



MINUTES

29th meeting of LDAC Working Group 2 North Atlantic RFMOs and Fishing Agreements

**Thursday 24 March 2022, 10:00-13:00h CET
Hybrid meeting/Puerta de América Hotel, Madrid-Web conference – Zoom**

1. Welcome by the Chair and housekeeping rules

Mr. Gerard Van Balsfoort, WG2 Chair, welcomes attendees and opens the meeting by referring to the new situation that has arisen due to the invasion by Russia into Ukraine and the potential additional challenges this poses to the management of the fisheries complex in the North and Northeast Atlantic.

2. Adoption of the minutes of the last WG2 meeting (Web conference, 26 Oct 2021)

The minutes of the previous meeting are approved without any comments or modifications after a summary of the actions decided during that meeting by Alexandre Rodríguez.

3. Adoption 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 preparation of 44th NAFO annual meeting (Sept. 19-23, 2022)

The representative of the EC, Mr. Ignacio Granell, reiterates the condolences for the tragedy of the Villa de Pitanxo.

Regarding the next plenary meeting: this will be earlier in the year. Some other meetings haven't been already scheduled. In February a coordination meeting with European scientists took place in order to prepare the scientific committee which is scheduled for the first two weeks in June in Halifax. Mr. Granell explains the items discussed: Greenland Halibut and Redfish in 3LM. Scientists should work in parallel on the MSE for both stocks but this will take a lot of time. The MSE for GHL is valid until 2023 and for redfish until this year. He added that this year it won't be possible to apply exceptional circumstances.

A meeting on Shrimp 3M was scheduled at the end of April in Halifax with the aim to adopt the new fishing regime, but the Acting NAFO President proposes to postpone



the meeting because of the circumstances in Ukraine and that it was unrealistic to achieve a result if Russia was not going to attend.

On other issues the WG-EAFFM meetings will be organised in August. And the workshop on the precautionary approach will be organised virtually in August or physically back-to-back with the plenary. And, as usual, there will be a coordination meeting with the stakeholders towards the end of August. For the workshop it will be possible to attend, but it will depend on the format of the meeting. It will be appreciated if stakeholders could participate.

Regarding the annual plenary the EC has the intention to participate even if Russia would participate, but there won't be discussions/contact with Russian delegates. The EC therefore has to evaluate the consequences on the debate. The Russian President of NAFO voluntary withdrew and USA now is acting as NAFO President.

4.2. Update on transposition of NAFO CEM rules into EU law.

The delegated act was published at the beginning of March despite the fact , that Portugal raised a problem on the legal framework. The transposition of NAFO rules into EU law will entry into force.

Mr. Edelmiro Ulluoá recalls that the transposition of the NAFO legislation into a community standard could be done simpler by a single-article regulation stating that NAFO annual decisions are transposed mutatis mutandi and applied immediately. This could avoid the legal vacuum.

Mr. Gerard van Balsfoort recalls that LDAC had already mentioned this problem to the EC.

EC representative explain that the situation has improved: we have reduced the legal vacuum from several years to months.

4.3. Discussion and identification of topics of interest and work priorities for WG2

The LDAC Secretariat raised a question on the EC position during next meetings on 3M Cod Faroese catches in excess of the quota under the cover of a scientific campaign. The EC representative explains that Faroe Islands haven't yet sent anything. But EC will wait to see Faroese position during next Scientific Committee.

5. 5. Bilateral and trilateral dialogues EU - North East Atlantic Third countries

5.1- Access to Svalbard fishing resources by the EU.

5.1.1. Update from DG MARE on state of play of the negotiations with Norway.



EC representative, Mr. Mindaugas Kisielauskas, reports on the 14 months crisis on Svalbard Cod, in which the EC has invested a lot of resources and negotiation efforts with Norway.

Norway assumed wrongly that EU was questioning the sovereignty of Svalbard. EC underlines that Norway must guarantee non-discriminatory, equal treatment and equal access for all parties to Svalbard FPZ, as laid down under 1920 Treaty of Paris and reconfirmed in 1980 by Norway. For EC Norway's decision of December 2020 went against this equal treatment.

Last year Norway was not prepared to engage in an alternative to solve this conflict. There were many exchanges of notes verbales in which EC position on Svalbard was explained. Due to interventions at high political level (e.g. German chancellor Merkel and EC president Von der Leyen) the dialogue was reopened mid last year.

The problem at the moment is that Norway is linking our quota for international waters to the recognition of the bilateral management in Barents Sea. The other problem to solve is the uncaught cod quota in 2021 (5,000 t) as a result of the fact that EU fishers were prevented to fish their full quota in the Norwegian EEZ as Norway has closed the fishery.

