

MINUTES
34th meeting of LDAC Working Group 2
Atlantic and Pacific RFMOs and Access Arrangements
Thursday, 17 October 2024, 09:30-13:00h CET / GMT+1
Venue: Martin's Brussels EU Hotel (Bd. Charlemagne 80, 1000 Brussels)

Chair: Emil Remisz.
Vice Chair: Tim Heddema.

1. Welcome by the Chair.

The newly elected WG2 Chair, Emil Remisz welcomed all WG2 members, MS observers and DG MARE representatives. Apologies were noted from Einar Bergur (ELDFA).

The full list of members and observers is included as Annex I.

2. Approval of the minutes of the last WG2 meeting (Brussels, 7 March 2024)

The Chair reminded members that the draft minutes of the last WG2 meeting were circulated to all members via email prior to the meeting and are available as meeting document in the dedicated site. He invited members for formulate any comments or raise objections if they have some.

DECISION: *The minutes are approved with no objections or additional comments.*

3. Approval of the agenda.

The Chair explained the reason why the item on discussion on Pacific RFMOs (SPRFMO and NPFC) was deleted by request of the B2 unit from MARE. We were informed that the EC will hold its own dedicated stakeholder meeting on SPFRMO in the next few weeks. For NPFC, they have informed the Secretariat that there is nothing new to report at this stage.

The Chair informs the members that the sub-item "Situation of redfish caught in International waters ("Loophole")" has also been removed for transparency.

He invites now the LDAC members to formulate their comments or objections.

DECISION: *The agenda is adopted with the changes explained by the Chair.*

4. North West Atlantic Fisheries Organisation (NAFO)

4.1- Report by DG MARE on the results and decisions adopted at 46th NAFO annual meeting 2024 (Halifax, 23-27 September 2024)

Bernard Blazkiewicz, NAFO officer in B1 unit, apologised for the absence of its Head of Unit, Stijn Billiet, who was attending a hearing in the European Parliament.

The MARE representative summarised the main outcomes of the last Annual Meeting, namely:

- Greenland Halibut: HCR up and running since 2017, quite stable.

- 3M cod: good news in terms of increase of TAC but there is still pending the assessment of the flanking measures, which requires proper assessment by the Scientific Council.
- Northern Cod 2J3KLN: Reopening of Northern Cod fishery with quota allocation based on arrangements made in 1992. The ball is now on the EU Council for the internal allocation and decision is expected to take place at the December AGRIFISH Council.
- Shrimp 3M: currently closed under moratoria since 2022, it remains to see how it will evolve, and if discussions on quota allocation can be resumed in the future.
- Ecosystem approach: NAFO has a dedicated WG on this but time and resources are limited due to work priorities and also interactions between RBMS and EAFFM. Some of the topics that have been delayed are further assessment and designation of VMEs, Redfish 3LN. There is an ongoing difficult discussion on how much NAFO can dedicate to stock assessment needed for setting annual / multiannual quotas and how much to dedicate to ecosystem approach.
- Oil and gas: growing number of issues related to this activity linked to fragmentation of jurisdiction. Canada has its own sovereignty and process on EIAs, it remains to see how they will take this process on domestic waters and the high seas in a coordinated way as consultation to stakeholders seems very thin.
- OECMs: Members of CBD should give NAFO members information. Update separately on that, goes in the margin of the whole BBNJ process, some OECMs will not be submitted to CBD because it is oil and gas, Canada has their own goals for BBNJ.

4.2- Feedback from LDAC in relation to its advice and next steps

Jean Cristophe Vandeveld (Pew) was interested in knowing more on the discussions on the designation of OECMs based on areas closed to fishing. He showed his support to a coherent legal framework for both sides of the North Atlantic in relation to EBAFM.

Luis Vicente (ADAPI) noted that management of capacity affects only fisheries, and the ecosystem approach is dictated by UNFSA 1995, and is an additional objective.

Iván López (AGARBA) noted with concern this conflict between fisheries and other extractive activities with overlapping between continental shelf and beyond 200 nmiles due to different jurisdictions and asked the EC to keep an eye on this.

Vanya Vulperhost (Oceana) plea for a holistic approach looking not only for fishing activities but also impacts from oil and gas extraction to be considered by NAFO.

ACTION – It was agreed that the LDAC will note the comments made by members in its forthcoming draft advice for 2025 that will start to be drafted in July 2025.

5. North East Atlantic Fisheries Commission (NEAFC)

5.1- MARE update on work in preparation of 43rd NEAFC Annual Meeting (12-15 Nov. 24)

The NEAFC team in MARE, Mindaugas Kisieliauskas, Ilaria Vielmini and Kerstin Heck, provided an update on this point in person. Mr. Kisieliauskas indicated that it was the first time they received a fully-fledged LDAC opinion on NEAFC and that was much appreciated. The timing was also very appropriate, as was submitted prior to the finalisation of the mandate so it could be looked at.

