

DRAFT MINUTES

18th meeting of Working Group 2

Regional Fisheries Organisations and North Atlantic Fishing Agreements

Tuesday, 19th April 2016 in the afternoon (2.30 – 5 pm)

Wednesday, 20th April 2016 in the morning (9.30 am – 12.30 pm)

Martin's Central Park Hotel. Boulevard de Charlemagne 80. Brussels (Belgium)

Chairman: Iván López

Vice-chairman: Jane Sandell

1ST DAY – AFTERNOON OF TUESDAY, 19TH APRIL

1. Welcome and apologies made by the Chair.

The Chairman welcomes those attending.

2. Approval of the minutes of the last meeting of WG2 - Brussels, 22 October 2015.

The minutes of the last meeting of WG2 are approved with no changes in the content or suggestions of additional points to be discussed. Flexibility is agreed upon as well as adjusting the presentations of the experts invited by the Commission, ICES and EFCA to their availability.

3. Approval of the agenda.

The agenda is approved, indicating that point 4 a) will be discussed at the morning meeting on Wednesday, 20th, starting on that day with point 9.

Mr. Björn Stockhausen, Seas At Risk, suggests for future meetings of WG2 the possibility trying for them not to coincide with meetings of the European Parliament Fisheries Committee. The Chairman expresses his agreement and takes note of the suggestion.

Mr. Sean O'Donoghue, KFO, requests, if possible, to adapt the date of this group to the meetings of the Coastal States negotiations or to the Annual meeting of NEAFC, in London (November).

ACTION: Members will be consulted to select the date for the next WG2 in the last quarter of 2016 with several proposals for dates, trying to prevent it from coinciding with events of concern for members (such as other ACs or the Committee on Fisheries of the EP), including an option in the margins of the annual meeting of NEAFC in London (14-18 November 2016).

4. North-East Atlantic Fisheries Commission (NEAFC).

a. Update of the European Commission on the coast state consultations; and

NOTE: Point 4.a) was discussed on the 2nd day within point 7, to be able to count on the Commission representative who presented this topic, Mr. Jacques Verborgh.

b. Presentation of the CIEM on scientific cooperation in stock assessment.

The Chairman of the Advisory Council (ACOM) of the CIEM, Dr. Eskild Kirkegaard, gives a presentation describing the mission, activities, methodology and recommendations that the CIEM has made in 2015 and 2016, placing special emphasis on scientific cooperation to assess stocks in the North-East Atlantic regulatory area (NEAFC). He recalls that ICES has signed a MoU with the Commission to present their annual recommendations to the Advisory Councils.

The presentation can be downloaded in its entirety from the LDAC website www.ldac.eu or from the following link: <http://ldac.ldac.eu/attachment/df68183e-d889-4694-9906-7ea03a84854a>

Questions from members

Mr. José Antonio Suárez-Llanos, ANAMER/AGARBA/ANAPA, asks if ICES has planned to conduct studies on the biological impact in the stocks, as a result of applying the landing obligation. In addition, he recalls that every year the Commission publishes a Communiqué on the state of stocks by CIEM areas. In many cases this is not known and there are uncertainties in the assessment. Other times, even when there are data, their processing and analysis fails in terms of their modelling. Therefore, he asks if he can be informed of their viewpoint on this topic.

Mr. Sean O'Donoghue, KFO, asks if a summary of the quality of the data available for the different stocks and areas could be given, hoping for an improvement with the new initiatives.

Mr. Marc Ghiglia, CNPMM, acknowledges that, although the decision preparation process is transparent, the delay in availability of the final documents is continuously increasing. He indicates that they have a criticism about North-East Atlantic, as only around 30% of the species are assessed. He does not know if CIEM has already responded to this. On the other hand, he thinks that the aspects and factors that impact global warming should be included in the evaluations and decisions of the CIEM.

Dr. Kirkegaard informs that studies on interaction between species and predator-prey relations (sampling stomach content) are systematically carried out.

There is no univocal model for stocks with data deficit. In some cases there are even outstanding quantitative data but he acknowledges that there is a lack of support to process those data. He agrees that compiling reliable and quality data is important, as well as processing them and analysing them in a standardised manner.

