



MINUTES

31st meeting of LDAC Working Group 2 North Atlantic RFMOs and Fishing Agreements

Tuesday 21 March 2023, 14:30-17:30h CET

Hybrid meeting: EU Berlaymont Hotel, Brussels + Web conference – Zoom

President: Xavier Leduc

Vice President: Tim Heddema

1. Welcome by the Chair

Xavier Leduc, WG 2 Chair, welcomes the members and thanks them for their attendance.

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

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

3. Adoption of the agenda

The agenda is adopted as presented with no additional changes.

4. Bilateral and trilateral dialogues between the EU and North East Atlantic countries

4.1. Update from DG MARE on state of play of the negotiations on fisheries and trade agreements with Norway, Greenland, and Faroe Islands.

The EC representative, **Mael Le Drast**, gave an overview of the results of the negotiation between the EU and Norway.

EU-Norway

Last week, after 5 months of negotiations, the EU concluded its fisheries negotiations with Norway. The agreement reached covers joint management of fisheries in the Skagerrak, arrangements for exchange of quotas, mutual access to EEZs and allocation of fishing opportunities to Sweden in Norwegian waters.

For Skagerrak, a TAC has been set for shrimp (pandalus) and whiting in line with scientific (MSY) and Precautionary Advice.

On exchange of fishing opportunities:

- Norway will give 9 150 t of Arctic cod in Norwegian EEZ in exchange of XXXX t of pandalus, anglerfish, ling, hake in the North Sea and haddock, saithe, Greenland halibut in ICES 1 & 2.
- EU will give 74 000 t of blue whiting in addition to quota for saithe, sole and sprat in the North Sea and quota for shrimp, Greenland halibut, grenadier, and redfish in Greenland Waters.



On mutual access to EEZ waters, the parties agreed on a reduction in the access to the North Sea demersal stocks of 7.5% less than in 2022 excluding herring. For pelagic access, the EU is allowed to fish up to 85% of its quota of Atlanto-Scandian herring in Norway's waters and Norway is allowed to fish in exchange 150 000 t of blue whiting in EU waters. It was a long and difficult process of consultations on the item related to access to water for pelagic stocks. The EC hopes to be able to better prepare with Member States and stakeholders the next round of negotiations.

In reply to a question put by WG 2 Chair on the reasons on why the negotiation took 5 months, Mael Le Drast explained that it took time for parties to get the necessary compromises for agreements. Some points were more difficult to move on which needed internal coordination with Member States and discussion. Norway had very inflexible positions, especially on access to EU waters for fishing blue whiting and on access to fishing for demersal stocks in the North Sea. It comes also with the refusal by Norway to proceed with the signature of the two agreed records, for Skagerrak and for Swedish fisheries.

Tim Heddema thanked EC for the constructive engagement work with stakeholders to firmly counterbalance the Norwegians delaying tactics. But the agreement ended up in a bad deal for pelagics from the EU operators' perspective. He asked for a possible repay part for Atlanto-Scandian Herring before the start of the next negotiations, as the EU paid already for this access with quota in the past. In addition, he considered that a unilateral statement or record on the EU side is missing in the agreed deal. Mael Le Drast explained that the EC team is willing to take this up in the context of the UK and Norway trilateral negotiations. EC doesn't have at the time information on the timeline to prepare next negotiations.

Xavier Leduc and **Iván Lopez (AGARBA)** also expressed their disappointment on the results for the cod allocation, vis-à-vis the huge increase obtained by Norwegian industry for blue whiting.

Following a question from **Jean-Christophe Vandeveldé (PEW)**, the reason to prohibit Norwegian access to the "Irish Box" for blue whiting fisheries comes from the fact that these fishing grounds area is not part of the access arrangement with Norway. However, he also admitted that Norway had exceptionally accessed in the last two years to the area when blue whiting catch was very low.

Marc Ghiglia (UAPF) expressed doubts on behalf of French industry about the adequacy between the catches declared by Norway in British waters and the legal framework of the Brexit agreement, in 2022. These catches could be counted against the 2022 balance. Is the EC considering discussions with Norway to obtain redress? Discussions are taken place internally, with MARE unit on control involved. A follow-up will be done appropriately.

Iván Lopez expressed his concern on how the EU fishing industry can help by better preparing its own position in advance in order to facilitate negotiations.