Regarding preparations of NEAFC Annual Meeting, he started talking about the problematic geopolitical situation with Russia. He informed that the Scientific Committee (PECMAS) took place in an informal format for like-minded parties to the EU only (hence excluding Russia), but its recommendations were accepted to go to and inform the Annual meeting.

He also mentioned that ICES advice has just been released so they asked to postpone the PECMAS meeting to consider and integrate it in the discussions.

On conservation and management recommendations that are going to expire in December 2024:

- Zero TAC advice from ICES likely to extend for several deep-sea stocks (e.g. orange roughy).
- Redfish Irminger Sea, shallow and deepwater pelagic stock: consistent approach between NAFO and NEAFC.
- Porbeagle: consistent approach between ICCAT and ICES, advice changes a bit but requesting to ICES to push forward MoU with ICCAT to ensure consistency.

On monitoring, control and surveillance related matters, the following topics are on the table:

- Lack of compliance of Cooperating non-Contracting parties, Panama y Bahamas.
- Issues of transshipment
- Activity of Russian vessels in NEAFC RA areas restricted to bottom fishing related to Loophole.
- Revision of NEAFC Rec. 19/2018

In terms of specific feedback on the LDAC advice, Ilaria Vielmini said that the EC will take on board the recommendation made by the LDAC on organizing a dedicated technical stakeholder meeting ahead of AM, similarly that what is done for other RFMOs such as NAFO or ICCAT. She also mentioned that the EU is one of the CPCs promoting participation of stakeholders and observers in like-minded meetings and Annual Meetings.

Regarding proposals on management of stocks in NEAFC, noticing the recent increase in the number of observers for the AM, she encouraged LDAC members attending as observers to NEAFC to take this opportunity to make statements on improvement of management of stocks in NEAFC, to benefit transparency and participatory governance.

5.2- Feedback on LDAC advice on NEAFC

Jean-Cristophe Vandeveld (Pew) asked the EC to look carefully at ICES recent advice on EAFM for NEAFC setting different approaches. This will require a lengthy discussion and debate but progress must be made and it should not be postponed until the next PECMAS. It is important to find a balance between finding a specific set of operational objectives and do not rush with a poor implementation.

Ms. Vielmini thanked Mr. Vandeveld for his question and replied that ICES advice was just received on 27 September. The five approaches proposed have some pros and cons, so they will need time to

consider what would be the most appropriate one in terms of the governance, conservation and management of widely distributed stocks. She assured that having a dedicated discussion back-to-back with PECMAS is the right pace. She finally clarified that they would have a dedicated session to discuss operational objectives for ecosystem but this will not have an impact on direct negotiations.

Iván López (AGARBA) reminded the geopolitical issues with Russia and Norway and showed his concern that this could backfire the objectives of this RFMO in terms of progressing with sustainable exploitation of shared stocks. He also noted contradictory statements from Norway on supporting BBNJ and then moving towards deep-sea mining activities within their own waters or extending continental platform by mining beyond the 200nmiles.

Mr. Kisieliauskas reemphasized that NEAFC is not in a simple situation. One positive aspect recently is that it has become high at the EU political agenda, recognizing the importance of this fishing area for our fleets and the need to revisit bilateral and multilateral relations with CPCs. About the DSM activities, he acknowledged that the EC is concerned and a note verbale from our President was sent to Norwegian PM asking for further cooperation between NEAFC and OSPAR.

Jean-Cristophe and Iván also made a point on assessing cumulative impacts on biodiversity not only from fishing but also other activities and have a debate on a coherent approach from the EC in the North Atlantic (both NAFO and NEAFC).

Ilaria Vielmini stated that the NEAFC-OSPAR Collective Arrangement is a good opportunity to discuss ecosystem approach from a holistic perspective, not only fisheries but also other human impacts including DSM, that is why the EU supports and promotes this forum. Banana Hole is one of the areas where this activity could take place with extended continental shelf. Observer participation is foreseen for the next CA meeting in February 2025 in Brussels.

Mr. Kisieliauskas reemphasized that the EU support its fleet fishing in the loophole as a legitimate, stable and well-established fishing activities taking place backed by science, with no sustainability concerns. This topic is being handled at several levels beyond NEAFC, including foreign affairs ministries, EFTA Working Party on fisheries issues, EEA Council conclusions.

5.3 - Discussion on forthcoming NEAFC Performance Review (PR)

Mr. Kisielauskas informed that parties have not yet agreed on list of PR panelists. The aim for the upcoming AM is to have the panelists agreed. The EU position has been to advocate for an independent performance review with external panelists, while some other parties would like to have one internal panelist in the Panel. There are still discussions about the ToR, e.g. whether negotiations and discussions between NEAFC Coastal States are going included or not in the Performance Review, or references can be made to look into coastal states processes for implementation of NEAFC resolutions.