With respect to NAFO, he indicates that the Scientific Committee is under the same umbrella as the Political Committee, which leads, to a certain ,leads to greater pressure and interaction between both organisations. However, ICES is totally independent both organically and functionally from its clients (including the Commission) and therefore it does not correspond to the scientists to take management decisions in terms of fisheries, but rather, offer the necessary scientific information for the managers to be able to take decisions.

Likewise, he recalls that during the last coordination meeting between the CIEM and the Advisory Councils (MIACO), it was suggested that informal meetings could be organised with the ACs prior to the meetings of the Experts Group (EWG) or Decision Review Groups (ADG) in order to understand their concerns and obtain first-hand information about the fishery.

On the topic of transparency and the delay in presenting the reports, this is due to there being an enormous workload (more than 100 own meetings and 17,000 hours of work per year by scientists on a part-time basis), but work continues in order to speed up deadlines as much as possible, ensuring a balance between celerity and quality assurance.

Finally, respect to climate change, he highlights that they are aware of its importance and that they are trying to extend the environmental issue section. He recalls that the CIEM is already

working on publishing autonomous deliverables of ecosystem considerations, with 7 well-delimited eco-regions in the CIEM area, except for the Mediterranean Sea.

c. Presentation of the European Fisheries Control Agency (EFCA) on the activity report (SCIP/JDP) in NEAFC.

Creation of a European Coast Guard and Data Systems for VCS.

The EFCA representative, Mr. Grant Fulton, gives a complete presentation, explaining the mission and objectives of the EFCA and its operations in NAFO and NEAFC. He mentions that the first joint deployment plan (JDP) in NAFO and NEAFC was adopted in 2010, and that the current one is applicable for the period 2015-2019. In 2015, 49 days were spent on control missions in the sea in NEAFC, with a mixed team of EU inspectors and national inspectors from the Member States that are NEAFC contracting parties. The objective is to watch over compliance and ensure equal, non-discriminatory, proportional and effective application of the control standards adopted by the NEAFC contracting parties. He shows statistics and data on infringements detected in the area. Likewise, he informs those attending about the Agency's training, coordination and technical assistance work with national inspectors of the EU Member States. A specific annual 3-day training course was organised for NEAFC inspectors in Vigo, as well as different courses for national control authorities in countries such as Ireland or England, in order to explain the changes and amendments in regulations, adopt a harmonised approach, exchange experiences or carry out case studies or practical exercises.

The presentation is available on the LDAC website – direct link: <http://ldac.ldac.eu/attachment/558c2e8c-e7a0-48bf-a0fc-5c22f96f818f>

Round of questions from members:

Mr. Marc Ghiglia, CNPMEM, asks if there are global statistics about the community inspections carried out in the area, comparing them with those carried out by third countries, such as

Norway or Iceland, to compare the infringement rates in NEAFC. He also asks if the infringements have been qualified according to flag and type (serious or light)

Mr. Fulton, EFCA, explains that the EU does not receive reports on infringements by other countries, but the reports can be consulted on the NEAFC website, with the type of infringements by vessel and nationality. As an example, he indicates that three Russian vessels have committed infringements, one of them for carrying out transfers and for not having their SLB/VMS in operation.

Mr. Sean O'Donoghue, KFO, asks about blue whiting and if the estimations of real capture volumes by the vessels in the NEAFC area have been made separately from the captures in the respective EEZ of the EU. He also asks if clauses have been included between the contracting parties in the EU agreement with Norway regarding what would happen if the weather conditions were bad.

The EFCA representative answers that there is a specific campaign that addresses blue whiting in NEAFC and that, this year, the water was bad but despite everything they managed to carry out 90 inspections on Russian and Norwegian vessels.

Mr. Ian Gatt, SPFA, asks if the EFCA can impose effective fines and sanctions as a result of detected infringements; and if there is an analysis of the information derived from applying the landing obligation for the affected fisheries.

Mr. Fulton points out that the Agency's job is to coordinate national inspection means in joint deployment plans, but that imposing and executing fines is the competency of the Member States.

Mr. Fulton indicates that in 2015, the EFCA analysed the need to adapt the control strategy on the entry into force of the landing obligation. In the specific case of NEAFC, the EFCA has taken into account all the regulatory control aspects in force, including the LO, infra-declarations and paperfish, etc. They have sufficient information to analyse.

