

**MINUTES**  
**27<sup>th</sup> LDAC Working Group 2 Meeting**  
**Regional Fisheries Organizations and North Atlantic Agreements**

**Thursday 22 April 2021, 10:00h - 14:00h**  
**Videoconference (Zoom)**

**1. Welcome by the Chair.**

Mr. Gerard van Balsfoort, acting WG2 Chair, welcomes attendees and thanks the representatives of the European Commission for their presence.

The complete list of attendees is included in Annex I to this document.

**2. Approval of the minutes of the last WG2 meeting (Videoconference, 6 November 2020)**

The minutes of the previous meeting are approved without any comments or modifications.

**3. Approval of the agenda.**

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

**4. Election of WG2 Chair and Vice Chair.**

Mr. Alexandre Rodríguez, General Secretary, explains the election procedure informing afterwards about the expressions of interest received in good time and appropriate manner: Mr. Gerard van Balsfoort (DPFA) is the only candidate for the WG2 chair position and Mr. Xavier Leduc (UAPF) for the WG2 vice chair position.

**DECISION: The validity of these two candidacies is unanimously approved and the appointment of Gerard van Balsfoort and Xavier Leduc is adopted by consensus for the positions of WG2 Chair and Vice Chair, respectively. They will have a 3-year mandate starting on 1 June 2021 and ending on 31 May 2024.**

**5. Northwest Atlantic Fisheries Organisation (NAFO)**

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

**5.2. Key areas of work in preparation for the 43rd NAFO meeting (20-24 Sept, 2021).**



The representative of the EC and EU lead negotiator at NAFO, Mr. Anders Jessen, informs that the NAFO annual meeting could take place virtually again as a videoconference as it was the case the previous year due to the pandemic. However, next week they will have a meeting with the heads of delegation to move forward in terms of follow-up work. The format used last year worked quite well, although it was challenging at technical level and content-wise.

- Cod 3M: The decision was difficult since it involved a TAC reduction of 82% with regards to the previous year, but it is expected to contribute to the recovery of the stock in the near future. There is a need to assess the impact of all technical measures adopted for the first time (time-area closure from January to March, mandatory use of selective sorting grid, etc.) to value their effectiveness. In this sense, they are waiting to know the outcome of the Scientific Committee advice.

- Squid 3M: Some countries have shown their dissatisfaction with the application of the fishing effort scheme adopted (days at sea) and expressed their preference for speeding up the transition towards a quota-based system and to avoid a potential roll over. Russia expressed reservations about holding inter-sessional meetings via videoconference, since they believe discussions should take place face to face.

As for the ways to conduct the transition, Mr. Jessen recalls the document presented by the EU last year with the different possible scenarios to agree on a transition to the TAC and quotas system. However, due to the situation caused by the COVID-19 pandemic, this issue was not discussed in depth. He explains that such document restricts discussions to a series of parameters to reach a new system of TAC and quotas, such as distribution formula keys following the current allocation of fishing days, or following historical periods of catches that may be different, or even a mixed system. This will require the parties to sit down and see the figures presented and to reach a flexible position to achieve realistic agreements.

- Greenland Halibut: the TAC for 2021 is in line with the multiannual harvest control rule (HCR), which has proved to be robust so far.

- Oceanic Redfish 3LM: The management strategy evaluation (MSE) is now being reviewed.

- Northern Cod 2JK3LN: Canada conducted an assessment on this stock, as well as on witch flounder 3LN, and sent it to the NAFO Secretariat. He hopes that this will continue this year and in the future.

The Chair, Mr. Gerard van Balsfoort, asks whether the EU was the only one to make a transition proposal for shrimp 3M to move from a fishing effort system to one based on TAC and quotas.

Mr. Jessen, representative of the EC, replies in the affirmative, indicating that a robust proposal was presented and that they assumed the coordination role for this transition. He points out that some progress was made in the past, but that they wish to continue moving



forward and that the rest of the contracting parties focus their debate on the elements contained in the EC proposal, without adding new parameters.