During the recent discussion the Norwegian minister expressed optimism to reach an understanding with EU. Also provisional quota for the second half of the year were pre-agreed. It was decided to give an extra-month for discussions with Norway and to agree on 500t provisional quota. For now, the situation can be supported by the fishing industry. But as vessels are now moving to Svalbard, EC is already preparing internally to make sure there is a quota at the end of April to prevent that fishing activities will be interrupted. By April the agreement should be signed. It seems that Norway is acting now in good faith.

5.1.2. Feedback from LDAC members from pelagic and demersal industry and NGO

Mr. Alberto Martin from MSC and Mr. Gerard van Balsfoort have asked the EC representative if he believes that Norway will come up with an agreement in April and let the EU expand their quota? Mr. Kisielauskas recall that Norway & EU are close partners. He expresses the hope that the Norwegian political level will understand that having an open problem with EU is probably not a good thing for Norway. EC is still in favour of diplomatic negotiations, although these take time.

As WG2 President, Gerard van Balsfoort asks the members and the EC representative what the LDAC could and should do in order to help the process and the EC. Edelmiro



Ulloa thinks it could be useful for the EC to know stakeholders' position on this issue and that the LDAC supports the work done so far.

The following **ACTION** is agreed: **prepare a draft letter on an urgently manner on Cod Stock from Svalbard situation.**

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

○ **Norway**

EC representative Mr. Mael Le Drast gives a state of play of bilateral negotiations with Norway for the North Sea.

EC has been consulting Norway last year on the level of fishing opportunities for two shared stocks in Skagerrak. The discussions secured fishing opportunities as they are in line with scientific advice for pandalus and whiting. It was also possible to agree on an ambitious exchange of fishing opportunities with Norway of about 10 000t of artic cod. The agreement on access was renewed for the jointly managed stocks in the North Sea, although entailing a slight decrease of access for both parties demanded by Norway. The access agreement was therefore not ideal from the EU point of view. EC considers that reciprocal access should be a long-standing commitment in our long-term partnership.

Concerning access for pelagic stocks:

- EU will be allowed to fish all its quota of AS Herring in Norwegian waters and reciprocal access to blue whiting.
- Management of herring in Baltic and Skagerrak: it was agreed to limit capture of North Sea herring in Skagerrak to protect Western Baltic herring.

The item on fishing opportunities for pandalus is still pending, linked to a revised ICES advice to be issued. Planning is to meet end of April with Norway to decide a TAC after the release of the new advice.

o Norway and UK

Concerning trilateral consultations for 2022 on fishing opportunities for 6 jointly managed stocks in North Sea, it was agreed:

- A rollover for cod, for fishing opportunities and additional measures such as closures, focus on control,
- follow MSY advice for saithe and plaice,



- not to use the full advice for haddock and whiting in order to protect cod in mixed fisheries.
- Not to use the full advice for herring.

There is also an in-year consultations taking place for sprat – trilateral meetings are planned end of April and early May on sprat. EC will manage to keep stakeholders adequately involved in the process.

o Faroe Islands

The negotiations are still ongoing because Faroes were not in a position to engage in consultation due to their internal political agenda (elections for prime minister). Since February, they would like to engage again. So, EC recalled that the agreement is only based on access: reciprocal access for blue whiting and unilateral access for AS Herring in Faroese EEZ. The main problematic point was the absence of quota for Greenlandic shrimp.

o Fisheries framework agreements

It was decided to conclude in 2022 the work on the two fisheries framework agreement (the trilateral and the bilateral), it's like an update of 1980 fisheries agreements. Both agreements should be the basis for future cooperation in the North Sea. It should lay down the principle for a sustainable use of resources and organise the exchange of information between the parties.

Two meetings are planned in May in bilateral and trilateral format. The objective is to have both agreements in place for 1st January 2023.

o Technical measures

Norway has announced a beam trawl ban in February 2022 in Norwegian waters as part of new Norwegian regulation on technical measures. EC explained to Norway the direct impact that this regulation will have on plaice and sole fisheries by Belgian and Dutch fishers. Norway doesn't want to renegotiate the content of its regulation. However, EC agreed on a postponing of the enforcement until June and maybe until October.

Questions:

Mr. Gerard van Balsfoort indicate that the Norwegian announcement for this ban in February came as a total surprise for the industry.

Mr. Sean O'Donoghue, comments on the bilateral with Norway, that a major concession on blue whiting was made by EU in terms of agreement in 2022, as Norway can fish it inside the Irish Box. On the trilateral agreement, 6 stocks concerned are related to the ICES area 6a. This is causing major problems in this zone 6a, as there is also a huge Brexit effect in terms of transfers for these stocks. He recalled that they



proposed to separate 6a from the North Sea, both in the trilateral and the bilateral agreements. As an example, he explained that over a 100% increase in haddock in the North Sea and 6a, ended up with only a 5% increase in 6a.