Mr. Alexandre Rodriguez, LDAC, asks if he can explain the progress made by the Agency in coordination with Member States about the risk assessment methodology and adoption of more effective control measures in terms of costs and results.

Mr. Fulton, EFCA, responds that all the inspections are coordinated with the member states and that there is a systematic hierarchical structuring of risks (from greater to lesser) for each area and campaign. The Member States are the ones that identify the risks and each M.S. products a report on five aspects. The Agency compiles and consolidates this information and the highest prevalent risks are taken into consideration for inclusion in the JDPs. The Agency will send more detailed information to the Secretariat for it to be placed at the disposal of interested members.

Mr. Marc Ghiglia, CNPMM, asks if the level of illegal captures of blue whiting in NEAFC can be quantified, highlighting that the figures have not been updated since 2000.

The EFCA representative responds that he will check this with his colleagues and will send the reply to the LDAC Secretariat.

With respect to the EU “state of play” report, Mr. Ivan Lopez, AGARBA, indicates that Member States, from his viewpoint, are slightly disorientated in terms of understanding and applying the new methodology and regulation of the Control Regulation. The control agency representative underscores that several training sessions and workshops have been held in order to try to harmonise the process.

ACTION: The EFCA representative will send an email with the pending answers to questions asked by members, for example, related to the quantification of the IUU illegal captures of blue whiting in NEAFC.

5. Commission Proposal and Council Stance on the Deep Sea Fishing Access Regime: Three-sided discussion European Commission, Council and Parliament.

Ms. Maja Kirchner, EC, informs that there have not been any major changes since the previous WG2 in November 2015. The three community institutions (EC, Council and EP) have met informally, but there has been no formal three-sided discussion for the moment, although one is expected next week. There is a clear difference in interests within the European Parliament, but the strategic direction that is going to be taken is expected to be definitely made known. In particular, they will attempt to reach an agreement regarding the following issues: the spatial scope of application of the standard, that is, if the prohibition will exclusively affect community waters or extra-community waters, too; the adoption or not of 800 metres as depth limit for the fishing activity; the application of the 30% capture limit for vessels with targeted deep-sea species, or also including by-catches in the calculation; and regarding the Vulnerable Marine Ecosystems (VMEs), the total closure of the fishing activities and the coverage index of the fishing observers, as well as the prohibition of exploratory fishing outside the EU area. The two main and most controversial questions, from the political viewpoint, are the delimitation of the geographic scope of application and the 800 metre depth limit.

The Commission is doing everything possible within its role as mediator to help reach an agreement or common situation of commitment between the Council and the Parliament.

Question time for members and observers

Mr. Daniel Voces, EUROPECHE, indicates that licenses were granted last week in the United Kingdom for oil and gas exploitation activities in areas declared as Vulnerable Marine Ecosystems. Hence, he asks the EC representative if they are considering the prohibition of these extraction activities that have an impact on the sea bed.

Ms. Maja Kirchner, EC, understands the concern, but she points out that in the Commission their draft Regulation was adopted four years ago and therefore they have a restricted mandate, and it would be rash at this time to put new elements on the table that could represent a change in direction and put the approval at risk.

Mr. Xavier Leduc, UAPF, asks if she can tell them what is the Commission's stance on the geographical coverage area of the standard.

Ms. Kirchner, EC, informs that the EC proposes to only include EU waters, as agreed last October, although, the European Parliament wishes to go beyond the Community waters and cover the NEAFC area. They are waiting to know if this is supported by all the members of the EP as well as if the Council supports it.

Mr. Ivan Lopez, AGARBA, points out that, unfortunately, the VME areas are only effective to restrict the fishing activity, and another example is in NAFO, where industry and the NGOs have expressed their concern in this regard.

Ms. Jane Sandell, NFFO, requests an explanation about the flexibility criterion proposed of 30% for deep-sea species captures.

The EC representative, Ms. Maja Kirchner, informs that those whose target species are deep-sea species have proposed a definition for the deep-sea vessels. This represents a more restrictive definition that does not include vessels that make by-catches. A buffer is offered for vessels that have captured more than 10 tons of deep-sea species in a certain period of time, there is a common stance of the Council and the EC, and the EP adds the criterion of 600 metres below; however there will also be flexibility criteria.