Mr. Iván López, AGARBA, highlights the importance of bilateral relations between NAFO contracting parties and notes that North Atlantic cod from 2JK3LN is a very important species for Portugal and Spain. He points out that it would be important for Canada to share the agreed percentage of 5% of the total fish it catches in its EEZ with other parties and fleets with historical rights as agreed. He enquires whether they are aware of how controversial the measure is. It is the most abundant stock in the NAFO RA. By way of example, this 5% they request is more than the whole quota for cod in the Flemish Cap.

Mr. Jessen believes the Commission's strategy regarding Canada was effective within NAFO, in fact, he highlights that the organisation has historically worked well when they EU and Canada work together.

He explains the strategy followed by the EU regarding two controversial issues:

- 1) Oil and gas explorations: the EC asked Canada for reports, they asked questions and they are aware that the EU is following up on their actions.
- 2) Northern cod 2J3KL: Canada has realized that the EC is closely monitoring the assessment of their stocks, this being the best way to ensure that they will not abuse the existing system. In fact, they know that if it is abused and so reported, the cost would not be zero.

He then informs that his counterpart in the Canadian delegation has changed, the new representative is Mr. Adam Burns. They are trying to build a good relationship as they had with the previous representative.

In addition, he notes that there have been changes regarding other heads of delegation, such as those for the USA and Japan.

The representative of the EC, Mr. Andres Jessen, then informs about the different NAFO working groups:

- WG on bycatches, discards and selectivity: a virtual meeting will be held from 11 to 13 July, and no agenda has been drafted yet. However, one of the items to be included is the mandate request for NAFO to conduct an assessment on the elements of control and what the application of the landing obligation would mean to them.

- WG on the ecosystem approach: a meeting will be held from 12 to 15 July. Last year they adopted a roll over for current measures affecting Vulnerable Marine Ecosystems (VMEs). However, in 2021 they hope to complete an impact assessment, where it is necessary to establish a roadmap and for scientists and managers to strengthen their collaboration and to hold a technical seminar in order to move forward.



- WG on management strategies: a meeting will be held from 24 to 26 August. Although no agenda has been drafted yet, the precautionary approach will be discussed as well as the review of the management strategy for redfish 3M-L.

Mr. Jean-Christophe Vandeveld, PEW, enquires about the roadmap for the ecosystem approach and whether NAFO could be encouraged to hold the technical seminar soon.

Mr. Ignacio Granell, representative of the EC, explains that the idea was to organise it this year, but that owing to the pandemic it was decided that it was best to postpone it until next year. However, they expect to be able to hold a half-day session to identify items for discussion during the seminar.

**The following ACTIONS are agreed:**

- **The LDAC Secretariat will start with the preliminary work for the preparation of the opinion for the annual meeting and will start compiling the relevant information and documents from NAFO Working Groups (bycatches, discards and selectivity; ecosystems; management strategies, etc.) as well as from the Scientific Council. In addition, the LDAC Secretariat will remain in contact with the NAFO team at DG MARE to be informed of any updates regarding meetings, events and work plan.**

- **The Secretariat will call a Focus Group between mid June and the end of July (depending on when the Scientific Council report is made available) in order to prepare a first draft that will be ready to be presented at the technical coordination meeting with DG MARE in preparation for the NAFO annual meeting. This meeting is usually held on the last week of August. All WG2 members are invited to send their request to participate in this work to the Secretariat.**

### **5.3. ToR and work plan for dedicated focus group on NAFO.**

Mr. Alexandre Rodríguez, General Secretary, explains that the draft opinion for the NAFO annual meeting is usually ready in the month of August, while the Scientific Council report is usually not available until the month of July.

He highlights that the Focus Group is open to all WG2 members wishing to participate in it.

The representative of the EC, Mr. Jessen, values the LDAC input and is thankful for the advice.

## **6. Bilateral and trilateral dialogues EU - North East Atlantic Third countries.**

### **6.1- Presentation by DG MARE on the state of play of the negotiations for fishing opportunities and technical measures related to:**

- **Svalbard**

The representative of the EC, Mr. Mindaugas Kisieliauskas, informs that a meeting was held in December with the Norwegian authorities where it was said that EU quotas for Arctic cod would be set, but no information was given as to how those quotas would be calculated.

