



*Draft Minutes*  
*15th LDAC Working Group 2 Meeting*  
**Regional Fisheries Organisations and North Atlantic Agreements**  
**Tuesday, 4 November 2014. From 9:30 to 13:30**

**London Marriott Hotel Kensington**  
**147c Cromwell Road, Kensington, London SW5 0TH, United Kingdom**  
**Chairman: Nigel Atkins**  
**Vice-Chair: Iván López**

**1. Welcome and apologies.**

The Chairman welcomes those present and conveys the apologies of those absent (Mr. Leduc, Mr. Rodríguez and Mr. López).

**2. Approval of the Minutes of the last WG2 meeting held on 8 April 2014 in Brussels.**

The minutes of the last meeting held in Brussels on 8 April 2014 are approved.

**3. Approval of the agenda.**

The agenda is approved with no comments or extra items for discussion.

**4. Relations with Norway.**

- (i) EU/Norway Bilateral Agreement 2015.

The representative of the EC, John Spencer, informs that the situation of the cod stock is positive, in fact, the fishing mortality rate of this species is below the MSY. According to the management plan, the TAC level will be set on 894,000 tonnes, limited by 10%.

Regarding haddock, Mr. Spencer says that there had been a TAC reduction by 8%, in accordance to the MSY, concluding a TAC level of 165,000 tonnes for 2015, since the stock is in decline.

Mr. Gretarsson enquires why the quota is reduced when cod is in good condition. The representative of the EC responds that it is in line with the management plan.

Mr. Spencer informs about the bilateral agreement between the EU and Norway, highlighting that negotiations are going well. Nevertheless, regarding negotiations on mackerel, the

position of Norway is still unpredictable, and he says that they presented an unacceptable proposal at the meeting. However, the EC made it clear that their aim was to implement the measures as of 1 January 2015 and, regarding blue whiting, they wish to readjust current parameters. In addition, he declares that Faroe Islands is another very important actor in terms of blue whiting, stressing the fact that it can be an interesting partner for the future. In fact, if they do not reach an agreement on this species in the meeting to be held in December, they will have to establish autonomous quotas.

Concerning the offer made by Norway regarding cod, he points out that it is a bit below the TAC level. However, the aim of the EU is to achieve as much as possible. Mr. Spencer informs that the first round will take place in November and the second one in December.

Mr. Gretarsson enquires whether Norwegians would act in the negotiations on blue whiting in the same way as on cod. The representative of the EC says they might, but that they do not know what will happen.

Mr. O'Donoghue draws attention on the fact that a unanimous agreement has been reached, as a result of a proposal made by the Pelagic Advisory Council, by stakeholders and ICES scientists regarding a management plan for blue whiting, where targets for 2014 were established. However, both Coastal States involved and EC decided not to follow the scientific recommendations. Therefore it was suggested to the EC that a management plan for blue whiting should be put in practice immediately.

In October, an opinion for pelagic species was drafted by the Pelagic AC, based on a precautionary principle. The Pelagic AC is aware of the fact that the EC has ignored their opinion and has continued with its own management plan, a measure that has triggered their disappointment.

Mr. O'Donoghue points out the blue whiting issue since they are worried about the fact that, if there is a bilateral agreement between Norway and the EC and autonomous TACs are established for this species, the transfer percentage shall be known (indicating their wish for it to be zero).

With regard to the blue whiting file, the representative of the EC, Mr. Spencer, thinks that they should not be overly pessimistic. He adds that the EC does not entirely agree with the ICES opinion, thus they wish to establish a balance among the different actors involved, although they are aware of how difficult it is to do so.

Mr. Van Balsfoort says that they discussed at length how to manage the stocks sustainably. He highlights that they have included scientific data on blue whiting and that the advice was issued by ICES so he does not understand why it is questioned. He stresses that the aim of this proposal is to be as fair as possible with all actors involved and set a level playing field for all fleets. The EC seems to believe that it is not the correct one. In his opinion, the best option is a TAC based on the MSY.

