

## 5 VMEs: conclusions from the STECF report

The Secretariat had requested a presentation by the Commission on this topic but was informed that no one was available especially in view of the planned meeting scheduled for 26 September. The main conclusions were presented (see slides).

O'Donoghue pointed out that the KFO submitted a detailed technical and scientific evaluation of the ICES advice on the VMEs showing that there are fundamental errors. The Commission has also been asked to address this both with STECF and ICES. The only reference from STECF to this was stating that it was done. The Commission stated that if there is a revision by ICES, STECF will have to carry out the work again. If ICES does not revise the advice, it fundamentally undermines the scientific process, so a revision is vital as the errors are fundamental. The AC should follow up with the Commission regarding the ICES revision and establish if this is being carried out or not. If the latter is the case, then the scientific process is not independent.

José Beltran stated that the advice is limited and contains mistakes. He felt that this is the first time that there is an assessment on socio-economic impacts, but the data is not detailed enough to draw conclusions. The area is too extensive to have precise information. The data do not refer to static gears for example, and other fleets may need to be added for instance long-line fishing. Better data is vital to evaluate the impact of all fisheries and to really assess the socio-economic impact related to the use of these gears. A well-defined assessment is essential, and the methodology must be improved.

Murphy emphasised that this issue raised by O'Donoghue was serious. How can correct decisions be made without proper scientific advice? These errors must be addressed, and the AC should ask for a review if none is carried out.

Robert felt that this discussion was very useful in preparation for the meeting on 26 September. Should the AC put forward that a more genuine consultation with the ACs is needed? He felt on a personal level that not enough information is available on the meeting taking place on 26 September and that maybe it would be best to wait with writing a letter until after this meeting. This year, scientists and the STECF are saying that, in order to manage the closures, true interaction with stakeholders is needed which gives the ACs more weight. The Commission may need to arrange proper in-depth meetings with stakeholder which for example have been held in the past.

Beltran agreed that waiting until 26 September would be good. He added that the SWWAC has launched a proposal to prepare advice on the topic and the NWWAC could potentially base its work on it.

**ACTION:** Following the meeting on 26 September organised by DG MARE on VMEs, the AC will discuss how to follow up on this topic during ExCom meeting on 27 September.

## 6 AOB

None raised.

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

1	Members will send input to the consultation to the Secretariat by 20 September, matching the consultation format available online as much as possible. The Secretariat will then check which response format is possible and prepare draft advice based on previous advice and comments received from members.
2	The Secretariat will share an updated version of the traffic light choke spreadsheet after the meeting. Members will review it and send comments on West of Scotland stocks to the Secretariat.
3	Pending issues of catch composition and application of the technical measures regulation across MS will be addressed with EFCA directly.
4	The Secretariat will draft letter to the Commission requesting that ICES and STECF are asked to look into mesh sizes and derogations for hake respectively.
5	The Secretariat will draft a letter to the Commission on the need of constructive collaboration, specifically on technical matters.
6	Following the meeting on 26 September organised by DG MARE on VMEs, the AC will discuss how to follow up on this topic during ExCom meeting on 27 September.

## Participants

NWWAC members	
José Beltran	OPP-7 Burela
Emiel Brouckaert	Rederscentrale
Juan Carlos Corras Arias	FREMSS
Kenatea Chavez-Hey	ANOP
Gérald Hussenot-Desenonges	Blue Fish
Franck Le Barzic	FROM Nord
Manu Kelberine	CRPMEM de Bretagne
John Lynch	IS&EFPO
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Patrik Murphy	IS&WFPO
Sean O'Donoghue	KFO
Irene Prieto	ANASOL
Jean-Marie Robert (Vice-Chair)	LPDB



<b>Experts and observers</b>	
Caroline Gamblin	MSC
Michael Keatinge	NWWAC Director
Kylie Kronal	Government Flanders
Michael Park	SWFPA
Dominic Rihan	BIM
<b>NWWAC Secretariat</b>	
Mo Mathies	NWAC Executive Secretary
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