



MINUTES

32nd meeting of LDAC Working Group 2 North Atlantic Fisheries and RFMOs

**Tuesday 7 November 2023, 14:30-17:30h CET / GMT+1
Hotel Meliá Madrid Serrano - C. de Claudio Coello, 139, 28006 Madrid**

President: Xavier Leduc
Vice President: Tim Heddemma

1. Welcome by the Chair

Xavier Leduc, WG 2 Chair, welcomed the WG2 members and MS observers from Spain and Poland. He also thanked the invited experts of DG MARE for their virtual participation.

ACTION: It was agreed that the members will reflect on the above-mentioned elements regarding content and dates for this group and will resume discussions at the next WG2 in spring 2024.

2. Adoption of the minutes of the last WG2 meeting (Brussels, March 2023)

The minutes of the last meeting were distributed among members via email and uploaded on the website prior to the meeting.

DECISION: There were no objections nor additional comments, so they were deemed as adopted.

3. Adoption of the agenda

The Chair informed that, by reasons of time availability from the DG MARE presenters, point 7 on NAFO would be covered as first topic followed by point 4.2 about Svalbard and point 5 on NEAFC. He also regretted the unavailability of DG MARE representatives to present the state of play of bilateral and trilateral dialogues between the EU and the third countries in the Northeast Atlantic (i.e. Norway, UK, Faroe, Iceland), despite invitation made by the Secretariat.

DECISION: The agenda was adopted with the above referred changes.

4. North West Atlantic Fisheries Organisation (NAFO):

4.1. Report by DG MARE on main outcomes of 45th NAFO Annual Meeting (Vigo, 18-22 Sept 2023)

Stijn Billiet, Head of DG MARE B2 unit and head of delegation of the EU in NAFO, provided a summary overview of the outcomes of the last annual meeting held in Vigo. The overall assessment was satisfactory with a good outcome for the EU in terms both of sustainable management of fisheries and fishing opportunities for 2024 for main commercial stocks of interest for the EU distant water fleet.



- Summary of stocks of main commercial interest for EU fleet:

3M Cod: a compromise was reached in setting the TAC in 11 500t in line with the scientific advice avoiding going beyond to not compromise future recovery of this emblematic species. Similarly, TACs for Redfish 3M, Greenland halibut and White hake were all set in line with scientific advice.

Greenland halibut: Considering the stable situation of this stock, the total quota for this species for 2024 was set at nearly the same level as 2023 with a small increase because of the application of the Harvest Control Rule agreed six years ago. This HCR is still effective and has ensured a stable and sustainable fisheries for this species.

3M Shrimp: Mr. Billiet highlighted the lack of success in reaching out a common position on discussions on allocation on 3M Shrimp. There was a one-day meeting held before the start of the Annual Meeting, but no substantial progress was made. Canada and US positions were considered completely unacceptable for the EU, Norway, or Iceland due to their request to include wording on privileged “coastal states” rights in the high seas. In terms of way forward, there was no agreement on having an intersessional meeting in 2024 so it is likely that the discussions will not resume at least until next Annual Meeting.

American Plaice: This was another controversial point raised by Canada was the request of increasing by-catch of American plaice from 5% to 15% on the yellowtail flounder fishery. The EU was reluctant to accept this proposal but had to reach a compromise to unblock agreement on 3M cod stock, and finally managed to limit the application of this measures to 2024 only, after which it will have to be revisited. Mr. Billiet reminded that in 2024 there will be a new assessment of the American Plaice stock so they will have a better picture of the state of the stock. It was agreed also that the 100% of landings of fishing vessels that have conducted a directed fishery on YTF are inspected by its CPC and reported to NAFO.

Oceanic Redfish: Regarding management of redfish in waters adjacent to NAFO Convention area, he noted that Russia continued to object the measure and maintain a level of catches above the scientific recommendation. However, in the positive Norway changed its position towards the EU.

- Questions/comments from the floor

Iván López, Chair of the LDAC, congratulated the EU negotiation team for their efforts and commitment in reaching a sensible and balanced agreement both for the environmental sustainability of stocks and the economic viability of the EU fleets. He also remarked that the LDAC would work in a letter asking for more protection of observers and ensuring human rights at sea, including in vessels fishing in NAFO.

The Chair of WG2, Xavier Leduc, congratulated the LDAC Secretary and contributing members for the quality of the advice produced and he showed his satisfaction that most of the recommendations there made were very much in line with the results achieved.

