



Draft Minutes
30th meeting of LDAC Working Group 2
North Atlantic RFMOs and Fishing Agreements

Tuesday 25 October 2022, 15:00-17:30h CET
Hybrid meeting/Berlaymont Hotel, Brussels-Web conference – Zoom

Chair: Mr. Gerard van Balsfoort
Vice-Chair: Mr. Xavier Leduc

1. Welcome by the Chair

Mr. Gerard van Balsfoort, PFA, welcomes the members and thanks them for their availability to come at this meeting. He considers that there are many things happening in the north Atlantic.

2. Adoption of the minutes of the last WG2 meeting (24 March 2022)

The minutes of the last meeting are approved with no additional comments.

3. Adoption of the agenda

The agenda is adopted with no additional comments.

4. Election of the Chair and Vice-Chair of Working Group 2.

Mr. Gerard van Balsfoort explains the process and his resignation as a result of his retirement, mandate until 2024, and proposes to appoint by acclamation Mr. Xavier Leduc as Chair and Mr. Tim Heddema as Vice Chair. **The proposal is approved by the group at unanimity.**

Mr. Gerard van Balsfoort reflects that he is handing over the chairing of this group in a very difficult time, politically, geo strategically in this part of the world, and also from fisheries management perspective.

Ms. Manuela Iglesias, LDAC, conveys her appreciation to Mr. van Balsfoort on behalf of the Secretariat for the years dedicated to work with the LDAC.

Mr. Xavier Leduc, UAPF, expresses his pleasure to be here and thanks Mr. van Balsfoort for the hard work he has done in WG2, and his efforts spent for the good job in AC, with industry and NGOs.

5. North West Atlantic Fisheries Organisation (NAFO):

5.1. Report by DG MARE on results and decisions adopted at the 44th NAFO annual meeting (September 19-23, 2022)

The LDAC NAFO advice sent to EC can be found on our webpage [https://ldac.eu/images/LDAC Advice on NAFO AM 2022 7Sept2022 Ref-07-22_WG2.pdf](https://ldac.eu/images/LDAC_Advice_on_NAFO_AM_2022_7Sept2022_Ref-07-22_WG2.pdf)

Mr. Anders Jessen, EC, reports that the annual meeting was not expected to be particularly difficult this year when going to Porto but was a particular situation that caused division due to new members on different delegations. Relation with Canadian

delegation was not as smooth as in previous years and caused some problematic situations. Two main difficult issues:

1. Agree allocation scheme for 3M Shrimp – scientific advice saw there would be no fishery next year, so we removed that external pressure to come to an outcome this year. Furthermore, because of the situation of Eastern Europe – two of the main CPCs were Russia and Ukraine, and it was almost impossible to discuss and reach an agreement.

Despite this, interesting discussion and ideas from move to one management system (fishing days) to another (quota allocation) by actually presenting modalities for this type of step. At the end we submitted a joint paper with Norway (which is highly unusual) but this time new Head of Delegation was quite keen and worked quite well.

Canada had tripled their demands of allocation between 2008 and now for no other reason than they had a reasonable outcome when the fishing season opened in 2020, they wanted to increase at the expense of EU, so we did not have a mandate for such a big change. Canada was a bit isolated in the discussions, they got considerably frustrated as they were kept away from bilateral with EU and Norway.

2. 3M Cod: the science result was better this year, so there is prospect for increasing the quota.

One extreme was Denmark in respect of the Faroe and Greenland agreement coming to almost 8000t request where Canadian started with the opposite approach at around 5000t and EU and others intermediate at 5791t as laid out in the advice. It was asked to the scientific council to move above 6100t, challenge to persuade Canada and Denmark in respect of the Faroe and Greenland agreement to this range which was the final TAC agreed for 2023 (6100t). EU managed to tackle the agreement.

Fishing opportunities for 2023 and beyond: He quotes the number of tonnes allocated to witch flounder and redfish 3M (20000t for 2023-2025).

The EC had a proposal on research vessels, but this was not agreed due to opposition of Canada. There was a change on rules of procedure in STACTIC, also difficult discussions between US and others on presence of industry rep under certain circumstances. It was agreed to accept a limited number of actors under certain requirements. We had a compromise on Greenland Shark.