They informed that the quota involved a reduction of 8,000 tonnes with regards to calculations made regarding EU fishing rights, while the UK quota had been slightly increased. This means that part of the EU quota has been transferred to the UK and that is why there is a reduction in TAC when comparing that established by the EU and the one agreed.

The EC believes that the Treaty of Paris should be applied, which prevents discriminatory treatment among fleets, since different criteria have been followed for Norway and Russia. The truth is that four different approaches have been taken into account at the same time, something that the EU considers as both arbitrary and discriminatory.

The EU considers that all maritime areas are part of the Treaty and Norway believes that the Treaty of Svalbard only applies to 4 nautical miles and that beyond that it is Norwegian sovereignty.

The EC believed it was necessary to send a clear message by means of a note verbale, indicating their disagreement with this approach, and pointing out that quotas have to be decided by common agreement among all parties including the EU and not unilaterally only by Norway and Russia. Moreover, other precedents are recalled where there has been discriminatory treatment in this area, as it happened with snowcrab management.

At the EU, they are currently analysing what can be done legally speaking if Norway decides to apply the aforementioned measures, so they are preparing a legal analysis and the necessary arguments in order to face potential consequences.

Then there is a round of questions by the WG2 members:

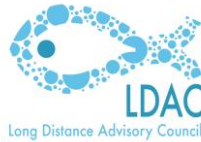
Mr. Gerard van Balsfoort, WG2 Chair, asks whether Norway has replied to the note verbale sent by the EC.

Mr. Kisieliauskas, EC, answers they have, but not in writing. He points out that Norway has not changed its approach and that they do not expect more information exchanges through this channel.

Mr. Gerard van Balsfoort, Chair, asks if legal or diplomatic action has been taken.

Mr. Kisieliauskas, EC, replies that contacts have been made at high political level to voice their concern. They will continue escalating their actions depending on future events.

Mr. Iván López, AGARBA, explains that the problem regarding cod in Svalbard is worrying and complicated. He thanks the EC for all their efforts and for their clear and this time convincing



language. It is very important to know that they had the support of all Members States, what made their position stronger. In this regard, he notes that coordination with those more committed EU Member States, such as France, Poland, Spain and Portugal is very important. He expresses his concern about the EC negotiator being clearly threatened by Norway. They will continue searching for proportionate solutions. Norway is aware of the fact that the EU has much more at stake than them.

Nevertheless, they will not be able to enjoy the quotas that are being taken from the EU, since the agreement establishes that they have to send part of their quota, so they will give half of it to Russia.

From their point of view, only the EU fleet is being harmed, since this does not affect the Iceland fleet, nor the Faroe fleet nor the UK fleet. In fact, Norway exports to the EU amount to EUR 1,500 million a year, and the EU quota catch level in Barents accounts for 5%. This means that less cod is being caught than it actually should. However, the EU fleet will continue fishing since it is protected by provisions set forth in the Treaty of Paris. They hope that crew members will be able to keep calm in spite of the threats of future arrests for alleged excessive fishing since this is an issue they are also concerned about. Finally, he notes that the Norwegian position in Svalbard has only been supported by Chile.

Mr. Gerard van Balsfoort, DPTFA, says that the LDAC has to reflect upon how we can make ourselves useful in this regard. A solution enabling the best coexistence possible with Norway needs to be found in terms of governance in the North East Atlantic.

Mr. Juan Manuel Trujillo, ETF, asks what has changed in the agreement between the EU and the UK regarding Norway since March 2021. He notes that this issue needs to be an instrument of pressure against Norway.

The representative of the EC, Mr. Mindaugas Kisieliauskas, thanks Mr. López for his words aiming to clarify the reactions and expectations of the European industry. He then explains that the Svalbard territory is a strategic issue and that there are geopolitical interests, as well as interests related to the exploitation of natural resources that go beyond fisheries. For the EC it is essential that their historical rights providing access to fisheries are ensured, as it was expressed in the note verbale.

Mr. Luis Vicente, ADAPI, highlights that in his opinion Norway is testing the EU reaction to check whether in the future they can take a similar action when it comes to other activities. He thinks that Norway is putting his main strategic and commercial partner at stake for a small amount of cod.

