



**DRAFT MINUTES  
16<sup>th</sup> LDAC Working Group 2 Meeting**

**Regional Fisheries Organisations and North Atlantic Agreements  
Thursday, April 23<sup>rd</sup>, 2015, 13:30- 18:00h**

**Hotel Martin's Central. Boulevard de Charlemagne 80. Brussels (Belgium)**

**Acting Chairman: Iván López**

**1. Welcome and apologies by the Chairmanship.**

Mr. López, Vice-chairman of WG2, opens the meeting by welcoming all those present and apologising for the absence of Mr. Atkins, who has delegated in him the chairmanship of this meeting.

A round of introduction of all the attendants is carried out and is followed, upon a proposal by the Secretariat, by a minute of silence observed for the victims who lost their lives in the Mediterranean Sea in the last few days.

**2. Reading of the minutes of the last WG2 meeting, London, November 4<sup>th</sup>, 2014.**

The minutes of the last meeting on November 4<sup>th</sup>, 2014, are adopted.

**3. Adoption of the agenda for the day.**

The agenda is adopted.

**4. Bilateral fishing agreements of the EU with: Norway, Faroe, Iceland and Greenland.**

Since there are no representatives from the Commission present in the meeting to address certain issues, Mr. López proposes that a letter be sent to Mr. John Spencer with the aim to enquire how we may better coordinate from both ends (LDAC and Commission) in order to ensure attendance to the meetings.



**Actions:**

**The LDAC shall send a letter to the individual who will succeed Mr. Spencer as principal negotiator once such individual has been appointed, with the aim to welcome him/her, offer the collaboration of the LDAC and present the work carried out by the organisation. An informal meeting will be requested for initial contact between the new negotiator and a delegation from WG2 in order to exchange viewpoints and strategies pursuant to the dynamics for participation and communication between the Commission and the LDAC, and to learn about the state of negotiations of the fisheries agreements in the North Atlantic.**

**(i) Summary of the state of negotiations in 2015.**

Mr. Catalán, representative of the EC, reports that from the 11<sup>th</sup> to the 13<sup>th</sup> of May a meeting is scheduled with Norway in order to consider potential revisions of the long-term management strategies for cod, haddock and saithe, as well as strategies for the autumn negotiations. There will also be other meetings with this country in the second half of the year in order to address the issue of redfish; and there will be discussions on the enforcement of the new CFP, in particular on regionalisation and the obligation to land all catches.

Regarding the Faroe Islands, the representative from the Commission states that good relations have been started with the Faroese, and that they are committed with the dossier on blue whiting, a good example of which is the distribution of quotas in 2015.

Regarding the relationship with Iceland, there are no news, however there are ongoing contacts in order to negotiate the management of mackerel.

Finally, on NEAFC, it is reported that an extraordinary meeting is to take place in London in the month of May in order to analyse the report by the latest panel with a view to identify solutions to different problems of the contracting parties. NEAFC shall bring forward the proposals they may deem appropriate to be considered by PECCOE and PECMAS.

**(ii) “Export duties” applied by Norway.**



The representative from the Commission, Mr. Catalán, states that there is a Royal Decree in force pursuant to the Laws of Norway regarding the imposition of export duties, amounting to an estimated tax revenue of 3 million Euros per annum. He highlights how difficult it has been for the EC to find economic data on this issue on behalf of the European fleet, which were finally collected by EUROSTAT.

They are researching into the possibility of progressing regarding this issue within the framework of the WTO with their colleagues from DG TRADE, nevertheless, they will try to reach an agreement in a collaborative manner before taking recourse to this procedure.

Norway considers that if a bilateral agreement with the EU is achieved which is beneficial to both parties (improving the conditions to access the Community market), an exception could be considered to the enforcement of this duty for landings originating in the EU. The current problem is that they are stagnated in the financial negotiations, there are still disputes regarding the amount of contributions, the period, etc. The EC is on standby waiting for new developments.

Regarding the Faroe Islands, they are looking into what may be requested from them, and how progress may be achieved.

The Secretary General, Mr. Rodríguez, enquires about Norway as to whether the discussions on the enforcement of the CFP and the landing obligation have analysed how this will affect Norwegian vessels fishing in Community waters; he would like to know more details on this issue as in principle they would not be affected by the landing obligation.

On the other hand, Mr. Vilhjálmsson explains that the problem with these duties is a recurring issue with Norway. When the agreement is finalised, all European vessels will be obliged to pay more than one per cent of the catch values. An exemption for the EU ought to be implemented, as this duty lacks any meaning.