Concerning the discussions on framework agreements, he comments that he was not aware that dates were set. So, he asks at what level that meeting will be conducted and how many meetings are planned?

EC representative explains that the problem with haddock in 6a is linked to the structure of the advice and assessment by ICES. EC representative invites to put forward a recommendation if possible.

Concerning next meeting on framework agreements only Head of Delegations will meet early in May. As these are international agreements delegations are different than negotiations in RFMO context. But stakeholders will be informed of the outcomes.

Mr. Javier López informed on the report made by DEFRA evaluating TACs compared with the scientific advice, including the quota decided in multilateral agreements. According to this study only 35% of the TACs have been set according to scientific recommendations (34% for 2020 and 2021). He asked EC representative if a similar report will be put forward, taking into account also socio-economic considerations. EC representative recall that the Policy Statement looks back at fishing opportunities process from previous year and looks at comprehensive elements of social economics and sustainability state of play. Concerning jointly managed stock DG Mare has also done internally the work and the figure is slightly above 35%.

Mr. Jean-Christophe Vandeveld corrected Javier Lopez because the report he mentioned was a CEFAS report, the UK scientific organisation equivalent to the STECF.

On framework agreements Mr. Jean-Christophe Vandeveld considers that these are important for all stakeholders as they serve to have a long-term approach to the management and sustainability of the stocks. He is interested in participating in these discussions through the LDAC or similar.

Mr. Gerard van Balsfoort consider that LDAC should be engaged in the discussions on the framework agreement.

From EC perspective Mr. Mael Le Drast explains that the goal of this agreement is to ensure sustainability in the long term. The reflections and process are still at the very beginning. The meetings in May are to kick off with ideas, have different views on the content and scope of the agreement. EU is a bit more ambitious than UK and Norway: they want to keep bilateral agreements decision separate but EU want to include them more in the framework. On the bilateral agreement, the objective is to update the



1980 agreements. Consultations will continue in the autumn in order to get an agreement for the beginning of 2023.

The following **ACTION** is agreed: **Javier López will send to the Secretariat the CEFAS report and share it with the members.**

6. Multilateral negotiations in the high seas: update on NEAFC Coastal States negotiations and relevant issues for decision at Annual Meeting

- NEAFC coastal states negotiations on pelagic stocks

The main problem is the absence of sharing arrangements between the parties for mackerel, BWH and ASH. In 2021 only the overall level of TAC was agreed but not on sharing of quotas. For 2022, the negotiations fell apart when Norway and Faroe Islands decided to set unilaterally quotas for mackerel. The priority therefore is to get an agreement on mackerel. For BWH and ASH, the discussion will resume in September or October. In short: for 2023 the ambition is to have a sharing agreement on mackerel in addition of the level of the TAC and to conclude on a long-term management plan for mackerel.

Mr. Sean O'Donoghue asks the EC representative if there is a roadmap for the mackerel discussion by Coastal States? And what are the consequences of the Ukraine war on BWH and ASH discussions? EC has guidelines on how interacting with Russia? EC representative indicates that it is decided to limit interactions where there is no absolute need to engage. The ambition is to have sharing arrangements for next year but no specific roadmap per CS meeting is scheduled.

- NEAFC annual meeting

The Ukraine conflict affects also NEAFC procedures. CPC has decided to postpone different meeting of March and April (scientific committee, compliance committee, WG on the future of NEAFC).

From the last annual meeting of NEAFC, some issues are complicated because NEAFC used to endorse coastal states agreements, but there were no such agreements. Furthermore, the recommendation on redfish in Irminger Sea is complicated because Russia still objects to the NEAFC resolution.

On control measures, EU advocates of having a good control system in NEAFC, but Russia unfortunately is completely opposing this, blocking progress on this.

7. The role of the EU in fisheries governance on the North East Atlantic



7.1. Follow up of the LDAC advice on role of EU in NEA fisheries governance (Feb 2022)

The president of WG2 recalls the letter sent by LDAC few weeks ago on the role of EU on fishing governance in North East Atlantic. For now, there is no answer received from DG MARE.

Mr. Jean-Christophe Vandeveldel raises a point regarding point 5 of LDAC advice on transparency in the NEA: he regrets the lack of invitation and inclusion by EU of NGO representatives in the Coastal States meetings. For example, he went as part of the UK delegation for a mackerel WG session. In UK there is a list of stakeholders interested in certain topics, each time there is a meeting there is an invitation by them or the Scottish administration. In his opinion the proposal to participate in this kind of meeting should be more automatic.

Mr. Gerard van Balsfoort explains that industry representatives have also to put their name through MS to be in EC delegation.