Mr. Xavier Leduc, UAPF, wonders if the Faeroe's over catch for Cod 3M triggers any payback. Mr. Anders Jessen, EC, answers that it is being used a leverage to change the rules of procedure (incl. Faroese support) to ensure this exception of scientific quota would not be abused, not aware of paying back. The Faroese were much more apologetic in which what happened and with different attitude, ensure this will not happen again and was a one-off situation. It was a reason to close the loophole.

Mr. Iván López, AGARBA, apologies for being absent in Porto most of the time. He highlighted the change of personalities and stereotypes with Heads of Delegations. He



sees possibilities for pushing reforms in future years for ecosystem approach and Council to enforce these changes in future which are very ambitious.

Mr. Anders Jessen, EC, considers this change has a negative influence and not positive. There have been frictions between UE and Canada which are worrying. He shows his surprise by the many actions they took without advising and got hostage EU's proposals. Mr. Jessen highlights that when there is friction between EU and Canada things become difficult, nevertheless, when both get proposals together, often that is the outcome obtained. He Hopes to be able to restore the relation, in fact, they already met at high level two weeks later.

For Iceland, there was a new Head of Delegation and it had a strange switch of alliances this year but the EU will try to get the outcomes we need in the future. Indeed, the EU needs good cooperation if we want to achieve an agreement on the implementation of the ecosystem approach.

Mr. Jean-Christophe Vandeveld, PEW, has follow-up question on ecosystem approach to fisheries management, wondering whether there were decisions taken at total catch index (TCI) as it has been discussed in NAFO for years now, or no.

Mr. Anders Jessen, EC, answers that recommendation to work with TCI was broadly supported, with a lot of questions made by Japan and Russia but from a scientific point of view it was said it would be as solid as was going to get. Not much reason for hesitancy. We have taken an important step. It is a reference point for ecosystem evaluation and solid scientific base.

6. Bilateral and trilateral dialogues EU - Northeast Atlantic Third countries

6.1- Update from DG MARE on state of play of the negotiations with Norway and access to Svalbard fishing resources by the EU

○ Norway

Mr. Mael Le Drast, EC, gives an update on the process of fisheries consultations with Norway, UK and tripartite. There are big meetings happening in these weeks: Two rounds of consultations where we expect to finalize the discussions: Brussels 9-11 November and Oslo, 28-30 November.

The aim is to agree on three topics:

1. Overall bilateral agreement with Norway: exchange of fishing opportunities, Norway has to offer us a mandatory volume of arctic cod in exchange of fishing opportunities. Expect not issue, frontloaded scientific advice of certain stocks, capelin is not so good. Rely on stakeholders and industry to come up with creative ideas to achieve a good compromise. Will have technical meetings with your industry by end of this week and also MS.
2. Reciprocal access to waters in the context of bilateral both for demersal in the North Sea and pelagic stocks.
3. Two Skagerrak and Norway Sweden agreements where TAC limits have been limited.



Hopefully by early December it will be translated to a non-paper to be translated in a proposal to feed the regulation on fishing opportunities in 2023 in time for the Council of 12-13 of December.

6.2- Report on the state of play of the bilateral and trilateral negotiations for fishing opportunities and technical measures of the EU with:

○ **Norway and UK**

The EC representative, Mr. Mael Le Drast, informs that as for these negotiations, there are two rounds planned: one in Oslo, next week and one in Brussels on the 21-23 of November. TACs will be set for six jointly managed stocks in the North Sea: cod, plaice, whiting, herring, haddock, saithe. Challenging discussion on herring. There is also the issue of flexibility for Skagerrak and North Sea on this, we'll have the discussion again this year. The biology is pretty good and advice is quite positive on other major stocks.

○ **EU Norway framework agreement**

Mr. Mael Le Drast, EC, explains there are consultations and several rounds of trilateral framework agreements with UK and Norway. They already had 3-4 meetings this summer. All parties at Head of Delegation level, agreement taking part of all the process. Having in mind the co-decision legislative process, he expects that it could enter into force before annual consultations for 2024.