Mr. Ivan Lopez, AGARBA, asks what will happen with the transzonal stocks.

Ms. Kirchner, EC, responds that there will be a three-sided discussion, scheduled for the coming week, as well as others three-sided discussions planned for May and June in the event that an agreement is not reached. They believe that the Council is willing to advance, so a commitment should be possible in the Parliament as soon as possible.

ACTION: The Secretariat will momentarily monitor the progresses of the negotiations and of the three-sided discussions, informing members of any new aspects that might emerge in this regard.

6. Organisation of an LDAC Conference on the application of the external dimension of the CFP: joint management of North Atlantic populations.

Mr. Alexandre Rodriguez, Secretary of the LDAC, explains the idea of organising a similar conference in format and logistics to the Las Palmas conference, but addressing the specific problem of the North Atlantic fisheries, including fishing agreements with third countries (Norway, Iceland, Faroe and Greenland), RFMOs (NAFO and NEAFC) and international waters.

A comparison of the existing scientific models for each area will also be included, as well as the management measures and good practices in terms of preserving the marine ecosystem and selectivity. The Secretariat will try to obtain the participation of external companies or organisations that might act as hosts and/or co-sponsors of the event, with an initial estimation of 25-33% the total budget. The place and date of the event would be a country in the north of Europe during the first quarter of 2017.

The aim of this event is to give visibility to the external dimensions of the CPF and manage to encourage reflection and constructive dialogue among all the stakeholders (agents, scientists, sector and NGOs) to foster sustainable fishing of stocks in the North Atlantic.

Mr. Sean O'Donoghue, KFO, thinks that it is a good idea, NAFO and NEAF issues could be discussed, as well as coastal state agreements and bilateral agreements, as well as NEAFC transzonal populations and negotiations with riparian states.

Ms. Jane Sandell, NFFO, suggests that the approach of the Conference must concentrate heavily on non-conflictive topics from a political viewpoint, to foster a constructive debate.

Mr. Gerard van Balsfoort, DPFTA, expresses his agreement with the opinion of Ms. Sandell, highlighting that science-based stock management could be discussed. In NEAFC, for example, focusing on the assessment of assignment criteria.

Mr. Esben Sverdrup-Jensen, DPPO, believes that it is an excellent initiative, highlighting that the topics to be discussed must be selected carefully. It would be ideal to create an organising committee or focus group to discuss the contents.

Mr. Alexandre Rodriguez, Secretary of the LDAC, takes note of the comments received and suggests taking the following steps:

An Organising Committee will be created, and 3-6 Webex meetings will be held in the months of May, June and July, to start to plan this conference in terms of organisation and logistics, and to prepare a preliminary programme of contents, identifying questions to be addressed, and experts or speakers to be invited.

The Organising Committee will be made up of Mr. Iván López, Ms. Jane Sandell, Mr. Gerard van Balsfoort, Mr. Esben Sverdrup-Jensen, and at least one representative of the NGOs, with the Secretariat of the LDAC acting as coordinator and responsible for organising these meetings. The Secretariat of the Pelagic Advisory Council (PELAC) will be invited to participate, offering the possibility of jointly organising the event, given the large presence of pelagic fleets in the area.

ACTION: The WG2 members express their agreement with the Secretary's proposal and give a specific mandate to the Organising Committee to start preparations for this event. Information will be given of progress at the next plenary meeting of WG2.

2ND DAY – MORNING OF WEDNESDAY, 20TH APRIL (9.30 am to 12.30 pm)

7. Bilateral EU fisheries agreement in the North Atlantic:

a) Commission report on current state and negotiations with Norway.

The EC representative, Mr. Jacques Verborgh, Acting Head of Unit for Control and Preservation in the Atlantic since 1/1/2014, and main party responsible for negotiations between the EU and Norway for 2016, thanks the LDAC for the invitation received and for adapting the Commission calendar, offering a summary of the current state of negotiations:

- Norway:

The negotiation process is divided into three phases. The first phase started on 4 December. The normal consultations and rounds procedures have been followed, reaching an agreement on the TAC for joints stocks. He highlights that this year, with the coming application of the landing obligation (LO), top ups will be carried out within the TAC.

