



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

**Regional Fisheries Organizations and North Atlantic Agreements**  
**Friday, 6 November 2020, 10:00h - 12:30h**  
**(Virtual meeting - Zoom)**

**1. Welcome by the Chair.**

Mr. Gerard van Balsfoort, Chair, welcomes attendees and thanks the representatives of the European Commission for their presence.

**2. Approval of the minutes of the last WG2 meeting (London, 11 November 2019)**

The minutes of the meeting held on 11 November are approved with no comments or amendments.

**3. Approval of the agenda.**

The agenda is approved with no additional items or changes to it.

**4. North West Atlantic Fisheries Organisation (NAFO)**

**4.1. Report by DG MARE on results and decisions adopted at the 42nd NAFO Annual Meeting (21-25 September 2020)**

The representative of the EC and EU lead negotiator at NAFO, Mr. Anders Jessen, informs that the NAFO annual meeting took place virtually due to travelling restrictions caused by the COVID pandemic. He sums up the results stock by stock:

- Redfish 3LN: The predetermined harvest control rule (HCR) was followed.
- Redfish 3M: the TAC roll-over was accepted.
  
- Greenland halibut: TAC of 16,498 tonnes for 2021 implementing the harvest control rule adopted in the past.
  
- Alfonsino: it is currently under moratorium. Spain suggested carrying out a scientific acoustic sampling scheme for a semi pelagic trawling haul. Unfortunately, it was not possible for it to be analysed by the Scientific Committee. It will be tabled again next year.

- Shrimp 3M: it is highlighted that after one decade under moratorium, it was reopened last year. A proposal document was prepared by the EU together with the stakeholders to analyse the parameters in order to go from an effort limiting system to a TAC and quota management system. This work will continue with regard to the next meeting.
- Another subject of discussion was stocks not subject to analysis by the scientific committee (SC) such as Cod 2J3KL, oceanic redfish, etc. Last year, the SC was provided with information and data were given on how Canada manages these stocks in its EEZ.
- Cod 3M: this year it was extremely difficult since a dramatic reduction of catches for this species had to be decided upon with several contracting parties adopting very distant positions. The EU tried to solve the situation by finding a middle ground to avoid the closure or moratorium proposal tabled by Norway or the 80% reduction put forward by the SC up to 1000 tonnes, reaching an understanding to obtain a cut with a 1,500 tonne TAC together with flanking measures such as a seasonal closure for the spawning season from January to March and the obligation to use the sorting “Norwegian” grill.

Then there is a round of questions:

Mr. Sean O’Donoghue, KFO, enquires about the situation of the United Kingdom in NAFO, about whether it took part under the EU representation or as an independent party, and about the quota distribution between both for 2021.

Mr. Anders Jessen, EC, replies that the United Kingdom was present at the meeting as an independent contracting party, but in general terms, they worked well together in spite of the situation of cod 3M. Moreover, a previous agreement was established to set a TAC based on the quota allocation, maintaining the same percentage as if the United Kingdom were still in the EU. The EC approach is to maintain the status quo insofar as possible.

Mr. Iván López, AGARBA, highlights the great job carried out by the EC, but voices his concern about the cod stock. He offers the industry’s collaboration to implement measures for cod 3M.

The representative of the EC, Mr. Anders Jessen, thanks Mr. López for his words about the role of the EU in the negotiations, acknowledging the work done by the European Commission and the big efforts made.

As for the future of cod, he underlines that it is essential to have a good relationship with the Canadians and the Norwegians, with whom there is a more fluent and friendly



relationship since last year based on a more pragmatic approach adopted by the new head of delegation.

The LDAC advice for the 2020 NAFO annual meeting can be found clicking on the following link:

[https://ldac.eu/images/EN\\_LDAC\\_Advice\\_on\\_NAFO\\_AM\\_2020\\_15September2020.pdf](https://ldac.eu/images/EN_LDAC_Advice_on_NAFO_AM_2020_15September2020.pdf)

#### **4.2. EC reply letter on the need to transpose NAFO regulations into European legislation.**

The Chair, Mr. Gerard van Balsfoort, summarises the letter sent by the LDAC on the need to transpose NAFO regulations into EU legislation, as well as the reply by the EC.