4.2. Access to Svalbard fishing resources by the EU fleets – Update from MARE

4.2.1. EU fishing opportunities for 2023 for Arctic cod

The EC representative, **Mindaugas Lebanauskas**, summarized the negotiations on access to Svalbard fishing resources as one of the most complicated files because of the high geopolitical interest on oil and gas yields of this area, as well as a transport hub and gateway for the Arctic. The Norwegian Ministry of Foreign Affairs is directly involved and leading in some cases the political negotiations.

On snow crab, the Norwegian court appeal ruling is very unhelpful for the EU interests. However, the idea is more about claiming historical EU legal rights and licenses for fishing opportunities even if with the risk of arrest. The reality is that EU cod fleets have not entered these fisheries since 2017.

On Arctic cod, Norway decided to recalculate unilaterally the EU share, after Brexit came into reality. As a result, a part of the former EU quota was attributed to Norwegians and Russians. The text was carefully negotiated, that is why it is a different one than the UK political understanding with Norway on joint cooperation with Russia and Russian measures.

On implementation, Norway and the EU have diametrically opposed views: while the EU asked for genuine consultations, Norway in exchange set a number of preconditions:

- Counting international catches in Svalbard against EU quota
- Banning collecting bags and accepting the percentage of redfish 1-2 in international waters decided by Norway and Russia. Norwegian have not shown flexibility.

The quota is expiring on 31st March, but it is based on full utilisation of EU quota, also reflected in political understanding, and there is no risk for vessel to be arrested.

EU has asked a new figure to Norway with a proposal to set a full quota for the EU of 15 600 t. Some fishing issues have been on the table during Von der Leyen visit to Norway.

The EC was reflected to push for setting unilateral quota if Norway does not respect EU rights. Norway considered this option as infringing upon Norway sovereignty.

On **Xavier Leduc's** question on the existing debt of 5 000 t of the quota from 2021, the EC representative explained that it is part of the political compromise, and so constraining to the same conditions as for 2023 quotas. Unless the EU complies with the three preset conditions, we will not receive this amount.

For **Iván Lopez**, it is Indispensable to have a clear horizon for the quotas, and to get a full allocation by the end of the year, no matter how it is managed but with the possibility to swap between different areas for efficiency reasons and to know if it will be necessary to go to NAFO fishing zone. As a remark, he recalled that the EU still is the biggest market for Norway in terms of fish trade and therefore the EC should use this argument when negotiating a better deal. The EC representative agreed on the necessity to start linking fisheries negotiations with market access negotiations, as it was done for the case of the Brexit with the UK. He also asked the industry representatives to engage with their relevant Member States to put high in their agendas the discussions on fisheries with Norway, without enter into bilateral negotiation.

4.2.2. Industry proposal on access to snow crab fishing

Jarek Zielinski, on behalf of the Polish Crab Company Ltd. in Gdynia, made a presentation on Snow crab fisheries in Svalbard and international waters. It is a new fishery as snow crab is considered to be an invasive species in that area. The allocation of catch rights is for 20 licences allocated among Estonia, Spain, Latvia, Lithuania, and Poland. In Poland, there is still one fishing company active. While there is a political understanding in terms of the allocation of fishing opportunities for Arctic Cod between EU and Norway in Svalbard, this is not the case for Snow crab. For 2023, in the TAC regulation there is the same legal regime but a completely different situation. Mr. Zielinski considers that the EU-Norway political agreement on fishing opportunities for cod could be followed by an EU-Norway political agreement on snow crab. This presentation is aimed to call to the LDAC, to the EC representatives and concerned Member State representatives to be the advocate of snow crab for the EU fishery sector.

call to the LDAC



- Obviously the door to talks about launching the EU snow crab catches remain open and the EC, could start talks, as it did on the issue of cod, as a result of pressure from Member States and also LDAC
- Norway is seeking the agreement; in year 2015 Norway proposed including snow crab to the exchange basket of the EU-NO Fisheries agreement. It was rejected.
- Brexit has happened, fisheries negotiations are concluded- so snow crab is not going to „*interfere complicated negotiations*”
- Three EU-NO bilateral agreements need to be renegotiated and resigned;
- Snow crab could be included to the EU-NO fisheries agreement, with or without signing the political understanding first
- The EU snow crab catching sector needs its advocate now!

The time is now!

We kindly ask the LDAC to support and advocate for the EU's snow crab industry - as has been the case with Arctic cod

Xavier Leduc, in his capacity as WG2 Chair, explained that the LDAC Secretariat had received the presentation only the day of the meeting, so it has not been put forward to any member of the LDAC WG2 in advance. He proposed to consider the option to set up a Focus Group to develop an opinion on the presentation, should there be agreement from the membership.