Mr. Billiet thanked Iván and Xavier for their comments and ended up his intervention by thanking the LDAC for its valuable contributions in the form of advice and the participation of many of its members and the Secretary at the Annual plenary meeting.



N.B. A posteriori

The official press release of DG MARE can be read here:

https://oceans-and-fisheries.ec.europa.eu/news/sustainable-fisheries-north-west-atlantic-nafo-decisions-line-scientific-advice-2023-09-26_en

The report of the NAFO Annual Meeting was approved and made available in the NAFO website after WG2 mtg.: <https://www.nafo.int/Portals/0/PDFs/COM/2023/comdoc23-28.pdf>

4.2. Next steps for 2024

The LDAC Executive Secretary, Alexandre Rodriguez, highlighted the good spirit of collaboration between all members involved in the making of the advice and the EU MARE team as well as the smooth dialogue with EU scientists and MS delegations during NAFO Annual Meeting breaks and negotiations. He hoped that this constructive spirit will continue in 2024 and that the LDAC can continue producing consensual advice.

He highlighted some additional pending challenges for the LDAC to include for consideration on its advice for 2024 beyond TAC for commercial stocks, namely:

- Progress on the ecosystem approach framework to fisheries management and assessment of effectiveness of Vulnerable Marine Ecosystems (VMEs) and Other Effective Area-based Conservation Measures (OECMs). This includes the extension of closure periods for bottom fishing in the North, Northwest, and Eastern parts of Flemish Cap until 31 December 2026. These closures aim the protection of seamounts, and different types of sponges, corals, and gorgonians.
- Consideration of the current and future impacts of climate change on NAFO managed stocks, non-target species, and associated ecosystems in the Convention Area, including, inter alia, as appropriate, in its decision making, and through its work in the Ecosystem Roadmap.
- Review and revision of the NAFO Observer Program to include key provisions to reinforce the protection and independence of fishery observers.
- Follow up of Non-Binding Resolution on Core Principles on Labour Standards in NAFO Fisheries.

ACTION: The Secretariat will invite relevant experts to give presentations on some of the above referred topics at the forthcoming meeting of WG2 in spring 2024. It will also be agreed there the calendar and procedure for setting up a LDAC focus group tasked to draft this advice in time for the annual technical coordination meeting with MARE in preparation of NAFO foreseen for late August 2024.

5. Update on bilateral and trilateral dialogues between the EU and North East Atlantic third countries (DG MARE)

5.1. Access to Svalbard fishing resources by the EU

El Sr. Mindaugas Kisieliauskas, Deputy HoU of MARE C1 unit, briefed on the state of play of access to Svalbard fishing resources by the EU fleets. The situation remains tense and difficult in diplomatic terms with no agreement in the short term envisaged. He reminded that this archipelago is legally considered as international waters ruled under Norwegian sovereignty, with the possibility of granting or denying access rights in a non-discriminatory basis.



The EU fleet targeting Arctic Cod has not been able to use the full quota for 2023.

In 2024 discussions and talks between the EU and Norway will continue at high level, involving both the Norwegian ministry of fisheries and foreign affairs. From one side, there are encouraging signs from Norway to resolve and unblock this issue. From the other side, there are mixed messages from its national administration obliging the EU to continue complying with 3 pre-conditions to obtain the full Svalbard cod quota:

1. Count this catch as international catch.
2. Comply of 5% of international quotas for redfish.
3. Get rid of collecting bags.

From the EC-MARE perspective, we consider that our quota should not be conditional to the fulfilment of the three pre-conditions above mentioned, as they go against the spirit of the Paris Treaty of 1920 and are not in line with international law. For this reason, they will continue via diplomatic channels asking to Norway to be more flexible and reasonable.

Regarding market access, there is a fisheries perspective which should be decoupled from trade, as the later are competencies from other services of the EC. In summary, there is appetite to resolve this situation of stand-by occurring since December 2020, with the EU committed to closely engage with EU MS, industry, and all stakeholders.

Xavier Leduc and Anne-France Mattlet asked if he could provide more details on other aspects such as potential restrictions of EU market access to Norwegian products as tool for negotiation and state of play of negotiation on ATQ for Norwegian stocks.

Mr. Kisieliauskas responded that this was outside his area of competence, but he can mention that there are ongoing discussions about banning ATQs for Norwegian fishing products in the Council, in parallel process to discussions on access regimes to the respective EEZs.

Xavier Leduc asked on collecting bags that there was a vote last year in NEAFC to a proposal from Norway which the EU objected. He asked the MARE rep. if he thinks the situation will be the same in 2023.