Both documents are available on the LDAC website:

- LDAC letter:

[https://ldac.eu/images/LDAC\\_letter\\_transposition\\_NAFO\\_Regulation\\_April2020.pdf](https://ldac.eu/images/LDAC_letter_transposition_NAFO_Regulation_April2020.pdf)

- EC reply:

[https://ldac.eu/images/Reply\\_to\\_LDAC\\_NAFO\\_transposition\\_April2020.pdf](https://ldac.eu/images/Reply_to_LDAC_NAFO_transposition_April2020.pdf)

To the question about what else the LDAC can do in this regard, the representative of the EC, Mr. Anders Jessen, says that they have found that some Member States and members of the European Parliament have some reservations, that they are reluctant to delegate powers to the Commission. This prevents the internal process from speeding up to carry out the relevant transpositions and shorten times both in NAFO and in other RFMOs like ICCAT.

Mr. Javier Garat, CEPESCA, explains that EUROPÊCHE and the European Social Dialogue Committee have stated that they are against delegated acts or intermediate regulations which are different for the European fleet and for other fleets, and for this reason they request an automatic transposition.

Mr. Jessen, EC, replies that the Commission also wishes to modify this along the line of Mr. Garat's words, but that they cannot change it until they obtain delegated powers, since it is a technical issue that is currently processed following the co-decision procedure. The only discretion the Commission has would be to unilaterally adopt stricter conservation or management measures. Therefore, he encourages the LDAC members to talk with their Member States and MEPs to convey this concern to them. As for the current transposition effort, he acknowledges the work carried out by the European Parliament to promote transposition. Although some members are reluctant

(others not), at the present time it looks like the European Parliament is quite responsive and agile.

The Chair, Mr. Gerard van Balsfoort, thanks the representative of the EC for his attendance and active participation in this meeting, as well as for his attention and respect in consultations with the LDAC.

The following **ACTION** is agreed:

- **The Secretariat will send letters to the member States and, if appropriate, to European Parliament co-legislators by way of information reminding them about the LDAC request to speed up the transposition of legislative provisions adopted by NAFO into EU Law.**

#### **5. Northern bilateral agreements between the EU and NEA Third countries and NEAFC Coastal States negotiations.**

##### **5.1. Presentation by DG MARE on the state of play of negotiations relating to the agreements with: Norway, Iceland, Faroe Islands and Greenland**

###### - Greenland

The representative of the EC, Ms. Céline Idil, informs about the state of play of negotiations with Greenland: In the month of July, the positions of both parties were very different. Greenland tabled a proposal to increase fishing opportunities (quotas) in 30% for its fleet, on the grounds that it was necessary due to the development of their own industry in recent years. The EC presented a counterproposal not to increase anything (some reductions) in order for it to be an attractive and viable agreement from an economic point of view for the European industry. Greenland did not accept it and negotiations were suspended. For the time being they are sticking to the same position, but developments are expected to take place through informal negotiations with the head of delegation. If that is not the case, it will have to be taken to a political level with Commissioners and political leaders.

The EC is in contact with the sector and with the member states that are sticking to the same position they supported in June. The suspension of the agreement is a way of raising awareness.

Greenland seems willing to go back to the negotiation table, which is why the EC has suggested a bilateral meeting with Greenland to see how they can be more pragmatic. They hope to have informal contacts next week in order to convene a new round on the third week of November.



Mr. Gerard van Balsfoort, WG2 Chair, thanks Ms. Idil. He says that he is aware of the fact that the European industry is working to help the EU reach an agreement with Greenland.

Then, Mr. Fabrizio Donatella, representative of the EC, gives an update on the state of play of negotiations with the following countries:

- Norway: no date has been set for the next round of consultations. First they need to know the opinion of the Council of the EU. He highlights the importance of relying on the LDAC members' input. He informs that there is constant interaction with Norway regarding cod in the North Sea and in Skarregat; in fact, there is good coordination between both delegations. Moreover, he explains that they have not identified obstacles in the ICES advice, this being very positive regardless of the format in which negotiations take place (bilateral, trilateral with the United Kingdom or mixed).

- Faroe Islands: they are waiting to have a clearer idea of the outcome of a possible agreement between the United Kingdom and the EU prior to setting dates for this round. There are no further developments regarding fisheries management. There is some debate on market access, but that is DG TRADE's responsibility.

- Iceland: As it was the case in the last 11 years, there is no news in 2020; this is a dormant or inactive agreement. Trade and market access aspects were discussed within DG TRADE.

Mr. Gerard van Balsfoort, Chair, enquires about the possibility to reach a trilateral agreement among the EU, United Kingdom and Norway and asks if this is related to the discussion held within the Council Working Group in this regard.

The representative of the EC, Mr. Donatella, underlines that this is not directly related and that the Council's discussion is based on the proposal for a future trilateral framework agreement for the management of North Sea stocks with United Kingdom and Norway. The relevant European Commission's mandate is still to be defined.