Mr. Iván López, AGARBA, underlines that affected European fleets will continue collaborating and timely informing the EC about their perceptions. He then expresses his concern about Norway's accusation to include EU vessels in the illegal fishing lists because they exceed the allocated quota when fishing in Svalbard. Rejecting access to their Exclusive Economic Zone could bring consequences since the EU has agreed quotas by law. He believes that it would be positive to inform Norway that it cannot act this way, since it would go against the actual spirit



of the regulation against IUU fishing. He notes that at the LDAC we are fully committed to the fight against IUU fishing and makes it clear that this would not be a case of illegality, since they are complying with the amount of tonnes adopted by the EU Council.

The Chair, Mr. van Balsfoort, notes that this issue causes a lot of uncertainty for shipowners and even for workers and crew members, which is why he asks what the LDAC can do to help move forward in this regard. He suggests writing a recommendation in the form of a letter to the EC, supported by all the members, highlighting the need to protect all fisheries, the sustainable management of stocks and the responsible presence of the fleet in Svalbard.

The following **ACTIONS** are then agreed:

- **The chairs of the WG2 and the Executive Committee together with the General Secretary will jointly prepare a letter supporting the EU position expressed in the note verbale (also supported by the MS) recently sent to Norway regarding the new unilateral downward calculation of Arctic cod for the EU contravening the principle of non-discrimination reflected in the Treaty of Paris. This draft letter will be distributed, if appropriate, in EN-ES among all WG2 members at the end of April/beginning of May in order to request its potential adoption in the LDAC Executive Committee meeting to be held on 11 May.**

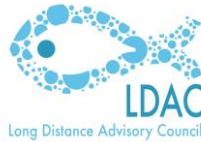
- **The Secretariat will remain in contact with the DG MARE team to continue this dossier in the following months, acting as coordinator in the event that a technical meeting is called in the summer to convey the opinions of WG2 members.**

**6.2- Presentation by DG MARE on the state of play of the negotiations for fishing opportunities and technical measures related to:**

- **Norway**
- **Norway/UK**
- **Iceland**
- **Faroe**
- **Greenland**

The representative and main advisor of the DG MARE at the European Commission, Mr. Fabrizio Donatella, explains that all aforementioned negotiations are more interconnected than ever, it being very difficult to tell which ones are bilateral, trilateral or multilateral.

About Norway, he informs that consultations started very late, in January, matching the beginning of the fishing season. In general terms, to do it in a timely manner, negotiations should have concluded at the beginning of December. However, this year, since there was no deadline, the negotiation lasted three months. In addition, he notes the difference between trilateral negotiations with Norway and the United Kingdom, and bilateral ones with Norway.



The elements on the bilateral/trilateral agenda are everything related to access conditions to their waters and the exchange of fishing opportunities in Skagerrak. At the end of the process there was a reasonable conclusion in Skagerrak, with a similar TAC to that of the North Sea.

There was a temporary suspension in the exchange of fishing opportunities, and regarding access to Norwegian waters and access to Skagerrak, depending also on what was done in the North Sea.

As for the exchange of fishing opportunities, this year was quite a challenge, since the quota corresponding to the UK in the past could not be offered.

The adoption of an SFPA with Greenland led to using large amounts of quota with Norway in order to achieve more fishing opportunities in the Arctic. It was a complicated atmosphere, since the situation of Arctic cod in Svalbard made negotiations more difficult. Nevertheless, activities were resumed with an agreement of less magnitude than that of the year before, in part due to the fact that the UK is no longer in the EU.

In 2019, the quota used according to the agreement with Greenland accounts for 24-25% of the total quota given to Norway. This year, it accounts for 88%. This means that what we are contributing to Norway in 2021 comes from the SFPA with Greenland. He underlines that it is very difficult to know what will happen in the future and that special attention should be paid to Arctic cod.

In addition, he informs that the EC launched a consultation process regarding the agreement with Norway, highlighting that it might be convenient to rethink the relationship with Norway to include aspects that were not considered as necessary before.