Another part of the agreement includes the exchange of non-joint stock quotas, which were not possible to establish at the Bergen meeting.

With respect to cod fishery, additional quotas (extra 10%) are foreseen to start up the fully documented fisheries (FDF).

An “ad hoc” agreement was reached for Atlantic-Scandinavian Herring (ASH) and blue whiting (BWH) stocks, leaving 25,000 tons for an additional transfer in exchange for cod, haddock and other species.

For 2016, negotiations will begin in Autumn, first in the EU and then in Norway. Different consultations will take place from June onwards, with a preparatory nature, and some joint management strategies will be reviewed. This was already agreed in 2014.

Questions from WG2 members

Mr. Sean O'Donoghue, KFO, on behalf of the pelagic sector, expresses his disagreement with the blue whiting and herring situation.

Ms. Jane Sandell, NFFO, indicates that she understands the pelagic concerns, but it must not be forgotten that there is another fleet (the demersal) that also depends on this agreement.

The EC representative, Mr. Jacques Verborgh, points out that he understands the frustrations of the pelagic sector, but that the scientific advice for these species indicates a downward trend of the biomass for blue whiting.

On the other hand, he underscores that Norway does not sign agreements in a short timeframe, and that this is not an agreement on TACs, but an “ad hoc” agreement in which each party takes notes of a unilateral quota.

Mr. Luis Vicente, ADAPL, highlights that the European industry must compete with Norway and asks about the reason for paying for the cod that they fish outside community waters.

The EC representative, Mr. Jacques Verborgh, explains further that in Svalbard they do not pay because it is a shared resource where the EU has a quota. In this case, in his address, he was referring to Arctic cod where “paying for fishing” does exist.

Mr. Gerard Van Balsfoort, DPFTA, thinks that having the different opinions and viewpoints of all the European fleet segments involved (pelagic and demersal) is a positive feature in order to coordinate next autumn's negotiations. The payment for blue whiting due to obtaining more cod is not questioned, but it is the distribution mode that is questioned, which is exchanged for North Sea species mainly.

Mr. Sean O'Donoghue, KFO, questions the transparency in the transfer of 25,000 tons of blue whiting. He asks why the decision was taken in the Council and including the figure in the relative Community Regulation was not considered.

Mr. Jacques Verborgh, EC representative, responds that the intention was to transfer the 25,000 tons to Norway in exchange for the species indicated previously in the Bergen

round, but that the Fishing Possibility Regulation published in January is in keeping with and coherent with this decision.

Mr. Ivan Lopez, AGARBA, believes that the way in which the negotiations were carried out in the Council - in quite an opaque manner – was a surprise. He highlights the importance of having a correct approach for the agreements, even though there are differences between the opinions of the pelagic and demersal industries. Likewise, he underscores the role of the LDAC as a coordinator of the sector's viewpoints, trying to carry out balanced advisory work to avoid partisan divisions between the European fleets, and have a unified voice, even though there may be divergent opinions, as expressed. He encourages the Commission negotiations to meet regularly with the LDAC and participate in the WG2 meetings.

Mr. Jacques Verborgh, EC representative, emphasises the complication of the negotiations and stresses that the Member States and the industry form part of these forums, as interlocutors for the distribution of quotas, which is not the task of the Advisory Councils, hence the different dynamics. However, he ensures that the EU, in its stance, tries to obtain an equal distribution although it is not always possible to satisfy all the parties/fleets involved. He encourages the ACs to discuss and make decisions, but not only to the LDAC, but also to the NSAC and the PELAC.

The representatives of the pelagics, Sean O'Donoghue, Gerarde van Balsfoort and Esben Sverdrup-Jensen, state that the LDAC should not act as leader in quota distribution questions or in management aspects related to pelagic stocks, and that it is an exclusive topic of industry, which should be solved by its representatives in negotiations with the coastal Member States involved. They recommend keeping away from debates on relative stability or distribution criteria, and quota transfers in this forum, focusing on conceptual aspects of principles in terms of transparency, sustainable management measures of the fishing stocks, from an environmental and socio-economic viewpoint.