Regarding to the EU – Norway framework agreement, there has been a compromise to modernize the 1980 agreement, discussion is expected to be more difficult. The EU has a more ambitious mandate than Norway on cooperation, notification, reciprocal access to waters, fishing opportunities, etc. The EC wants to avoid unilateral measures to be decided at short notice, less committing and binding in this case. Envisage need of diplomatic work and efforts on this front. The work will resume in February-March next year.

Mr. Tim Heddeman, PFA, asks in what way the framework agreement will make the industry live easier in the future in terms of smoothing or easing consultations. What is the big win here?

Mr. Mael Le Drast, EC, answers that the framework is not only about annual consultations, but all aspects of fisheries management and cooperation. It should bring additional certainty and stability to fishing activities. For example, the recent trawl ban in Norwegian waters notified at very short notice, or actions to reopen sharing arrangements in the Skagerrak. It will provide certainty in the sharing. It helps also to crystallize cooperation with UK and Norway. It provides clear rules and procedures for annual consultations and principles, guides negotiations (scientific advice, references to MSY), aligns with CFP. TCA already provides good basis for cooperation with UK. So the real added value will be with the EU Norway bilateral agreement. Trilateral was more about showing positive impetus.

Mr. Sean O'Donoghue, KFO, asks one ne question related to Process: will be physical, online or hybrid format for negotiations?



Next, he does some comments:

- The EU-NORWAY balance will be difficult this year. Keep in mind that pelagic industry made already its recommendations, heading into an extremely difficult in 2023 for some of our key pelagic species, zero catch options on some species.
- Haddock: situation in North Sea is different from West Coast of Scotland, scientific increases not followed through due to joint management of both stocks as such.

Mr. Mael Le Drast, EC, answers these will be hybrid meetings, all delegations will be in the room, for the EU they accept Member States and stakeholders to be with them in presence in the delegation, but also online. Comments well noted. Irish pelagic industry considerations are reflected in the interactions already made with Irish administration.

Mr. Jean-Christophe Vandeveld, PEW, question on NS herring and need for long term management strategy, not agreement on framework for that stock. Was it discussed in the first rounds, and might there be an agreement between the 3 parties? Might there be logistics to participate in the plenaries, we received the link directly from you or must ask via MS?

Mr. Mael Le Drast, EC, remains the case as in previous, stakeholders should liaise with Member States as they are the ones deciding on their representation or delegation. NS Herring: WG held one year ago intended to deliver reports end of last year but due to pandemic only able to provide a summary report finalized a few weeks ago and will be released soon. Started negotiations with UK based on this report. Management of juvenile by-catch have proved very efficient to prevent juvenile mortality. Management overall good but facing with new challenges with intermixing of the Western Baltic spawning herring. We will probably not be able to agree on the long-term management plan in the course of these annual consultations.

Mr. Iván López, AGARBA, shares concerns on participation and time availability on resources of the staff from DG MARE. We feel the same and yet here we are with a time schedule. Regarding, cod in Barents, they are very worried about cod situation, we had terrible years on announce to give away of 25% of cod in Svalbard, 12% more than expected for the UK in the Brexit deal. For the EU to clarify what they want to do with by-catches in the area, not consistent penalties not imposed by Norway they do for the EU. Informal discussions, stop in Norwegian ports for logistic reasons but unable to offload in Norway as all storehouses are full with Russian cod. The Russian cod is sold as Norwegian in EU and saturate the market in the EU and distort the market prices while encouraging profit making from Russian owners. Major fraud to European consumers it comes as Norwegian cod. Some information at least would need to be made public so as consumers should know what they are eating.

Mr. Mael Le Drast, EC, replies they are working in a team that does not deal with Arctic Cod, nevertheless he will pass to his colleagues all these concerns. The EC doesn't like this situation and should be factored in the consultations with Norway. It is more the overall collaboration between EU and Norway in the geopolitical context.



Mr. Marc Ghiglia, UAPF, explains that the terms of the UK's agreement with Norway leading to practices do not comply with the terms of the TCA. Two sources of data can be taken:

- For the first source, publicly available, UK hake quota consumption statistics (MMO website), the UK catches in UK waters hake but it is not counted against the quota from the cooperation agreement which does not contain Norwegian waters but it is counted in Norwegian waters under the UK quota given by the Norwegians to the UK. These are minor tonnages (460t at the end of September) but when you add it to the European quota it is significant. The same thing happens with the monkfish they catch in British waters but declare in Norwegian waters. This is not in line with the cooperation agreement. Difficulties to go fishing for these species in Norwegian waters.