The EC representative noted that the EC has not overlooked the snow crab fishery. In fact, it has already been included in the note verbale addressed to engage with Norway. But the situation is complicated, and Norway is not open to engage on this particular subject. The issue is still on the table, and despite the situation not ideal the EU is setting a TAC in the EU Regulation on annual fishing opportunities as well as allocating a number of licences, even if they are on paper and theoretical at this stage.

Daniel Voces (Europeche) recalled that this topic was of interest for the LDAC in the past and a dedicated advice was issued a few years ago. However, he advised to wait until the legal proceedings (pending of court appeal ruling) in Norway is resolved. He also considered strange to make the link between Arctic Cod and Snow Crab in the presentation.

Jarek Zielinski explained that he made the link between the 2 stocks because of some similarities from the management perspective. But in the past, he acknowledged that the EU demersal fleet segment decided to separate Arctic cod and snow crab not to further complicate the situation. He

made a last comment on the 20 licences whose number could be reduced as part of a responsible approach.

Alexandre Rodríguez, LDAC Executive Secretary, recalled that, in terms of procedure, the proposal to work on some advice on a dedicated topic should come from a LDAC member organisation. He mentioned that the presentation will be circulated and then any member organisation which wants to endorse or sponsor this proposal from an invited speaker is invited to do so, with the view of kicking-off with the work on this.

ACTION: The LDAC Secretariat will circulate Mr. Zielinski-s presentation amongst all WG2 members, and it will invite WG2 member organizations to actively endorse/sponsor the proposal made on before resuming work on Snow Crab management in Svalbard.

4.3. Report on the state of play of the trilateral negotiations for fishing opportunities and technical measures of the EU with Norway and UK.

The EC representative, **Mael Le Drast**, explained that the three CPCs reached an agreement on 9th of December 2022. The agreement is on 9 stocks in the North Sea, namely cod, haddock, saithe, whiting, sole, plaice and herring.

The main outcomes of this agreement are :

- TAC for cod, plaice, herring, and saithe are set in line with MSY advice.
- For whiting, the TAC have been more restraint, and the TAC is set below MSY because of interaction with cod.
- Engagement with other parties to discuss in 2023 on management model of herring.

On North Sea herring, EU, UK, and Norway have the same will to move away from current management model with the two by-catches quotas. They also looked to include in the management strategy evaluation request to ICES intermixing with Western Baltic spring spawning herring with NS herring, looking at flexibility between Skagerrak and North Sea. But the three parties didn't agree so the joint request to ICES will only be a simple HCR and EU will request for a MSE adding the two points.

On the review of management model for herring, the work should start in April 2023. For EU, the key points will be to maintain the historic share between parties, to have a management model that effectively limit by-catches of industrial fisheries for all parties.

On North Sea Cod, Eu thought to have a smaller increase. There were a revision of ICES advice during the process of annual consultation. EU approach was more cautious. At the end, it was decided to set a TAC at MSY level. But the approach on haddock and whiting was more cautious. Agreed on splits on methodology for whiting.

Other noticeable outcomes were :

- Agreement on a methodology for splitting the whiting advice between ICES 4 and ICES 7d, based on average of last years.
- Kick-off work on anglerfish with an exploratory meeting hosted by UK, to look at the distribution of the stocks.
- Setup of a group of managers on long-term management strategies, in order to be sure that the calendar for request to ICES on MSE then on long term management strategies is fully aligned with the benchmark processes. The first stock will be cod, then saithe.



Mael Le Drast made a quick update on trilateral framework agreement: during a meeting earlier in 2023, the text was agreed among the parties. It is expected that it will be passed to Council and European Parliament to approval before the summer.

Jean-Christophe Vandevelde asked for some precision regarding the request to ICES on herring, on the calendar and on the way to include ecosystem considerations in the requests for advice to ICES.

Iván Lopez asked to PEW representative to share any feedback on what UK and Norway do in that respect and to know if PEW is also having a campaign on ecosystem approach directly with these two parties.

Jean-Christophe Vandevelde explained that he manages a small team aimed to promote EBA in the North-East Atlantic and that the target Coastal States are EU, UK, Iceland, Norway, Greenland, and Faroe Islands. The written recommendations are sent to all the parties.

Xavier Leduc supported Ivan Lopez's demand on getting more feedback from Pew representative on their positions as organisation on the Norway and UK position on EBA. **Jean-Christophe Vandevelde** agreed to work with the LDAC secretariat to make a presentation on Pew work on Ecosystem approach in the North East Atlantic in forthcoming WG2 meetings.