The Chair, Mr. Gerard van Balsfoort, thanks the EC negotiating team for their transparency efforts. He agrees with Mr. Donatella on his last remark, pointing out that they have reached the said situation, that they need to reinvent the EU position and its role in the new international governance framework in the North East Atlantic. He underlines the importance of reaching an agreement with the UK in order to ensure that the main actors in the North East Atlantic start the year in a collaborative fashion, although this is not a guarantee for future years. Future relations between the EU and Norway, Iceland and Faroe need to be reflected upon.

Mr. Esben Sverdrup-Jensen, DPPO, points out the importance of reaching a compromise with the UK, since fisheries are very much linked with trade.

Fishing opportunities with Greenland are used as bargaining chip with Norway. In Greenland, the new government is considering the possibility of nationalising fisheries and restricting the fishing capacity granted to the EU and other coastal States, something quite worrying in the medium and long term.





Regarding the agreement with Norway, Mr. Sverdrup-Jensen highlights two issues:

1. Herring: management system, ICES could not prepare an opinion for North Sea herring and the message conveyed to the EC and the PELAC is that it will be issued after the summer.
2. TAC: there is interest to know how the process has been programmed. Last month, ICES issued a low-profile opinion for sprat in 3A.

Finally, he asks about the timetable for negotiations among Norway, UK and the EU.

Mr. Iván López, AGARBA, agrees with the representative of the EC and Mr. van Balsfoort on the fact that the scenario of the North East Atlantic agreements has changed. Brexit and Norwegian actions regarding Svalbard have done nothing but complicate things.

He notes the need to reflect upon the situation with Norway in the working groups. In fact, he believes that the EU must use access by Iceland, UK, Faroe and Greenland to the market as an element of negotiation, since they wish to sell their products in the EU and in other countries. However, what they must offer in exchange for access to fishing opportunities should be clearly stated.

The European cod industry bears a lot of pressure, as this year they are catching about 40% less compared to the year before. In his opinion, it is one of the biggest losers of Brexit. He also points out the "game" played by Norway and Russia. He thinks that, if Norway does not want to negotiate, our fisheries in Svalbard should increase with more species (haddock, Atlanto-Scandian herring, Greenland halibut, etc.). This will have to be discussed in the new framework agreement. The EU fleets fishing in Norway are in a very complicated situation; there are many investments and jobs at stake.

The Chair, Mr. Gerard van Balsfoort, insists that we find ourselves in a big change regarding the fisheries governance model for the North East Atlantic.

Mr. Juan Manuel Trujillo, ETF, supports the opinions expressed. For his part, he wishes to put special emphasis on the social aspect, insofar as any movement brought about with no consensus affects employment and workers. International treaties regarding maritime safety shall be borne in mind. He believes that Norway should be given a note of warning owing to the way it is acting.

The representative of the EC, Mr. Fabrizio Donatella, replies to the questions and comments made, noting that after the consultation conclusions are drawn, they will start working on herring, since they have to ensure a different approach for this fishery, although the working group will meet soon.

As for sprat, he informs that an opinion was issued and that they hope not to have any stability problems to share areas.

Regarding the question asked by Mr. López, he notes that they are all aligned within the EC, with a great deal of work needed to reach framework agreements, which will not finish this year.



Relations with Norway are complicated owing to implications in terms of trade relations or access to waters, among other, so all stakeholders should be included and it should not be looked at from a specific point of view. He encourages reflecting upon the general framework of the relationship and not only from a stocks-based perspective, as well as continuing building a dialogue process.

Regarding Iceland, he points out that they did not have any more bilateral contacts; they need to work more with them. Unfortunately, the agreement remains dormant, as it was a decade ago.

As for Faroe, he notes that the consultation process is ongoing, and they are waiting to receive comments on the EC proposal.

Concerning Greenland, he is relatively optimistic and believes that the agreement may be ratified soon, although it has not been signed yet and ratification of the agreement by means of signature is on the table of the Greenland government.

#### **7. Multilateral – update on NEAFC Coastal States negotiations.**

The representative of the EC, Mr. Fabrizio Donatella, informs that all consultations took place in October, although minimum decisions were made in terms of TAC. He highlights that there were no additional consultations about the distribution agreements (e.g. horse mackerel). They are now waiting for the NEAFC Chair to launch the consultation process.