The EC representative replied that a recommendation was adopted and made enforceable within Norwegian waters on removal of collecting bags. Next year ICES will issue a dedicated advice on this topic early next year, so we will wait to get more scientific evidence before deciding on how to approach this issue in NEAFC.

5.2. State of play of the negotiations on fisheries and trade agreements with Norway, Greenland, Iceland, and Faroe Islands

There were no DG MARE attendance or coverage for this topic, but they sent the following update: *“Progress of EU-NO negotiations is debriefed regularly to stakeholders; no rounds of consultations have taken place with Iceland and the Faroe Islands (Greenland + trade is led by MARE B3)”*.

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

There were no DG MARE B2 representatives available to participate but they sent the following update: *“EU-NO-UK trilateral consultations have not started yet”*.



6. Multilateral negotiations in the high seas on NEAFC (DG MARE)

6.1. Items for decision at 42nd NEAFC Annual Meeting (London, 14-17 Nov. 2023)

- Report by DG MARE:

The EC representative, Mindaugas Kisieliauskas, started highlighting the precarious situation in terms of scientific advice for shared stocks in Areas 1 and 2, because of the suspension of Russia participation at ICES since the start of the war with Ukraine. Norway also decided to withdraw its expertise from ICES, so they were not able to produce advice. Russia and Norway had a bilateral scientific cooperation, resulting in that advice for Redfish 1-2 does not strictly follow the methods used by ICES. This is one of the stocks for which the EU and Norway have submitted competing proposals to NEAFC, so we will be watching closely how this develops at the Annual Meeting.

Regarding NEAFC Performance Review, the terms of reference are expected to be agreed at the AM. The main sticking point will likely be the work on review of area-based management measures. For this topic, NEAFC is planning to implement the Convention on Biodiversity, including a prohibition to fish some deep-sea species which are currently occurring in NEAFC regulatory area.

- Questions / comments from the floor:

Edelmiro Ulloa, OPNAPA, asked if Russia continues not paying the NEAFC annual contribution, and if that will impede them voting any resolutions at the AM this year.

Mr. Kisieliauskas replied that this is correct. Russia has not paid the annual contribution to NEAFC in 2 consecutive years. Therefore, in accordance with the Convention, it will lose his right to vote or reject a Recommendation and this is likely to change the dynamic of the negotiations/outputs.

Alexandre Rodríguez, Executive Secretary, asked about the potential participation of stakeholders as observers in NEAFC meetings and a possible role of the LDAC in the performance review exercise, as well as the EU priorities in terms of aims and elements to be included.

Mr. Kisieliauskas replied that the EU will insist in the need for NEAFC to be more open, transparent, sustainable, and put a better management system in place. He announced that a Working Group has been set up this year to develop this performance review. From the EU perspective, we want observers to be part of WG and make suggestions where appropriate, so the LDAC might fit here. However, he warned that not all parties were favorable for doing it this year, but discussions are continuing at the AM among the CPCs with a final decision expected to be taken on whether it is appropriate to open more NEAFC meetings to observers. From the EU, we would like to see this and other parties to encourage this approach.

Margarita Mancebo, SGP, asked what will happen with the Irminger Sea redfish autonomous quota from Russia of 20 000 t, if it will be acceptable given that Russia cannot vote or object this year to this resolution to remove it. Then it would be a situation of IUU fishing in theory.

6.2. Update on Coastal States negotiations

There were no DG MARE B2 representatives available to participate and they sent the following update: *"This debrief has been already covered at a PELAC meeting + key stakeholders are debriefed regularly during and post consultations"*.



6.3. Proposal of Terms of Reference for LDAC work on a NEAFC advice:

This point was deleted from the agenda due to the short timing of reaction and absence of the proponent from PEW. Future discussions are postponed for next WG2 meeting in spring 2024.

7. Trade Cooperation Agreement (TCA) UK - EU (no DG MARE expected):

7.1. Outcomes of UK-DEFRA public consultations on MAMPs, MCS-EMS, discards.

This topic was briefly summarised by the Executive Secretary.