- For the second source, from Norwegian statistical data, we find the nominal catch statistics (huge database), the Norwegians catch species under quota without corresponding fishing possibilities in the bilateral agreement (ling, hake, they have zero quota for example). We are talking about large tonnages (for ling, zone 4, at the end of September there were 5000t of ling from a specific TAC) but also large overruns on Greenland halibut for example. This should be examined.

Mr. Mael Le Drast, EC, thanks this information and it would be grateful if Mr. Ghiglia could send these comments in writing. The TCA is an agreement between the EU and UK and the share provided for the stocks are the stocks shared with the UK but it doesn't mean that Norway cannot fish on these stocks. That's specifically the case for hake. When UK and EU are deciding the TAC, they have in mind that part of that overall advice quantity will go to Norway. The TAC does not prevent the UK to have bilateral arrangements, access, and transfers to Norway.

Mr. Esben Sverdrup, DPPO, in relation to North Sea herring and mixing of Western Baltic herring, we should be careful on how we approach this stock. Increases in by-catch have increased because we have closed the herring fishery in Western Baltic, also in 3A, together with sprat and Norway Pout, sprat in the Western Baltic...

The management measures introduced have lowered the pressure in Western Baltic Herring, those catches migrating in the North Sea of course dominate the statistics but a very low level. It is important to keep this in mind when discussing adoption of additional management measures, evaluate first the effect of measures that came into place only last year.

Next, he asks a question: he understands that request to ICES has been produced. Has this been communicated to ICES or is pending of approval on trilateral negotiations for Long Term Management Plan on herring?

Mr. Mael Le Drast, EC, replies that it is a reality made in the report that will be made public. Norway came up with suggestion of MSE evaluation for herring, it is still in internal discussion with Member States in the EU about how this MSE request to ICES should be drafted. The idea is to prepare a counter proposal to Norway before we engage in another round of technical discussions on herring, next week, with UK and Norway. Hopefully it will be sent to ICES in early November.



Mr. Xavier Leduc, UAPF, asks if he knows the level of TAC for Arctic Cod for 2023 with the level of conflict between Norway and Russia in ICES?

Mr. Mael Le Drast, EC, answers they don't know it yet, aware that Norway will do their own assessment given the situation with Russia. Both are meeting this week so hope to have more info or clue next week about level of quota.

Mr. Emil Remisz, High Seas Fish Producers Organisation, commented that it seems that Barents cod quota reduction from 20%.

ACTION: Mr. Ghiglia will send to the EC representative his comments in writing to the EC representative.

7. Multilateral negotiations in the high seas: update by DG MARE on NEAFC Coastal States negotiations and relevant issues for decision at 41st Annual Meeting (London, November 15-18, 2022)

Mr. Mael Le Drast, EC, informs that it is not within his remit. He is not fully up to speed. On the coast states, efforts are still very much on the mackerel sharing arrangements. They have been plenty of meetings to try to agree on a new arrangement. No new developments.

Regarding the TAC 2023 negotiation, there have been a first round which have allowed parties to see the dynamics and the starting position. UK is looking for Blue Whiting. The positions are diverging here, not looking all for the same direction and how ICES advice should be interpreted.

Mr. Sean O'Donoghue, KFO, has a different understanding on what the situation is for Blue Whiting for 2023. Four coastal states in agreement to follow ICES advice which included the EU. Only the UK disagreed, they should reflect and come back. Some prepared to relook at the UK proposal.

Mr. Mael Le Drast, EC, answers he is not involved and thinks his point was only about bilateral and trilateral negotiations with Norway. He will check it.

Mr. Jean-Christophe Vandeveld, PEW, comments that it seems that the UK asks to go below the maximum advice catch given by ICES.

Big jump of 80% seems to make sense. Why the EU doesn't have the same approach in the context of so much uncertainties. This big jump in advice does not give stability to the fishing industry whereas the industry always asks for stability and not moving beyond +/- 20%. What is the rationale?