Mr. Catalán highlights that the Commission is analysing the terms of the negotiation, and that the request for an exemption for EU vessels is a topic on the Commission's actual list of demands, as it would entail a barrier to free competition. He asks the members of the LDAC



who represent the affected fleets to bring forward specific data on the cost of such duty and the practical operation.

Mr. López explains that he does not understand how the EU may allow fish from Norway to reach the EU free from any tariffs and let Norway impose a random duty to sell their fish in our markets. He highlights that in the last few years Norway has accessed 40% of the Portuguese market through such techniques. He suggests that this should not be allowed in the current negotiations.

**Action:**

**The LDAC (Hjálmar and Iván) shall draft a letter on the issue of the export duties enforced by Norway on Community fleets that land there. All members who may be in possession of any information in this respect are asked to forward it to the Secretariat of the LDAC in order that it may be sent to Mr. Catalán and the staff at the Commission.**

(iii) **Svalbard.**

Mr. López reports that the Svalbard issue must be followed up closely, as there is a debate between the Commission and the European Parliament. The Chairman of the EP Committee on Fisheries, Mr. Cadec, wrote to the EC insisting on the problem in this issue, to which the EC replied that they lacked knowledge about it. In reaction to this reply, Mr. Cadec sent all the reports from the meetings as well as the file, so now a reply is expected.

The LDAC proposes to establish contacts with the different Member States affected and to plan a meeting in order to be able to progress in this issue.

**Action:**

**The LDAC shall start contacting the different MS affected, with the aim to explore the possibility of scheduling a meeting on the Svalbard issue, which shall depend on the reply by the EC to Mr. Cadec on the state of affairs and communication between both institutions.**



## **5. Enforcement of the landing obligation (LO) for long-distance fleets:**

The Secretary General, Mr. Rodríguez, sums up the meeting held regarding this issue in Bilbao the week before, within the framework of the Sinaval trade fair, highlighting the presentation made by the representative of the Commission, Mr. Vardekopper, which will be made available to all the members at the LDAC website. On the other hand, he asks the representatives of the Commission to explain the current situation and the assumptions in which the landing obligation would be enforced on European long-distance vessels fishing outside of Community waters, and which rules prevail in case of conflict, as well as the expected date on which the LO is due to come into force and enforced in non-Community waters.

### **Action:**

**The presentation on the enforcement of the landing obligation made by the representative of the Commission within the framework of the trade fair SINAVAL will be uploaded to the LDAC website for all the members to be able to access it.**

- a) Summary of the work by the Commission and the MS Groups on LO**
- b) Scope of enforcement of the delegated acts: RFOs and international waters**
- c) Definition of fisheries in the NEAFC regulatory area**
- d) Work plan to draft the advice by the LDAC: terms and deliverables**

The representative of the EC, Mr. Rihan, focuses on the state of affairs regarding this issue. Regarding the discard plans for demersal fisheries in community waters, the MS must submit their proposal by the end of next month. Plans will focus on the year 2016.

The understanding that the EC currently has is that exemptions are going to become much limited regarding discard plans, as they shall initially only be approached in 2016. Regarding the regionalisation of the process, he highlights that they are still going through the training stage, though much has been developed in the work of the three Groups from affected



Member States (North-western Waters, South-western Waters and North Sea) in the last 2 years, from the discard plans for pelagic species to the discard plans for demersal species.

Mr. Varsamos, representative of the EC, takes the floor to explain the delegated act for international fisheries. There are two RFOs which are included in the delegated act: ICCAT and NAFO. In ICCAT it affects tuna (bigeye and bluefin) and in NAFO capelin and NW Atlantic swordfish. Between the time it was adopted and the present time, two additional cases have been identified which must surely have to be included in the future into this document, by means of an amendment. These two cases are: for South Atlantic swordfish and bluefin tuna.

The Commission is now in the process of estimating what is going to happen to the landing obligations that are due to start in 2016, and is still in the analysis stage regarding NEAFC fisheries. This will be covered during the second half of 2015, so no further data can be brought forward for the time being. He proposes that the LDAC forward him the analysis work which has been carried out in order to obtain further data.

The representative from the EC, Ms. Vaigauskaite, states that in the case of absence of a delegated act, the LO would be enforced. Nevertheless, the intention of the EC is that if there is any rule of international law that may enter into conflict with the landing obligation, an exemption of a temporary nature would be granted to the enforcement of the LO. Moreover, which rule would apply in case of conflict would have to be determined. The EU wishes to promote the adoption of the landing obligation within the framework of the RFOs. She requests that the industry inform them about any conflicts and problems they may encounter. On the other hand, she reports that the EC has commissioned a consultant to carry out a study to research into the rules of RFOs and to identify any conflicts that may arise. The EC shall make this report public as soon as it is finished.