Faroe and Norway are still discussing access to their waters with the UK, and this is making it more difficult for all parties to organise themselves from a multilateral point of view. He hopes that this will not always be the case, so that in the future there is no need to wait for bilateral agreements to move on to trilateral or multilateral agreements. Although this is not the way in which the EC works.

He underlines that this dynamic is a result of the position of Russia in this field. At NEAFC, the way to address an important partner like Norway or Faroe with special relations with other partners is quite a challenge. They have seen a change brought about by this new dynamic. In his opinion, NEAFC will not be the same as of 2021. Preliminary work to prepare for the meetings will be necessary and not just waiting for the annual meeting, so that NEAFC is more active regarding conservation and control measures strengthening the role of PECCMAS.

NEAFC: This dynamic is a result of the relationship with Russia in this field. We do not have a meaningful relationship with them on this area.

**The following ACTIONS are agreed:**



- To follow up on the discussion with the DG MARE lead negotiator, the new reality and the changing environment in the dynamic affecting negotiations in the North East Atlantic will be reflected upon. In this regard, WG2 will follow up on the state of play of bilateral/trilateral and multilateral dialogues among the EU and Norway, UK, Iceland, Faroe, Greenland and NEAFC coastal States.

- WG2 Chair and Vice Chair (Mr. Gerard van Balsfoort and Mr. Xavier Leduc, respectively) and the ExCom Chair (Mr. Iván López) will propose issues to be included in the draft terms or reference to set up a focus group on governance in the North East Atlantic with the help of the Secretariat. The Focus Group will be open to any WG2 member wishing to take part in it, with a recommended participation limit of 10-12 members.

#### **8. AOB - Closing of the meeting.**

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

### MEMBERS

1. Gerard van Balsfoort. DPFA
2. Xavier Leduc. UAPF
3. Javier Garat. CEPESCA
4. Juan Manuel Liria. CEPESCA
5. Emil Remisz. NAPO
6. Edelmiro Ulloa. Anapa/Anamer/Acemix/Agarba
7. Rob Banning. DPFA
8. Iván López. AGARBA/CEPESCA
9. Despina Symons. EBCD
10. Stavroula Kremmydiotou. EBCD
11. Jacopo Pasquero. EBCD
12. David Troncoso. ANASCO
13. Anaid Panossian. CFFA-CAPE
14. Daniel Voces. EUROPECHE
15. Laurens van Balsfoort. DPFA
16. Rosalie Tukker. EUROPECHE
17. Sigurður Steinn Einarsson. DHV/DFV
18. Christine Adams. Seas at Risk
19. Juan Manuel Trujillo. ETF
20. Sean O' Donoghue. KFO
21. Javier López. OCEANA
22. Luis Vicente. ADAPI
23. Esben Sverdrup-Jensen. DPPO
24. Aivaras Labanauskas. Lithuanian Long Distance Fisheries Association



## OBSERVERS

25. Anders Jessen. EC
26. Ignacio Granell. EC
27. Mindaugas Kisieliauskas. EC
28. Fabrizio Donatella. EC
29. Margarita Mancebo. Ministry for Agriculture, Fisheries and Food (MAPA)  
Secretariat General for Fisheries
30. Gema de Frutos. Ministry for Agriculture, Fisheries and Food (MAPA)  
Secretariat General for Fisheries
31. Mariana Toussaint. FAO
32. Jesús Iborra. European Parliament – PECH Secretariat
33. Genadijus Babcionis. EFCA
34. Jean-Christophe Vandeveld. The Pew Charitable Trusts
35. Tom Pickerell. Global Tuna Alliance
36. Anna Gruszczynska. Ministry of Maritime Economy and Inland Navigation Poland
37. Vytautas Danilevicius. Lithuanian Ministry of Agriculture
38. Alberto Martin. MSC
39. Sonia Doblado. FARFISH
40. Alexandre Rodríguez. LDAC
41. Marta de Lucas. LDAC
42. Manuela Iglesias. LDAC