- Negotiations between Coastal States and NEAFC / CPANE

The negotiations between Coastal States have not concluded with the exception of mackerel. 2 work groups have been created and held, one to study how these negotiations could fit within the framework of the NEAFC, and one on distribution criteria. It is a complicated task and a solution cannot be expected in the short term, but that it is worthwhile addressing it from now until the yearly meeting of NEAFC in November.

b) Svalbard: EU stance.

Mr. Marc Ghiglia, CNPMEM, asks if the Commission is going to take action regarding the fishing possibilities for haddock stocks in Svalbard. He does not understand why the European fleet has tide-related restrictive capture limits when the stocks move and Norway's capture quantities increase. He upholds that the Commission should defend the same deal for both European fleets and for Norway.

Mr. Ivan Lopez, AGARBA, expresses his agreement with Mr. Ghiglia and adds that in Svalbard there are similar claims for the Greenland halibut or for the redfish. It is important for all beneficiary parties to be treated equally and for there to be no discrimination. The previous EU negotiators indicated that they would not request new fishing possibilities, so they would be grateful if the Commission could confirm if they are going to continue this line or if a revision could be considered in view of the recent response from the Commission about managing the Atlantic-Scandinavian Herring.

Mr. Jacques Verborgh, EC representative, explains that the legal situation of Svalbard is one of the most complicated of the entire Atlantic, and it will take a long time to achieve its revision. The Paris Treaty was signed long before the actual EU existed, and only a few EU Member States are signatories. Furthermore, at that time, there was no 20 nautical mile limitation, either, and they were territorial waters. There is a quota distribution for cod but there is no express authorisation to exercise a haddock-oriented fishery.

The Norwegian legislation, which is the administrator of the territory, only admits by-catches of this species and defends equal treatment as this applies to all parties. For the case of the Atlantic-Scandinavian Herring, this is a different and specific case as it is highly migratory stock.

Mr. Ivan Lopez responds that there are legal advisors and analysts in Spain and Holland that defend the legality of access to all fishing resources of Svalbard, and not only cod, urging the Commission to activate its legal department.

Mr. Gerard van Balsfoort, DPFTA, hopes that the EC will not cease in its debate on this matter with Norway.

Mr. Jesus Iborra, EP, informs that a delegation from the European Parliament's Committee on Fisheries will visit Norway from 18 to 21 July and encourages LDAC to send the comments it deems appropriate on this subject.

ACTIONS:

Any new aspects will be monitored, and explanation will be requested from the Commission about rights to access certain fisheries (referring to the Commission's response to Norway on the Atlantic-Scandinavian Herring – ASH).

LDAC representatives will take part in the benchmark workshop on data-mining and assessment of 3M Cod, scheduled for May/June 2017.

The Secretariat will coordinate the members' comments on management aspects and general principles of the annual agreements between the EU and Norway. Comments on exchanges of quotas or fishing possibilities will not be included.

If an agreement should be reached, the LDAC will send a note informing the delegation of the European Parliament's Committee on Fisheries, which will be visiting Norway from 18 to 21 July.

c) Organisation of the North-West Atlantic Fisheries (NAFO).

- a. **Update, by the European Commission, of the work plan for 2016: Calendar of meetings and priorities of the EU to prepare for the Annual Meeting of NAFO (Cuba, September 2016).**
- b. **Update on sorting experiments of selectivity grids in 3M cod**
- c. **Procedure and deadlines to prepare a decision of the LDAC:**
 - **Terms of Reference for drafting/editing group**
 - **Analysis of topics to be discussed in decisions (stocks, HCR, MSE, VMEs...).**
 - **Time and deadline to send drafts**
 - **Emergency procedure to approve a decision**

The EC representative, Mr. Seppo Nurmi, informs that the annual meeting will be held in September, with priority to ratify the NAFO convention and for it to enter into force. Likewise, the wish is to adapt the standards of the NAFO to the FAO Agreement on Port State Measures (FAO PSM), as well as to review the surveillance, monitoring and control measures. Another of the priorities is to establish the yearly and/or pluri-annual TACs.

Respect to the meetings of the Working Groups, he informs that one was held on 16 March on the assessment of compliance with standards. The permanent committee will be held from 9 to 11 May on Control, where the key question there will be to align the existing regulation with the FAO PSM agreement.