The representative of the EC says that ICES believes that the MSY is set at 0.3. Nevertheless, the EC does not think that this 0.3 ought to be mandatorily used since simulation tables being analysed for a 5-year period conclude that this is not the best approach, since with the 0.3 TAC there is more fluctuation. They believe that if it is moved from 0.3 to 0.25, in the long run 8% of the yield could be lost.

Mr. O'Donoghue points out that blue whiting is essential for negotiations with Norway, and in his opinion, bearing in mind the situation of the stock, it is unacceptable to bring it down to a 1% level.

Regarding haddock, the representative of the EC, Mr. Spencer, declares that up until 2014 ICES issued its opinion based on areas 4 and 3. This year, the area has been extended at their own initiative so one should be cautious with the implications in practice.

(ii) Svalbard.

Mr. Atkins highlights that there has been a lot of tension in recent years leading to discriminatory allocations of Greenland halibut and redfish, establishing inappropriate by-catches.

Ms. Sandell conveys that the conclusions of the meeting had not been very positive. The discriminatory attitude of Norwegians regarding haddock by-catches was discussed. Another important topic was what areas belong to whom, since it is not clear whether they can fish or not in specific areas. The EC is requested to clarify this situation.

Mr. Gretarsson adds that there are different problems, one of them relating to haddock, since Norwegians control the fishery without it having been previously subject to discussion; therefore proving detrimental to Member States. Besides, he says that Greenland halibut has

been fished in Svalbard, highlighting that Norway is taking control of this area. He enquires whether there is anything to be done in this regard.

The representative of the EC, Mr. Spencer, declares that the issue of where it is possible to fish and where not is very complicated. He adds that, owing to this incident (arrest of a Lithuanian vessel in Russian waters), a meeting of the NEAFC Commission was held indicating the importance of limiting geographic coordinates. He draws attention to the fact that, if the Murmansk Treaty stops being questioned, it will be accepted *de facto* and with legal implications. Hence, it is really important to clarify this issue.

When asked about whether it affects, for instance, king crab, he replies that in the event it affects the continental plate, it will affect Russia and therefore the EU fleet would not be entitled to fishing it.

Regarding cod, he says that there is a substantial quota for this year, indicating that it is not necessary to have a specific agreement to fish in Svalbard, only an authorisation when fishing in Norway's EEZ.

Concerning haddock, historically Norway always rejected an individual quota for this species. He informs that coastal States for this species are Russia and Norway. In addition, he informs that the EC has conveyed its concern to Norway.

With regard to cod's autonomy, Mr. Atkins says that it is subject to Norwegian control.

The representative of the EC replies that he was against the Council decision. Fishing according to an autonomous quota in Svalbard will not depend on whether an agreement is reached between the EU and Norway.

Regarding the Murmansk Treaty, Mr. Gretarsson declares that they need to have the support of the Member States to question this issue.

The representative of the EC adds that it would be good to conduct a detailed analysis of the Murmansk Treaty so that the Member States are aware of the situation.

Mr. Vilhjalmsson declares that measures should be taken concerning Norway, and he suggests using its trade agreement as a tool. He requests further communication between DG Trade and DG Mare, since it is important that the EU steps in and communicates with Norway.

- (iii) EEA negotiations.
- (iv) “Export fee” charged by Norway.

Moreover, with regard to the trade agreement securing the free movement of goods, Mr. Atkins informs that it has collapsed so vessels have to pay a fee, involving an extra cost for the fleet. He requests clarification in this regard.

The representative of the EC points out that the same financial mechanism as in the EEA (European Economic Area) is currently in place. He informs that bilateral meetings with Norway were held in May. It was decided that negotiations be postponed. The EC requests a larger financial entry.

Concerning the taxes imposed on products landed in Norway, he says that, regarding this transit rule, the financial mechanism is still under discussion. The EC wishes to link this to the trade measures.

***ACTION: To try to get the EC to clarify the areas where fishing is allowed vis-à-vis Norway.***

## 5. NEAFC.

### a. Consultations among Coastal States.

Regarding Greenland, the representative of the EC informs that a meeting will be held on the week of 24 November in order to study fishing opportunities for 2015 and to draft a new protocol. He highlights that redfish could make it difficult to sign it. He says that Greenland will request a TAC level below 10,000 tonnes.