## **5.2. NEAFC: 39th Annual Meeting of the North-East Atlantic Fisheries Commission (10-13 November 2020, Virtual). Update from DG MARE and other issues**

Mr. Fabrizio Donatella, representative of the EC, informs about and summarises the topics to be addresses at the 39th NEAFC annual meeting.

- NEAFC future: He highlights that there will be no conversations about this. They will focus on other short-term issues to avoid loopholes in 2021 including roll-overs and redrafting of management proposals, as well as of control, follow-up and data exchange proposals, among others.
- Recommendations for pelagic stocks:
  - There will be a proposal by the United Kingdom to limit mackerel fisheries in international waters. The latter is essentially based on the proposal tabled by the EU that was not adopted last year.
  - There will be new discussions on blue whiting and Atlanto-Scandinavian herring.
  - As for redfish in the Irminger Sea: DFG and Iceland will propose a zero TAC for this stock.
  - They will also address the EU proposal requesting ICES to conduct stock assessments, since everything ought to be based on scientific results.
- Control-related aspects and other administrative matters, such as the change of Chair, among others.

#### Questions from members:

Sean O'Donoghue asks how the annual meeting is going to be conducted owing to its virtual nature and his interest in the stocks presented plus Rockall haddock, for which he would like to have some information.

Regarding the virtual meeting, Mr. Donatella replies that the heads of delegation will meet up on Monday morning to decide how they are going to manage the agenda, and afterwards the discussion will mostly take place in the plenary session that will be held around noon or in the afternoon. As for Rockall haddock, the UK delegation wishes to propose a roll-over of the current measure. Once the proposal is received, the EU will take it into consideration to cover the loopholes in terms of management decisions.

After the questions from the members are addressed, the Chair, Mr. van Balsfoort, thanks Mr. Donatella wishing him and his team at the EC all the best in the negotiation.

#### **6. Update on Brexit process: impact on fisheries**

Introduction by the Chair:

The Chair, Mr. Gerard van Balsfoort, drafts a report on the state of play of the Brexit process in his capacity as Chair of the European Fisheries Alliance (EUFA). He says that the outcome of the USA election will have an impact on trade, on transatlantic relations

and on political counterweights for Boris Johnson and the EU. He informs that negotiations between both parties have been strengthened in order to sign a cooperation and trade agreement, but the outcome of the election is yet unknown so there is just speculation and conjecture now. He hopes that negotiations are successful and that there is time to adopt a balanced agreement for all parties: the UE (Parliament and Council) and the UK before the end of the year.

At the last COREPER meeting, the EC head of negotiation, Mr. Michel Barnier, said that both parties are committed and have had intense negotiations in the last weeks. They exchanged the texts for a possible agreement with over 600 pages with several items to be decided upon, but with the commitment to move forward insisting on the fact that there are still three important topics to settle: level playing field, governance and fisheries.

He adds that conversations will once again be resumed on 8 November. Although the EU would rather reach an agreement, they underline that they will only accept it if it is reasonable. He recalls that when the United Kingdom joined the EEC back in 1973 and the CFP started being negotiated ten years later, they were awarded privileges and additional quotas for 7 main target species, an extra 36% in total in quota allocation, so he recalls this existing privilege for the UK.

The European industry hopes that this argument will be present in negotiation conversations and to obtain compensation in the new allocation and the calculation of relative stability.

By way of conclusion, he underlines the importance of reaching an agreement but not at the expense of crossing specific red lines, hoping that they can reach a balanced agreement based on the trust of the parties and on scientific evidence.



### Discussion among members and attendees:

Mr. Javier López, OCEANA, shows NGOs' concern about the impact that Brexit may have on fisheries and on stocks owing to the management standards that the agreement would involve, changing the balance of powers and the governance system in the Northeast Atlantic (NEA). In his opinion, it is necessary to ensure stocks in the long term and he asks about management measures for shared stocks, insisting on the importance of transparency in negotiations regarding TACs, allocation formula keys and ways to access resources. They do not wish to replicate the NEAFC model in terms of exceeding scientific recommendations in the TAC allocation (in this case drawn up by ICES) for the case of blue whiting. It is necessary to reach a long-term agreement to ensure TACs are not exceeded in the short term. The biological sustainability of fisheries resources shall be placed at the centre of the discussion, following CFP principles and standards, such as MSY.

Another issue they are worried about is the transposition of public commitments into national rules. He highlights that the UK has shown its ambition to become global leader in fisheries management, but they do not see a clear transposition of these promises into specific aims in the Fisheries Act of the United Kingdom.