Mael Le Drast explained that the request have been already sent to ICES, but it will take several months to come back with answers on the provision on evaluations. He also clarified that ecosystem approach to fisheries is a CFP objective, so it is the intention of the EC to consider the interactions with UK and Norway.

5. Multilateral negotiations in the high seas: update by DG MARE on NEAFC Coastal States negotiations and relevant issues for decision at 42nd Annual Meeting (London, November 14-17, 2023)

ACTION: Ask for feedback in writing from MARE unit on progress re NEAFC Annual meeting and Coastal States negotiations.

6. Report on work progress of Inter AC Focus Group EU stakeholders' engagement in the Trade Cooperation Agreement (TCA) between UK and EU.

Alexandre Rodríguez, LDAC Executive Secretary, made a summary on the work progress of the Inter AC Brexit Focus Group on implementation of TCA between UK and the EU. He explained that this group meets regularly every 2-3 months. It is a forum of new creation to facilitate exchange of views and dialogue between the EC negotiation team and relevant AC stakeholders. The minutes are not publicly available for confidentiality reasons, however any LDAC member is welcome to pre-register and attend the meetings. The last Inter AC meeting allowed the EC to make an update on topics discussed at the Specialized Committee in Fisheries , in particular its work program, aspects related to effort regime, non-quota species, by-catch and sensitive and prohibited species. The agenda of this Forum is driven mainly by NSAC, NWWAC and PELAC because the majority of the stocks engaged in the discussion concern these three ACs. The role of the LDAC for the time being is more there to listen and contribute with topics related to international governance. He invited members to submit any questions they might have in writing and channel it through the secretariat so they can be adequately conveyed in the forum and transmitted to DG Mare.



7. Report from Secretariat on MIAC/MIACO 2023 (CPH, 12-13 Jan)

This point is included in the next agenda item on NAFO as the only stock of interest for LDAC discussed with ICES at MIAC/MIACO was Shrimp (pandalus) 3M.

8. North West Atlantic Fisheries Organisation (NAFO):

8.1. Report by DG MARE on key outcomes of the 44th NAFO Annual Meeting (Portugal, Sept 2022) and outstanding actions

The EC representative, **Ignacio Granell**, made a summary of the last NAFO annual meeting. The outcome of the meeting was positive in overall terms, with an increase for Cod in 3M couple with a small decrease of GHL following the application of the HCR. On shrimp 3M, the initial proposal was to extend the moratoria for another year and hold a more substantial discussion on key allocation scheme and on fishing regime (moving from fishing days to quota allocation). In relation to the latter, no agreement was reached. It was therefore proposed to postpone the discussion to an intersessional meeting, but finally it will take place during the next NAFO annual meeting.

An agreement was reached on including and adopting the concept of ecosystem reference points in the form of a Total Catch Index (TCI). The next step is how to operationalize it. The objective is to inform on potential risk of ecosystem overfishing. EAFFM WG that will be held in July in Edinburg should come up with a specific recommendation addressed to the Scientific Council for decision.

The next NAFO annual meeting will take place from 18-22 September, in Vigo. The topics for meeting will include advice on fishing opportunities for key commercial stocks (e.g., cod, redfish, Greenland halibut, yellowtail flounder, shrimp, white hake, etc.) Ecosystem Based Management Strategies, MSE for Greenland Halibut, Redfish 3M, Revision of Precautionary Approach Framework. In the ecosystem front, WGESA took place in November: impact evaluation on fisheries of proposed closure seem to be small.

Jean-Christophe Vandevelde asked to EC representative what the EU perspective is on having a reference point complementary to the usual Frmd and if there is any collaboration with PECLMAS-NEAFC in NAFO ecosystem approach. **Ignacio Granell** explained that NAFO has not yet taken note or being coordinated with NEAFC/OSPAR work on ecosystem approach. On TCI, it is adopted but the operationalization phase has not started yet.



As fishery representative, **Iván Lopez** explained to be in favour of new theoretical approach, but it should be done in parallel with the usual one. He also expressed his concern on the fact that PEW does not want to talk about oil extraction activities occurring in NAFO RA when it deals with ecosystem approach. On this point, **Edelmiro Ulloa** added that Canada has approved a huge oil field concession covering several protected VMEs in NAFO and almost all of Flemish Cap. **Jean-Christophe Vandeveldé** recalled that PEW is an American NGO but has a European permanent office and staff and a vocation of working internationally with the EU and other countries. He has already explained largely PEW's position and rationale to participate to WG2. He explained that he does not work especially on NAFO as such but is interested in following progress and outcomes. He also explained that as for LDAC, NAFO mandate is only on fisheries that is why they concentrate on ecosystem approach for fisheries and not in general.