With reference to the scientific working group, Mr. Sebastian Rodriguez, EC, informs that after three meetings, they managed to obtain an adequate database. The next meeting will be held at the beginning of May, focusing on the most important populations, and that they hope to have the Scientific Council's Report by June. He highlights the relevance of the cooperation of industry in order to obtain more data and know their viewpoint.

Another working group that will be held is on management strategies based on a risk analysis. In particular, the management strategy (MSE) of 3M cod and of other stocks will be analysed. They will meet in June and a cautionary approach methodology is hoped to be developed and approved to later establish the new MSE and HCR. This work is scheduled to take a couple of years. A benchmark seminar will be held that will be open to stakeholders in May or June 2017 prior to the Scientific Council.

Regarding the Greenland halibut (GHB), an assessment review process is ongoing, based on a capture data model by age. They expect to have all the information for inclusion by the Scientific Council in the middle of May.

It is informed that the new Chairman of the Scientific Council is Dr. Joel Vigneau. This year they have a very full agenda, highlighting among other issues: the assessment of certain stocks such as Greenland halibut, roundnose grenadier, golden redfish or lemon sole, among others; the significantly adverse impacts (SAI) on the Vulnerable Marine Ecosystems, or the recommendation for 2017 on prawns.

Although the Scientific Committee report is presented late, they hope that with the new coordinator and on having more data they can speed up its presentation.

Regarding the working group on landing obligation, by-catches and selectivity, he highlights that he trusts that the work of the NAFO secretariat will help advance as well as the work already carried out on fisheries, métiers and depths.

They will meet again in August.

Questions from members

Mr. Luis Vicente, ADAPL, asks if this working group only analyses the data depending on the selectivity and the captures, or it also investigates the ecological impact of discards.

The EC representative, Mr. Sebastian Rodriguez, confirms that they do not, unfortunately, analyse the ecological impact. However, he does not rule out the existence of data in this regard as he believes that some results will be presented in other working groups.

He then highlights that the ecosystem working group met at the end of the year and informed about the results obtained until that date.

Mr. Ivan Lopez, AGARBA, with reference to grid selectivity, believes that the development of initiatives by industry is very positive. He suggests that it would also be desirable to have a common protocol to follow. A commitment should be achieved to apply to the fleets.

Mr. Alexandre Rodriguez, LDAC, asks, with respect to the preparation of the annual decision made by LDAC on NAFO, what the EC wants to include in it, to facilitate the task as well as to identify which stock or populations are of concern.

Mr. Sebastian Rodriguez, EC, points out that this year the main resources (redfish, cod) will not be assessed as the TAC has already been stipulated. He highlights the importance of having the LDAC document in time (a couple of days before) for the preparatory meeting scheduled for the end of August.

ACTION:

The formation of a LDAC drafting group (maximum 3 people) is agreed to present a first draft to the consideration of an editing group (max. 3 different people) prior to its distribution to all members of WG2. The 21st of August is suggested as deadline to send it to WG2 members and to circulate it at least 8 days in advance.

The following members of WG2 express their interest in forming part of the Drafting and/or Editing Group (work to be coordinated by the Secretariat): Iván López, Juan Manuel Liria, Edelmiro Ulloa, Jane Sandell, Luis Vicente and Björn Stockhausen.

d) Application of the Landing Obligation outside EU waters: NAFO and NEAFC.

- a. Update on work progress of the Commission and of Member States**
- b. Identification of conflicts between standards: delegated acts**
- c. Discussion between Possible Choke Species**
- d. Procedure for LDAC decision proposals**

Mr. Juan Manuel Liria, FEOPE/CEPESCA, gives a summary of the problems of the future application of the landing obligation outside community waters, focusing on NEAFC and NAFO.

He informs that the two studies conducted by the Commission to analyse the possible regulatory conflicts and regulated fisheries with discards are high quality studies, although, in this case, he disagrees with some of the conclusions drawn therein.

On the other hand, he highlights that several rules of the RFMOs have been identified that make it difficult to apply the discard regulation. Pursuant to art. 15.2 of the basic Regulation of the CPF the vessels affected by this regulation on discards should be declared exempt. In this regard, there is the precedent of the Commission Delegated Regulation (EU) No 2015/98 for large pelagics of ICCAT, if there is a demersal fishery that has by-catches of this fish.