Mr. Gerard van Balsfoort thanks Mr. Javier López for his contribution and shares his concern in terms of shared stocks. In his opinion, aims are still under discussion, fully understanding the concern voiced by the representative of OCEANA.

Mr. Juan Manuel Trujillo, ETF, enquires whether social aspects have been addressed regarding the impact of Brexit, within the economic viability of companies, and whether the European fleet is going to maintain the status quo for access to fishing grounds, as well as quid pro quos in terms of access to markets.

Mr. Gerard van Balsfoort replies that social aspects are usually considered in the negotiation. He does not know what the current state of play of negotiations is, but he is sure that access to resources and their sustainable management, which are the sector's red lines, will be borne in mind.

Mr. Iván López, LDAC Chair, requests unity and engagement from the European industry and NGOs to fight for sustainable fisheries in Europe.

Mr. Jean-Christophe Vandeveld, Pew observer, voices the will of NGOs to demand similar standards to those in the CFP to be applied in the Fisheries Act of the UK for





fisheries sustainability and announces that an NGO coalition is being set up “Greener UK”, where OCEANA will also be present (as confirmed by Javier López).

Mr. Gerard van Balsfoort concludes his contribution expressing his satisfaction to see that environmental NGOs are also active and involved in this issue of great importance to safeguard sustainable fisheries in UK waters.

**ACTION: Follow-up on this matter at the next WG2 meeting is agreed.**

### **7. Any other business**

Mr. Alexandre Rodríguez, General Secretary, informs that the LDAC has received notification of the early withdrawal of all British organisations which are members of WG2 (SWFPA, SPFA, NFFO, UK FPO). Therefore, as of September they will become observers and will not be receiving internal consultations and group emails.

Mr. Gerard van Balsfoort, Chair, recalls that Ms. Jane Sandell used to be the acting Chair of this WG2 and thanks her for her work and institutional loyalty to the LDAC during this time. Due to the fact that she represents British interests, she is no longer a member of the LDAC, so an election will be held at the next working group meeting to choose the positions of Chair and Vice Chair of this WG.

With no other issues to address, the Chair thanks the Secretariat, the interpreters, the members and rapporteurs for the work carried out and closes the meeting.

**END OF THE MEETING**

## ANNEX I: LIST OF ATTENDEES

### Working Group Members

1. Gerard van Balsfoort. DPFA
2. Xavier Leduc. UAPF
3. Javier Garat. CEPESCA
4. Edelmiro Ulloa. Anapa / Anamer / Acemix / Agarba
5. Rob Banning. DPFA
6. Laurens van Balsfoort. DPFA
7. Iván López. AGARBA/CEPESCA
8. Javier López. OCEANA
9. Despina Symons. EBCD
10. Stavroula Kremmydiotou. EBCD
11. David Troncoso. ANASCO
12. Daniel Voces. EUROPECHE
13. Rosalie Tukker. EUROPECHE
14. Luis Vicente. ADAPI
15. Christine Adams. Seas at Risk
16. Thomas Kruse. DPPO
17. Juan Manuel Trujillo. ETF
18. Esben Sverdrup-Jensen. DPPO
19. Sean O'Donoghue. KFO

### Observers

20. Fabrizio DONATELLA. DG MARE – Norway, Faroe, Iceland, NEAFC.
21. Norman GRAHAM. DG MARE – Norway, NEAFC
22. Jessica DEMBLON. DG MARE – Norway, NEAFC
23. Anders Jessen. DG MARE - NAFO
24. Bernard Blazkiewicz. DG MARE NAFO
25. Céline IDIL. DG MARE - Greenland.
26. Margarita Mancebo. Ministry for Agriculture, Fisheries and Food (MAPA) Secretariat General for Fisheries
27. Gema de Frutos. Ministry for Agriculture, Fisheries and Food (MAPA) Secretariat General for Fisheries
28. Mariana Toussaint. FAO
29. Jesús Iborra. Secretariat Committee on Fisheries – European Parliament
30. Genadijus Babcionis. EFCA
31. Jean-Christophe Vandevælde. The Pew Charitable Trusts
32. Selene Álvarez Pena. The Pew Charitable Trusts



33. Tom Pickerell. Global Tuna Alliance
34. Anna Gruszczynska. Ministry of Maritime Economy - Poland
35. Fredrik Arrhenius. Swedish Agency for Marine and Water Management
36. Sonia Doblado. Coordinator LDAC - FARFISH project
37. Alexandre Rodríguez. LDAC General Secretary
38. Marta de Lucas. LDAC
39. Manuela Iglesias. LDAC

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