Mr. Mael Le Drast, EC, replies that the EU position is always coordinated with the Member States and their stakeholders. The results of the discussion where pros and cons are widely discussed and come to some sort of compromise.

8. Joint AC work on EU stakeholders' engagement in the Cooperation Agreement (TCA) between UK and EU



8.1. Report from DG MARE on state of play of TCA UK-EU: update on role, composition and competencies of the Specialised Committee on Fisheries (SCF)

Ms. Jurgita Staneikate, EC, explains she doesn't have much to report individually to each AC as they have inter AC meetings for this purpose, where they introduce main aspects of Specialised Committee Fisheries agenda. Also, last week they have a Brexit forum meeting. She also informs that the next SCF meetings will take place next year.

Mr. Sean O'Donnoughe, KFO, explains that the LDAC is part of the Inter AC meeting on Brexit, reminds that there have been 6 meetings this year and there are still open seats. This format has worked very effectively in briefing the relevant ACs (5 AC involved). He is therefore of the opinion that this an appropriate forum for issues relevant for the LDAC as well as other ACs.

Mr. Iván López, as chair of the LDAC, is very surprised at this new attitude of the EC, and he would like to know what the change of mandate on this are. There is inconsistency on this matter, as an example, Mr. Donatella had no problem in coming to previous meetings. He asks what are the criteria being used. We are having meetings in Brussels in order to facilitate the attendance of the EC representatives.

Ms. Jurgita Staneikate, EC, understands these points and the EC is looking on how to provide information to all AC. She highlights that the EC doesn't have enough human resources. Nevertheless, she will pass all these concerns.

Mr. Edelmiro Ulloa, OPNAPA, supports Mr. López comments. The LDAC meetings are usually in Madrid but it was decided to organize these meetings in Brussels to facilitate the participation by the European Commission. He explains he spent 12 hours in Madrid's airport to be in Brussels on time and the situation looks incredible as the Commission cannot give feedback here in this working group.

Mr. Xavier Leduc, UAPF, shares this frustration and considers it is not acceptable.

Mr. Iván López, AGARBA, reminds the content of the letter signed by him and Mr. Julien Daudu, as Chair of WG5, and he suggests that another one could be sent by Executive Committee as well.

Mr. Xavier Leduc, Chair WG2, agrees and considers it as an urgent matter.

Mr. Benoît Guerin, LDAC secretariat, mentions Inter AC Secretariat meetings with MARE, notes dissensions on participation of official in AC meetings within the DG MARE itself.

ACTION: Members agreed on the need to discussed on the opportunity to send a letter to DG Mare on the absence at WG meetings, as they are held in Brussels.

8.2. Joint-AC letter, sent to the EC, on bringing fisheries matters through to Specialized Committee for Fisheries (SCF) via existing advisory bodies (July, 2022)



Ms. Caroline Mangalo, LDAC secretariat, explains this is a new forum to facilitate exchange between stakeholders and the European Commission. Various letters have been sent by ACs to ask for a good involvement of stakeholders in the implementation of the Brexit ([letters available on the LDAC's webpage](#); there is also the answer from the EC on the first letter).

The agreement was to deal on the cross-cutting issues for all ACs, including harvest strategies, the scientific work carried by ICES, technical conservation measures, strategies for species without TAC, measures when there is a recommendation for zero TAC. The forum is quite open to all AC's members, meetings are via zoom.

The chairing of these meetings is rotating between the different ACs. The objective is to have meetings in advance of the Specialized Committee for Fisheries.

The minutes of these meetings cannot be available on the web but can be forwarded to members who asked for them.

8.3. Outcomes of the 4th and 5th Inter-AC Brexit Forum meeting (videoconference, 15 September/20 Oct 2022)

Ms. Caroline Mangalo, LDAC Secretariat, informs that last week on the 20th there was the 5th inter-AC Brexit Forum meeting (LDAC chaired the 4th held in September). It was based on a discussion on the different horizontal topics.