Mr. Liria explains that the LDAC has tried to identify potential problems issuing from the enforcement of the LO. He explains art. 15 of the CFP Regulation which in his understanding clearly leaves the activities of the European fleet in the waters (EEZ) of third countries outside



of the Regulation, given that such countries are the ones to set the rules. He understands that such criterion also ought to be applied to the areas in which due to international agreements the regulation is assigned to a third country, such as is the case for Svalbard, for being already subject to regulations forbidding discards that are in force in Norway, and which the fleets are already abiding to.

He believes that the EC should take three principles into account: 1. Respecting the EU's international obligations by prioritising international rules; 2. Achieving that European operators enjoy full legal security and therefore that they know which rules they must abide to; 3. Providing fishermen with a level playing field in what regards conditions and non-discriminatory treatment with regard to other fleets.

In the LDAC this transversal issue is essentially addressed by Working Groups 2 (North Atlantic) and 3 (other RFOs and international waters). He highlights that in NEAFC it must be clarified what is it that we designate as regulated species, since rule 16/2010 forbidding discards is in force that affects the species regulated under annex 1A, and not those under annex 1B.

The problem is that under the Community Regulation for TACs and quotas there are some species of annex 1b that have quotas in sub-areas of NEAFC and which could therefore enter into conflict, whereby we should consider the exemption for European fleets in such areas. He proposes the LDAC to make a recommendation for the delegated act of the Commission once we have the report available.

Finally, regarding the dates he understands that the enforcement of the landing obligation outside of Community waters would start on the 1st of January of 2017 for the species defined in the fisheries and no later than the 1st of January of 2019 for all other species.

The representative of the EC, Mr. Varsamos, thanks Mr. Liria for his presentation and confirms that his analysis is correct. The Commission will have an internal discussion on how the enforcement dates are to be decided, and they are waiting to receive the report they have



commissioned. It was clarified that the Commission may only exempt from banning discards by means of delegated acts for RFOs, fishing in international waters could have a stricter approach.

**Actions:**

**The LDAC shall draft advice in which the affected fisheries and species are defined that may entail potential problems at RFO level (in particular NAFO and NEAFC) as a result of enforcing the landing obligation for Community vessels fishing outside of Community waters. Mr. Liria proposes that the LDAC send the Commission a recommendation on the delegated act of the EC, with a view to consider the exemption for some fisheries –annex 1B with the sub-areas of NEAFC-. To this respect, the active collaboration of the members of WG2 will be needed in order to have reliable information on the activity of the fleets, seasons in the year, discard volumes, etc.**

**The Secretariat of the LDAC shall wait until the Commission publishes the final study it has commissioned to a consultancy, which study will identify the conflicts issuing from the enforcement of the landing obligation with the rules of the RFMOs.**

**6. NEAFC.**

**a. Updates on the consultations among coastal States.**

Mr. Catalán, representative of the EC, reports that he will forward to the Secretariat of the LDAC the information sent by Mr. Spencer in order that it may be included in the minutes. (It is attached hereto).

***“Norway***

*With the exception of difficulties relating to mackerel (lack of agreement on the content of a long term strategy) and blue whiting (Norwegian unilateral quota), relations with Norway are normal.*





*There will be a meeting with Norway in Lofoten Islands from 11 to 13 May to consider possible revisions to the long term management strategies for North Sea cod, haddock and saithe. The object of the meeting will be to submit revised strategies to ICES in time for advice in the autumn negotiations. We expect this meeting to be non-controversial. Further meetings with Norway are foreseen in the second half of this year to address the issue of redfish in ICES area I and II and the EU redfish quota in the EEA, as well as discussions on the developments relating to the new CFP (regionalisation and landing obligation).*

**Faroe Islands**

*Our relations with the Faroe Islands are now on a sound basis and we are actively engaged with them on the blue whiting dossier, where they are the second most important party.*

*The recently concluded Agreed Record permitting the EU fleet to fish 15% of its ASH quota in Faroese waters in 2015 is a good example of the improved co-operation.*

**Iceland**

*Relations with Iceland are dormant. Our differences on mackerel still persist of course. The fault on that question lies with both Iceland and Norway, which are unwilling to show any flexibility.*

**NEAFC**

*NEAFC will hold an extraordinary meeting in London on 27-28 May to examine the report of the Performance Review Panel.*

*This report was rather disappointing, since while it identified weaknesses within NEAFC (such as the ineffective Coastal State process), it did not identify real solutions to most of the problems addressed.*

*We expect NEAFC to attribute to PECCOE and PECMAS the responsibility for presenting concrete proposals on the follow-up to the suggestions in the Report."*

**b. Scientific Cooperation (ICES-Scientific Council) on stock assessments.**

The Chairman of the Advisory Committee (ACOM) of ICES, Mr. Kierkegaard, makes a presentation on stock assessments in NEAFC. This presentation will be uploaded to the LDAC website.