The following **ACTIONS** are agreed:

- **Record intervention from Mr. Jean Christophe Vandeveldel in the minutes**
- **put in a broader context the level of involvement of stakeholders in NEAFC.**

7.2. State of play of joint PELAC-LDAC initiative on a concept note for definition, role and competencies of a future NEA Stakeholders forum

The steering committee is developing different scenarios to promote a stakeholder forum, in the NEA area, link to NEAFC. The reflexion is also linked to the framework agreement development. So even if it is premature, a conceptual note is prepared in the steering committee.

Mr. Alexandre Rodríguez proposes to wait for the EC answer on the previous point to see how EC wants to include LDAC in the discussions. The conceptual note will be circulated once the steering committee approved it.

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)

Mr. Patrick Lavelle, from DG MARE, recalls that TCA create this SCF, as well as other Specialised Committee, so the same procedure applied. EC represents UE and MS are in the delegation. The positions are validated by the Council.



Last year, SCF met in July and October, it was a high-level discussion. In October, once the Union Position on the WG respectively were voted, the work in SCF could proceed. At the beginning of 2022, the work focused to getting the working group established. The group was formalized by a written decision of SCF at beginning of March. The first discussion will be on: transfers of quotas, manner of notifying management measures to each other, also discussing guidelines for TAC setting for special stocks, identifying next steps on ICES fisheries advice.

Mr. Sean O'Donoghue asks how many working groups will be planned? And what is the roadmap for meetings?

Mr. Patrick Lavelle explains that, legally, there will be only one but in practice it will have several configurations. They will all be called WG but with special topic: on fisheries management and conservation topics, on fishing opportunities and preparation of scientific advice, on non-quota stocks, on control and enforcement.

Ms. Jessica Demblon, EC representative, gives information on the schedule for next discussion with UK: consultations should begin on the week of 24th of October, up until the week of 5th of December. Mr. Patrick Lavelle adds that agenda and minutes are published in a centralized website.

8.2. Outcomes of Joint PELAC-NSAC-NWWAC-LDAC-MAC Focus Group meeting on Brexit (10 February 2022): draft letter on proposals for stakeholders' engagement in the SCF UK-EU

Mr. Sean O'Donoghue recalls that the five Advisory Councils (ACs) considered it would be very useful and productive to meet in order to bind together and deal with horizontal issues, not specific to individual ACs. The idea is to request a consultation process to be put in place with the EC in relation to the SCF and working group as such. We identified seven topics, as the roadmap of discussions, management strategies for important stocks, data collection and scientific work, control rule, non-quota species...It was also decided to have a rotative chair between the 5 AC.

A joint inter-AC letter on role of ACs in SCF procedure for EC in the context of Brexit is expected to be approved by the different AC.

9. AOB- Closing of the meeting

Mr. Gerard van Balsfoort recalls the fact that he is now officially retired as president of the Pelagic Freezer-trawler Association and his other functions and that therefore a new WG2 president should be elected during the next meeting.

The LDAC thanks Mr. van Balsfoort for all his hard work and dedication over the years.



END OF THE MEETING



Annex I: List of attendees
LDAC Working Group 2 Meeting
24th March 2022

WORKING GROUP MEMBERS (in situ)

1. Gerard van Balsfoort. DPFA
2. Tim Heddema. Pelagic Freezer-Trawler Association
3. Erik Olsen. The Danish Society for a Living Sea
4. Edelmiro Ulloa. Opnapa / OPP3/ Acemix / Agarba
5. Ángela Cortina. Opnapa / OPP3/ Acemix / Agarba
6. Javier López. OCEANA

Observers (in situ)

7. Elena Consuegra. MAPA Secretaría General de Pesca
8. Margarita Mancebo. MAPA Secretaría General de Pesca
9. Alberto Martín. MSC
10. Alexandre Rodríguez. LDAC
11. Manuela Iglesias. LDAC

WORKING GROUP MEMBERS (via Zoom)

12. Juan Manuel Liria. CEPESCA
13. Juan Manuel Trujillo. ETF
14. Esben Sverdrup-Jensen. DPPO
15. Jean-Christophe Vandeveld. The Pew Charitable Trusts
16. Alexandra Philippe. EBCD
17. Rob Banning. DPFA
18. Luis Vicente. ADAPI
19. Emilia Dyer. International Pole and Line Foundation
20. Rob Pronk. Pelagic Freezer-Trawler Association
21. Emil Remisz. NAPO
22. Sean O'Donoghue. KFO

Observers (via Zoom)

23. Ignacio Granell. DG MARE
24. Patrick Lavelle. DG MARE
25. Mael Le Drast. DG MARE
26. Mindaugas Kisieliauskas. DG MARE
27. Jessica Demblon. DG MARE
28. Gabriel Mato. EP
29. Konstantino Kalamantis. EP
30. Carmen Paz. MAPA Secretaría General de Pesca
31. Anne-Marie Kats. Pelagic AC



32. Annina Búrgin Piñeiro. Fundación MarInnLeg