7.2. Report on work of Inter AC Brexit Forum

The Executive Secretary reported that the two last meetings took place on 30 June (hosted by the LDAC) and 9 October 2023 (hosted by PELAC). Next in succession is NWWAC. He reminded that the deliberations and minutes of these meetings are confidential and restricted to those designated representatives actively participating on behalf of each AC involved (i.e. NSAC, NWWAC, PELAC, LDAC, MAC). The list of horizontal topics discussed is:

List of horizontal topics from Inter-AC Brexit Forum Group (last update: October 2023)
ACs' contribution to WG meetings in preparation for SCF; Listing and prioritization of topics to EC for SCF agenda
Fisheries management of non-quota species – multi-annual plan parameters. Update on the effort calculation figure in the TCA and data exchanges between the UK and the EU on the enforcement of limits/ceilings for non-quota species
UK waters management and control (measures in line with TCA, non-discriminatory, balanced, proportional, and science-based)
Specific fisheries stakeholder advice forum (ACs) in addition to DAG & CSF + direct contact ACs – DG MARE (relevant units)
Guidelines for management of special stocks (stocks with 0 TAC advice, stocks caught in mixed fishery, other stocks)
Danish excluder device for the Norway pout fishery
provide clarifications regarding the background of the EU request from DG ENV to ICES on the fishing pressure value
issue regarding the enforcement by Scottish authorities
Designation and consultation process by DEFRA/MMO of Marine Protected Areas (MCZ) in UK waters – reflexion at Inter AC level to answer. Managing fishing in marine protected areas - GOV.UK (www.gov.uk)

8. AOB

The WG2 Chair, Xavier Leduc, asked the members if for 2024 it was their wish to maintain the date of the WG2 meeting in November separately from the other Working Group meetings which take place in October.

The Chair of the LDAC, Iván López, showed his preference to move it back-to-back with the other WG meetings in October due to the lack of relevance in timing with NEAFC. However, he asked to leave this decision open to the next WG2 meeting in 2024.



Mr López also invited the members to reflect on the content of the topics covered by this group and consider coordinating or approaching the PELAC (and perhaps other interested ACs) for topics of shared interest as it is the case of NEAFC, fishing and trade agreement with Norway or Coastal States negotiations. He also proposed in his prerogative as Chair to reflect on the possibility of expanding the scope of action of this group to the South Atlantic, as there was interest from some fleet representatives in look at the situation in Falklands EEZ and FAO 41 area which was previously dealt with by the extinct WG3.

Xavier Leduc proposed as topics for future WG2 meetings to follow closely both the evaluation of the existing SPPA agreement with Greenland; and potential future consultations from MARE on resuming negotiations with Iceland for a new SPPA.

Tim Heddema showed his openness to collaborate in dialogue with the PELAC but showed some doubts in the possibility that both ACs (and other interested ones) can come together to produce a joint advice by consensus in topics highly sensitive such as coastal state negotiations or NEAFC, given the weight and composition of membership in different ACs. He recalled that in the PELAC they do not give advice on EU-Norway.

Marc Ghiglia, UAPF, asked to the EU to push NEA coastal states partners to have further coherence between bilateral agreements such as EU-Norway and Norway-UK.

Closing of the meeting

The Chair of WG2, Xavier Leduc, closed the meeting recalling that the next WG2 meeting will be held in March 2024 in Brussels. He thanked the valuable work of the interpreters and the assistance of the Secretariat.

END OF MEETING



ANNEX I. PARTICIPANTS LIST WORKING GROUP 2

MEMBERS

1. Xavier Leduc. UAPF/CNPMEM. WG2 Chair.
2. Tim Heddema. Pelagic Freezer-Trawler Association. WG2 Vice Chair.
3. Iván López van der Veen. AGARBA/CEPESCA. LDAC Chair.
4. Aivaras Labanauskas. Lithuanian Long Distance Fisheries Association
5. Edelmiro Ulloa. Opana / OPP3/ Acemix
6. Alexandra Philippe. EBCD
7. Marc Ghiglia. UAPF
8. Emil Remisz. High Seas Fish Producers Organization
9. Felicidad Alonso. ANFACO-CECOPECA/AIPCE
10. Esben Sverdrup-Jensen. DPPO
11. Anne-France Mattlet. EUROPECHE
12. Juan Manuel Liria. CEPESCA
13. Juan Manuel Trujillo. ETF

OBSERVERS

14. Stijn Billiet. Head of Unit B2. DG MARE (NAFO)
15. Mindaugas Kisieliauskas. Deputy HoU C1. DG MARE (Svalbard)
16. José Ramón Fontán. ANEPAT
17. Margarita Mancebo. MAPA Secretaría General de Pesca. Spain
18. Luis Belmonte. MAPA Secretaría General de Pesca. Spain
19. Alexandre Rodríguez. LDAC
20. Manuela Iglesias. LDAC
21. Marta de Lucas. LDAC