**c. Report on the activities of the European Fisheries Control Agency (EFCA)**



The representative of EFCA, Mr. Babcionis, makes a presentation on the Joint Deployment Plans (JDPs) that the Agency carries out in the NEAFC regulatory area. This presentation will be uploaded for consultation to the LDAC website.

**Action: The presentations of ICES and EFCA will be uploaded to the LDAC website.**

**d. Proposal to discuss the snow crab fishery**

Mr. Vilhjálmsson explains his proposal on snow crab, stating that most of the industry in Estonia largely depends on the shrimp fishery, and that they are currently fishing more at the Barents Sea, especially in area 1 of NEAFC. He highlights that the number of vessels directed to fishing snow crab has increased much, and that they are currently around 25 of them. This makes trawler fishing operations very difficult due to problems of coexistence issuing from the use of signalling buoys, etc. Since there is no specific regulation for this fishery, there is no protocol for coordination either. He believes that both fleets can coexist if a series of basic rules are met, such as the following:

- That vessels are prevented from fishing with illegal gear
- A partial closure for area 1A for fish-pot vessels
- Maximum immersion times for fish pots on the seabed
- Obligation for fish-pot vessels to notify at least 1 day in advance of the position of their fish pots
- Limitation to the size of fish pots
- Lighting for buoys at night, etc.

Mr. Liria disagrees as to the areas proposed for closure in the proposal. He states that a prior agreement should be reached among all the representatives of the affected fleets concerning the areas and that they also be accompanied by a series of technical measures.



Mr. Vilhjálmsson states that he will discuss the issue with his associates and submit a revised version of the proposal in order to try to reach an agreement in future meetings.

**Action:**

**Mr. Vilhjálmsson will send a new version of his proposal, which will include the coexistence between fish-pot vessels and trawlers, taking into account the comments brought forward by Mr. Liria, to be discussed at future meetings.**

**7. NAFO.**

**a. Conservation plans for cod 3M and Greenland halibut**

The representative of the Commission, Ms. Veronika Veits, reports that the last annual meeting of NAFO in 2014 was a positive one regarding the sharing and allocation of quotas. She also mentions the proposal to promote a single global record of fishing vessels based on the IMO identification numbers. Finally, she reminds that the EC proposal on attached fins has not been supported by the contracting parties.

Regarding the reopening of the witch flounder fishery, the EU was initially not in favour due to the uncertain status of the stock. The USA was against reopening the witch flounder stock, though she expects that in the future the discussion on the distribution key will be started again.

Regarding the work carried out this year, the EU held a technical meeting with the MS to prepare the working groups. The aim of this editorial working group, which met on April 14<sup>th</sup>, was to clarify the footnotes that stated the share for the Baltic states issued from the former USSR. They will analyse the historical context of such footnotes.

The WG on the review by the scientific observers met on the 15<sup>th</sup> and 16<sup>th</sup> of April, the current systems were discussed without reaching any conclusions. The need to have a system of observers was made clear, though it is difficult to harmonise.

There were also discussions on 100% coverage and the fact that data must be collected in a centralised manner.



Another Working Group that met last week addresses catch reporting, in order to reduce the differences between estimates and real data for catches. It was decided to establish a working group to assist the Secretariat of NAFO on the data to validate the estimates and to have a better methodology to assess catches.

The WG on risk management focuses on the framework of a precautionary approach, with two key aspects: 1. Development of a risk-based monitoring strategy (RBM) to assess witch flounder; and 2: Revision of the HCR for cod 3M. Regarding the latter, Harvest Control Rules (HCR) do not allow to reach the desired objectives in the short and medium terms, whereby the management objectives themselves are being now questioned regarding their suitability.

Regarding Greenland halibut, she highlights that the preparatory work will be carried out in 2016 as the next revision is due in 2017.

In mid-July two working groups will meet: one on selectivity and discards and accessory or incidental catches (by-catch); the other on the ecosystem approach to fisheries management.