Edelmiro Ulloa expressed his concern on the situation of Greenland halibut with the automatic application of the HCR leading to regular yearly TAC reductions of 5%. He also reflected on the problem of the absence of scientific campaigns due to the lack of Canadian surveys in the last three years due to several reasons (i.e., COVID, weather, change of research vessel...) , which might compromise the reliability of the HCR model due to the occurrence of exceptional circumstances. The EC representative indicated that is a subject of discussion with Canada, also on oil extraction activity. Bilateral discussions will take place during the year with Canada.

Alexandre Rodríguez expressed concern on the situation of Shrimp 3M in relation to its scientific advice. He explained that during MIACO meeting it was made clear that the advice quality is deteriorating because of poor data (as a result both of the absence of fishing activity due to the moratoria and the uncertainty of the model itself). The EC representative did not wish to get into detail in this topic because he needs to talk about the model with the scientific team in MARE. On progress of negotiations, there will no progress until the next annual meeting. The aspiration is to move from the current effort regime (fishing days) to a TAC & quota system.

8.2. Identification of main elements for the preparation of the LDAC advice for the 45th NAFO annual meeting (Vigo, Sept. 18-22, 2023).

ACTION: The Secretariat will compile all scientific and technical arguments once available (SC report expected to be ready in mid-July) and will consult with relevant commercial fleet representatives and NGOs to draft an advice which can be completed at the right time ahead of the Annual Meeting. The Secretariat and a delegation of LDAC members will aim to be present in person at the Annual Meeting to provide ongoing feedback at request of the EU negotiation team.

9. Closing of the meeting

The Chair of WG2, Xavier Leduc, closed the meeting recalling that the next WG2 meeting will be held in mid-October 2023, in Brussels.

END OF MEETING



ANNEX I. Attendance list

LDAC Working Group 2

25 October 2022

WORKING GROUP MEMBERS (in person)

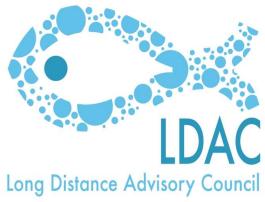
1. Xavier Leduc. UAPF
2. Iván López. AGARBA/CEPESCA
3. Rosalie Tukker. Europêche
4. Tim Heddema. Pelagic Freezer-Trawler Association
5. Erik Olsen. The Danish Society for a Living Sea
6. Edelmiro Ulloa. Opnapa / OPP3/ Acemix / Agarba
7. Alexandra Philippe. EBCD
8. Despina Symons. EBCD
9. Javier Garat. CEPESCA
10. Daniel Voces. Europêche
11. Ángela Cortina. OPNAPA
12. Marc Ghiglia. UAPF
13. Andrea Albertazzi. ETF
14. Despina Symons. EBCD

OBSERVERS (in person)

15. Ignacio Granell. DG MARE (NAFO)
16. Mael le Drast. DG MARE (Norway, NEAFC)
17. Mindaugas Lebanauskas. DG MARE (Svalbard)
18. Alexandre Rodríguez. LDAC
19. Manuela Iglesias. LDAC

MEMBERS OF THE WORKING GROUP (via ZOOM)

20. Juan Manuel Liria. CEPESCA
21. Rob Banning. DPFA
22. Emil Remisz. High Seas Fish Producers Organization
23. Aivaras Labanauskas. LLDFA
24. Luis Vicente. ADAPI
25. Juan Martín Fragueiro. ANACEF
26. Rocío Béjar. CEPESCA
27. Esben Sverdrup-Jessen. DPPO
28. Jean-Christophe Vandevelde. The Pew Charitable Trust
29. Iris Ziegler. Seas at Risk
30. Boguslaw Szemioth.
31. Siggi Einarson. DFFU
32. Octavio Melen. OP ANACEF
33. Jacopo Pasquero. EBCD



OBSERVERS (via Zoom)

34. Margarita Mancebo. MAPA Secretaria General de Pesca
35. Ana Sedenko. Ministry of Agriculture of the Republic of Lithuania
36. Genadijus Babcionis. EFCA
37. Jarek Zielinski. Polish Crab Company
38. Carla Baz. Marinleg
39. Francisco Fernandez. OPROMAR
40. Leva Zundiene. Lituanian administration.
41. Konstantinos Kalamantis, EP