Besides, he highlights that another issue to be discussed is joint ventures between the EU and Greenland.

Regarding the condition of mackerel, he informs that high-level fishing activities have been taking place. Besides, shrimp is not in a very good condition. In his opinion, negotiations in 2015 will be difficult.

Regarding Faroe Islands, they hope negotiations will be smooth.

Mr. Atkins enquires about redfish.

The representative of the EC says that there is a new scientific opinion with a TAC level around 20,000 tonnes, when they are now recommending 10,000 tonnes. Outside of the EEZ Iceland suggested level zero. (Denmark, Faroe Islands and Norway supported this closure).

Due to the fact that this proposal was rejected, this issue will be dealt with in a meeting to be held in December.

***ACTION: To ask the EC about the conclusions of the meetings to be held in November and December***

b. Crab fishing in NEAFC.

Mr. Vilhjalmsón declares that the number of crab-fishing vessels in NEAFC zone 1a has largely increased, highlighting that, in addition, it has not been possible to fish shrimp in the area owing to the vast increase of crab vessels that have moved to the area because of bad situation for crab fishing in Kamchatka. He thinks it is possible to adopt rules allowing both crab vessels and trawlers to be active in the area. In his opinion, the European Commission should try to reach an agreement about the crab-fishing in NEAFC.

He suggests a closure of two areas for crab pots for several months, starting from March till end of October. These areas are the most important ones for shrimp fisheries, only covering a 17% surface area. He then explains in detail all the sections of the draft opinion proposal.

Mr. Liria adds that, even though he has not carried out an in-depth analysis of the proposals, he does not agree with them, since there is a Spanish vessel fishing there and he thinks that this fishery has to be regulated. (The proposal is found as an appendix).

Following wide discussion and an exchange of opinions, it is agreed the proposal be analysed in detail and, if a modified version is presented, it should be addressed again in another working group meeting.

Mr. Vilhjalmsón presents the position paper of EL DFA and further emphasises to the EU Commission the following points all of which are highly important to the Estonian long-distance fishing sector:

- Bilateral arrangement with Iceland, perhaps through the FPA w/ Greenland, allowing the EU fleet to fish up to 300 tons annually of their E-Greenland shrimp quotas in the Icelandic EEZ of the Dohrn Bank.
- Jan Mayen. EU should unilaterally, or through an agreement with Norway if considered necessary, allow its fleet to fish for 100 days for shrimp in Jan Mayen annually. Alternatively, the days could be counted against the Svalbard days for shrimp.
- Non-regulated species and by-catch in zones I and IIb: ELDFA recommends the following by-catch allowance of Greenland halibut in zones I and II when non-regulated species is targeted; 1000 kg or 4% for each haul, whichever is the greater.

#### **6. Regulation of the Deep Sea Access Regime: state of play**

Ms. Sandell informs about the state of play declaring that the chairmanship examined the Regulations without there being any comments. They will shortly submit the proposals to the Member States, although they have not set a specific date yet.

#### **7. NAFO.**

- a. Main conclusions of the NAFO annual meeting (Vigo, from 22-26 September)

Mr. Cabral explains the NAFO annual meeting, deeming positive the LDAC's role at said meeting as well as the commitment acquired with the NGOs. He welcomes the fact that the EC values the recommendations submitted by the LDAC on NAFO. Regarding the results of the meeting, he highlights the following:

- Concerning the 5% cod reduction in NAFO Division 3M, he says that the EU hopes to reach higher TACs.
- Regarding Newfoundland: the proposal to increase by-catches was not supported by NGOs.
- TAC was established for toothfish and ray.
- Thanks to the vessel monitoring system, vessels have been identified and more information has been provided.

- Regarding the vulnerable marine areas, attention was drawn to areas 4 and 15 to protect coral and sponges.

Mr. Cabral concludes encouraging WG2 to continue working with the same approach within NAFO, being very proud of their work there.

Mr. Liria congratulates the LDAC Chairman, Mr. Cabral, for his work at NAFO. Besides, he looks at the problem relating to the opening of witch flounder in detail, since for this species there are several overlapping regulations, hence being a clear example of regulatory discard. Trying to find solutions is essential.