During the inter-AC Brexit Forum, Mr. Eric Lindebo, EC, made a summary of the agenda of Specialised Fishing Committee meeting organised on 21/10 and held in a hybrid form:

- Notification procedure (between the EU and the UK): work in progress;
- Quota swaps: it is a legally binding issue, so they need to conclude it. The idea is to continue what Member States with Producers Organisations have done so far;
- UK MPA: EC has asked for clarifications to better understand the process. EC gave some information on Vulnerable Marine Ecosystems implementing act.
- Non quota species multi-year strategy: a non-bidding document is currently discussed. It will be used as a guide for next technical discussions on specific stocks. It was decided not to create a focus group on that subject but to use AC focus group (or other forum) on a special stock or area to discuss a specific future issue. For example, use the Scallop FG of the NWWAC as case study for discussions next year on scallop strategy. That means, the technical work will be held in the NWWAC but the global strategy will be discussed in the Inter AC forum.

Mr. Xavier Leduc, UAPF, considers that taking the scallop as a test will be very challenging and risky.

Mr. Sean O'Donoghue, KFO, would encourage a good delegation of the LDAC attending and bring up topics. In his opinion, it is a forum where we can be proactive. The EC has been willing to take that onboard.

Mr. Iván López, AGARBA, about participation, thinks that 10 persons by AC, are not enough.

Ms. Alexandra Philippe, EBCD, totally agrees with Mr. López. On the Brexit forum, we have this to talk about on common relation with UK but we are still allowed to talk about specific issues.



Mr. Iván López, AGARBA, fully agrees and supports this forum. He apologises for missing some of these meetings. It is a very good forum but there are some issues as trilateral agreements that should be depth discussed.

Mr. Sean O'Donoghue, KFO, explains that the forum has clear terms of reference. When a topic is specific of the LDAC, should be discuss here.

9. Closing of the meeting

The Chair of WG2, Xavier Leduc, closed the meeting recalling that the next WG2 meeting will be held in March 2023.



Annex: Attendance list
LDAC Working Group 2
25 October, 2022

WORKING GROUP MEMBERS (in person)

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|--------------------------------------------------------------|----------------------------------------------------|
| 1. Gerard Van Balsfoort. Pelagic Freezer-Trawler Association | 9. Erik Olsen. The Danish Society for a Living Sea |
| 2. Xavier Leduc. UAPF | 10. Edelmiro Ulloa. OPNAPA |
| 3. Iván López. AGARBA/CEPESCA | 11. Ángela Cortina. OPNAPA |
| 4. Marc Ghiglia. UAPF | 12. Einar Ingvarsson. EIDFA |
| 5. Rosalie Tukker. EUROPECHE | 13. Aivaras Lavanauskas. LLDFA |
| 6. Daniel Voces. EUROPECHE | 14. Hélène Buchholzer. Seas at Risk |
| 7. Emil Remisz, High Seas Fish Producers Organization | 15. Alexandra Philippe. EBCD |
| 8. Tim Heddema. Pelagic Freezer-Trawler Association | 16. Sean O'Donoghue. KFO |

OBSERVERS (in person)

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| 17. Manuela Iglesias. LDAC | 19. Caroline Mangalo. LDAC |
| 18. Benoit Guérin. LDAC | |

MEMBERS OF THE WORKING GROUP (present via ZOOM)

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| 20. Jean-Christophe Vandeveld. The Pew Charitable Trust | 24. Juan Manuel Liria. CEPESCA |
| 21. Esben Sverdrup-Jensen. DPPO | 25. Luis Vicente. ADAPI |
| 22. Javier Lopez. OCEANA | 26. Rob Banning. DPFA |
| 23. Siggj Einarsson. | |

OBSERVERS (present via Zoom)

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|---------------------------------------------------------|--------------------------------------------------------------------------|
| 27. Anders Jessen. DG MARE | 32. Jolanda Mosor. Ministry of Agricultural and Rural Development Poland |
| 28. Mael Le Drast. DG MARE | |
| 29. Jurgita Staneikate. DG MARE | |
| 30. Bernard Blazkiewicz. DG MARE | 33. Ana Sedenko. Ministry of Agriculture of the Republic of Lithuania |
| 31. Margarita Mancebo. MAPA Secretaría General de Pesca | |