Mr. Lirias's presentation is placed at members' disposal on the LDAC website. This presentation was given in December 2015 at the headquarters of the Shipping Association Cooperative of the Port of Vigo (ARVI). A casuistic analysis is performed in this presentation of the problems of applying the LO for the Spanish fleet on not having data about others fleets.

Mr. Sean O'Donoghue, KFO, indicates that the presentation is very complete, highlighting that for NEAFC pelagics, the landing prohibition as stated in Regulation 227/2015 is already being applied, and that there is also a close season for haddock in NEAFC.

Ms. Jane Sandell, NFFO, points out that sharks in deep waters of NEAFC must also be considered, insofar as in 2019 the transitory landing obligation application period ends, and it is essential to align the policies and consider possible exemptions to the rule, as the precedent of species with zero TAC is not positive. On the other hand, she asks about the situation regarding the identification of species.

Mr. Juan Manuel Liria, FEOPE, responds that this task corresponds to the Member States (MS) group, which must indicate for which species the regulation enters into force in 2017 and for which in 2018 and 2019.

Mr. Gerard van Balsfoort, DPFTA, thinks that the M.S. should start to draft a joint recommendation that stipulates the exemptions for the landing obligation in line with that established in article 18 of the CFP regulation, before the Commission takes formal action. He suggests reminding the MS again of the importance of this issue.

Mr. Juan Manuel Liria, FEOPE, indicates that it is the EC that has the obligation to publish delegated acts when there is contradiction between standards. In the case of NAFO there is a direct contradiction so a delegated act should be drafted immediately.

Ms. Carmen Paz, EP, informs that on 16 June a scientific workshop will be held on discards, MRS, where 3 studies will be presented: Atlantic, Baltic and North Sea.

ACTIONS:

With a view to preparing a conceptual note on the application of the landing obligation that will act as a basis for a possible LDAC decision, representatives of member countries of the LDAC will be asked to provide data about the fisheries that could be affected by this measure, as well as data about discards and possible choke species problems. Information will be sent to Mr. Jesus Iborra, European Parliament, on LDAC's work in this regard.

A reminder will be sent to MS about the need to create a Member State Group on LO.

e) Summary of actions and decisions agreed.

The LDAC Secretariat will send members the summary of actions based on the decisions reached.

f) Date and place of next meeting.

It is suggested to adapt the date to the meetings of the Coastal States negotiations or to the Annual meeting of NEAFC, in London (middle of November).

The meeting ends at 12.55 pm.

ANNEX I. LIST OF THOSE ATTENDING

**LDAC Working Group 2
Brussels, 19 and 20 April 2016**

MEMBERS

Meeting of Working Group 2 of the LDAC
Brussels, 19 and 20 April 2016

1. Iván López. AGARBA
2. Juan Manuel Liria. FEOPE/CEPESCA
3. Erik Bjørn Olsen. Living Sea
4. Ian Gatt. SPFA
5. Esben Sverdrup-Jensen. DPPO
6. Luis Vicente. ADAPL
7. Sean O'Donoghue. KFO
8. Björn Stockhausen. Seas at Risk
9. Gerard Van Balsfoort. DPFTA
10. Sandra Sanmartin. EBCD
11. José Antonio Suárez-Llanos. ANAMER/AGARBA/ANAPA.
12. Vanya Vulperhorst. OCEANA
13. Marc Ghiglia. CNPMM
14. Xavier LEDUC. UAPF
15. Irene Vidal. EJF
16. Juan Manuel Trujillo. ETF
17. Jane Sandell. NFFO
18. Katarina Sipic. CONXEMAR

OBSERVERS

19. Grant FULTON. EFCA
20. Eskild Kirkegaard. ICES
21. Jacques VERBORGH. EC (EU-Norway and NEAFC)
22. Seppo Nurmi. EC
23. Sebastián Rodríguez. EC
24. Maja Kirchner. EC (Deep sea)
25. Margarita Mancebo. Secretaria del Mar, MAGRAMA
26. Carmen Paz Marti. EP
27. Konstantinos Kalamantis. EP
28. Daniel Voces. Européche
29. Jesús Iborra. EP
30. Alexandre Rodriguez. LDAC
31. Marta de Lucas. LDAC
32. Manuela Iglesias. LDAC