In addition, the representative of the EC expresses the Commission's satisfaction with the level of collaboration shown by the LDAC thanking this AC for its work and commitment to sustainability.

He stresses the problem with RFOs' regulations when they contradict European legislation, and declares that efforts are still required in this regard.

- b. Draft opinion on management measures for 3M cod.

The Chairman informs that there have been no novelties since the last meeting. In fact, in his opinion, it is still soon to issue a recommendation, so he suggests waiting until a new Working Group meeting is held in February/March, and the report with the conclusions of said meeting is made available.

## **8. AOB.**

- a. Implementation of the landing obligation: Letter from the Scheveningen group to the LDAC.

The letter submitted by the Scheveningen group is explained as well as the meeting held last 1 October on the preparation of discard plans for demersal fisheries in the North Sea.

The LDAC made it clear that the fishing activities of our advisory council are developed in international waters and, as a result, no fishing takes place in EU jurisdictional waters. In fact, it was stressed that long distance fisheries are carried out under bilateral agreements or in jurisdictional waters of non-EU countries, where this discard regulation does not apply (as established in Art. 15.1 of the CFP), or in areas of high seas where, in turn, those having an RFO should be distinguished from those where such body does not exist.





On the letter submitted by this Group, the LDAC's opinion is requested regarding 8 specific points (definition of fisheries, landing obligation, minimis, high survivability, documentation on catches, minimum reference sizes, scientific grounds and choke species).

Mr. Liria points out that to reply to this letter, it is necessary to clarify how this will apply to the LDAC.

Mr. Stockhausen draws attention to the fact that Member States **are obliged to consult Advisory Councils on joint recommendations leading to conservation measures**, thus he suggests contacting them **with regard to** the LDAC not to be left out of these **preparations and negotiations**.

Mr. Atkins highlights the existing contradiction between the RFOs' rules and the landing obligations established by the European regulations.

Mr. Liria adds that no complicated plan is to be drafted for the long distance fleet. In his opinion, an analysis of the fisheries that are going to be affected should be carried out.

Mr. O'Donoghue explains the problem arising when a vessel operates both in Community waters and in international waters, for instance the case of blue whiting. Thus, the applicable legislation should be made clear.

Following an exchange of opinions among the members in this regard, Mr. Atkins concludes that this matter is to be discussed both in the next group meeting and in the next Executive Committee meeting. Once the LDAC assesses the regulations and has a clear position on this matter, it will be able to issue a recommendation in this regard.

It is agreed that both Mr. Liria and Mr. Stockhausen will continue working on this matter.

***ACTION: To continue working on this matter and discuss it at the next Working Group meeting.***

- b. Future fisheries management in the Arctic Ocean.

There is nothing to report on this matter.

## **9. Time and place of next meeting.**

LDAC Working Group 2 Meeting  
London, 4 November 2014



In March/April 2015. It was suggested that, insofar as possible, the place and time should coincide with those of the Sinaval fair and the Pelagic AC meeting, both to be held in Bilbao if possible.

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## ANNEX I PARTICIPANTS LIST

### WORKING GROUP 2

#### MEMBERS

1. Nigel Atkins. NFFO
2. Juan Manuel Liria.FEOPE/CEPESCA
3. Anna Boulova.AIPCE
4. Sean O' Donoghue.KFO
5. Juan Manuel Trujillo.ETF
6. Antonio Cabral. ADAPI
7. Erik Bjørn Olsen. Living Sea
8. Gerard Van Balsfoort.DPFTA
9. Ian Gatt.SPFA
10. Hjalmar Vilhjalmsson.ELDFA
11. Esben Sverdrup-Jensen.DPPO
12. Anna Koucinka.NAPO
13. Björn Stockhausen.Seas at Risk
14. Javier López.OCEANA
15. Konstantinos Kokosis.EBCD
16. Haraldur Grétarsson. DFV
17. Jane Sandell.FPO

#### OBSERVERS

18. Mr Spencer.EC
19. Mr Hopkins.EC
20. Margarita Mancebo. SECRETARIA PESCA
21. Manuela Iglesias. LDAC
22. Marta de Lucas. LDAC