During the third week in September the technical meeting will take place in Canada, and there will be a preparatory meeting for the annual one with the Member States and stakeholders in the EU at the end of August in Brussels.

She also states that it is expected in May to make a presentation of the final results of the study with the scientists.

On the other hand, the Secretary General, Mr. Rodríguez, reports that AZTI have not been able to make their presentation on the assessment of the HCR for cod 3M on this occasion as had been planned, and this is left for a future meeting.

Ms. Veits thanks the advice drafted by the LDAC for the preparatory technical meetings for NAFO as well as the annual meetings in previous years.

Mr. López, in turn, thanks the EU delegation on behalf of WG2 for their successful negotiation strategy in NAFO, for their transparency in communicating the progress, and for the close collaboration they have with the LDAC, hoping that such a fluent relationship may continue.



Likewise, in the absence of Antonio Cabral, the usual rapporteur for the advice, it is agreed that a drafting team of the LDAC be established, led by Iván López, Manolo Liria and the staff at ARVI, in order to proceed to write a first draft advice to be distributed to the members with a view to adopt it prior to the annual NAFO meeting in Halifax (21-25 September, 2015).

**b. Participation of the LDAC at the NAFO Scientific Council.**

Mr. López states that the LDAC would like to take part as an observer. It is suggested that the LDAC send an application to such a purpose.

**Actions:**

**Mr. López requests the members of WG2 representing the cod fleet to bring forward socio-economic data on cod 3M with a view to use them in the study on MSE by the IEO scientists.**

**A delegation of the LDAC will attend the presentation of the results of this study upon an invitation by the Commission on a date yet to be determined (May) as well as the preparatory technical meeting prior to the annual NAFO meeting, in Brussels (August).**

**The possibility will be studied for the LDAC to send a request to NAFO with a view to achieve the status of observer in NAFO or at least to participate as an observer in its bodies.**

**A drafting team of the LDAC, led by Iván López, Manolo Liria and the staff of ARVI, assisted by the Secretariat, shall write a first draft advice which will be distributed among the members of WG2 and the Executive Committee with a view to adopt it prior to the annual NAFO meeting in Halifax (21-25 September 2015).**

**8. Regulation for the Regime of deep-sea species: current situation.**

The representative of the EC, Ms. Kirchner, reports that the Commission has discussed a working calendar to plan future actions. She highlights that the proposed Regulation for the



Regime of deep-sea species shall be reviewed article by article, starting on the 7th of May in line with COREPER.

It is reminded that the European Parliament arrived at a position on the proposal by the Commission in which one of the main elements in the proposal has been eliminated: the phasing out of deep-sea trawling nets.

Mr. Park enquires as to when is it planned to start the dialogue with the EP. The representative of the EC states that it depends on whether an agreement is reached at the Council, although since it is a complex issue it is unlikely that it be developed before the Luxembourg Presidency of the Council, in the second half of the year.

**9. Date and place for the next meeting.**

The date and place for the next meeting of the Working Group remains pending, and it is suggested to include the remaining Working Groups at least once a year.

**The session is adjourned at 17:20 hours.**



## ANNEX I. LIST OF ATTENDANTS

### MEMBERS OF WORKING GROUP 2

1. Iván López. AGARBA/CEPESCA
2. Juan Manuel Liria. FEOPE/CEPESCA
3. María José Cornax. OCEANA
4. Anna Boulova. AIPCE
5. Pablo Lourenzo. AIPCE
6. Erik Bjørn Olsen. Living Sea
7. Hjalmar Vilhjálmsson. EL DFA
8. Emil Remisz. NAPO
9. Despina Symons. EBCD
10. Jane Sandell. NFFO
11. Mike Park. SFF
12. Xavier Leduc. UAPF

### OBSERVERS

13. Manuel Catalán. EC
14. Maja Kirchner. EC
15. Dominic Rihan. EC
16. Veronika Veits. EC
17. Stamatis Varsamos. EC
18. Dovile Vaigauskaite. EC
19. Genadijus Babcionis. EFCA
20. Eskild Kierkegaard. Head of ACOM ICES
21. Margarita Mancebo. SGP
22. Carmen Paz Marti. EP
23. Priit Ojamaa. EP
24. Jose Fonseca. ADAPLA
25. Jualiana Boudigou. EUROPECHE
26. Daniel Voces. EUROPECHE
27. Adam Augustynowicz. Ministry of Agriculture and Rural Development. Poland
28. Alexandre Rodríguez. LDAC
29. Manuela Iglesias. LDAC
30. Marta de Lucas. LDAC