ACTION – MARE NEAFC team will share with the LDAC the ToR for performance review, expected to be adopted at the AM, as well as regular updates on process of execution. The LDAC will ask the EC to be on the list of EU delegates to be invited to the consultation process so we can participate in interviews/questionnaires provided by the designated panelists.

6. Update on coastal states negotiations and bilateral and trilateral dialogues between the EU and North East Atlantic third countries (DG MARE).

6.1- Briefing on state of play of Coastal States negotiations.

The Deputy Head of Unit of MARE C5, Thomas Brégeon, made a summary on coastal states negotiations. The main idea being that the EU will support the setting of TACs in line with ICES advice.

Small pelagic stocks:

- Blue Whiting (BWH): negotiating with coastal states to set a TAC in line with ICES advice.
- Atlanto-Scadian Herring (ASH): discussions starting, cannot comment yet since it is work in progress.
- Mackerel (MAK): Scientific proposal or reduction of -22% for mackerel is of concern with us, will take in our discussions next week.
- Sharing arrangements: there were couple of consultations for the three stocks, each of them having their own dynamics. We want to go for comprehensive agreements with all parties in the table. Remain ready to cooperate with sustainable management of shared stocks.
 - BWH: Phase of proposals being made on sharing arrangements for different parts.
 - ASH: Norway and other parties not including the EU in the discussions, not part of the picture.
 - MAK: Three parties decided to move on by themselves with trilateral agreements (UK, Faroe Islands and Iceland). Concern as we do not see these as conclusive for comprehensive agreements.

6.2- Norway and access to Svalbard FPZ: report on EU-Norway high level dialogue

Mr. Kisielauskas (MARE representative) informed that two meetings took place between the EU Executive Vicepresident Sefcovic and the Norwegian Minister of Foreign Affairs. The aim is to ensure that a well-established and viable international fishery will continue and agree on the cod quota in Svalbard, which is currently at 2.2875% for the EU.

Iván López (AGARBA) commended diplomatic efforts made by the EU but asked them not to be always the “good Ned Flanders neighbour” and show some teeth. He acknowledged that these bilateral meetings are separated from NEAFC, however they are also linked in his view. The amount of quota left for Arctic Cod in Svalbard is considered ridiculous, forcing EU boats to displace their cod fishing activities to NEAFC, applying same technical measures, reporting all catches, and being inspected by Norwegian inspectors in international waters. Problem is that does not seem to be any progress on the other side.

Daniel Voces (EUROPECHE) asked the EC to tackle in a comprehensive manner this dossier. They have good expectations on this EU-Norway high level dialogue and hope to see progress in the short term. He asked for the timing and whether there will be third meeting or will just talk around RFMOs. EU fleets are having problems with CO2 tax situation as a result of the provisional application of EEA agreement, as they are charged a fee when landing in the Norwegian ports. Mr. Voces welcomes EU proposal on non-sustainable products and hopes that once in place is implementable.

In reply to the questions made by Mr. Lopez and Voces, the MARE representative acknowledged that relations with Norway should be smoother and agreed that all issues should be connected with fisheries at the center. Discussions are now taking place behind closed doors. What the EC understands is that the outcome of these meetings cannot be business as usual. Regarding Svalbard cod quota, a pre-agreement was made on raising the cod quota allocated to the EU in Svalbard to 2.8273%. It was also agreed that an EU-Norway high level dialogue should take place 3 times a year.

6.3- EU-Norway bilateral and trilaterals EU-UK-Norway

The Deputy Head of Unit of MARE C5, Thomas Brégeon, explained that both processes run independently although they are keeping a close look at each. He made a summary on trilateral coastal states negotiations for stocks of Cod, herring, plaice and blue whiting. They envisaged that negotiations this year will run smoother than previous one as scientific advice is quite straightforward and clear.

EU-Norway

- Forthcoming roundtables of negotiations will be held on 28-31 October in Oslo; and 18-21 November in Madrid
- Aim: to have an agreement by the AGRIFISH Council on 9-11 December
- Main topics:
 - Quota exchanges and access to waters
 - Management of fisheries for Skagerrak /Kattegat with TACs at stake.
- In terms of prospects, discussions will be challenging with a new complex starting picture. There is an accumulated debt of 10 000t of Capelin put in balance for ICES advice (zero TAC). Many key stocks are not in a good shape but both the EU and Norway should strive for a balanced and fair agreement. For access to waters, be it for demersal or North Sea, the aim for the EU is to have as much stability as possible.

Trilaterals EU-NORWAY-UK

- Next rounds of negotiations will be held on 4-7 Nov. Brussels and 25-28 Nov. in Oslo

Tim Heddema (DPFA) states that EU-Norway negotiations are always challenging, with an inevitable level of balance and influence from the EU side lower than in previous years looking at the post-Brexit situation and the biological development of stocks. He is happy to hear that the EU is looking for stability in the access part, which is particularly unbalanced particularly for ASH, where we should deserve full access as it was paid with a share of EU quota 17 years ago. When we can swap in ASH from UK, we lose special condition to catch that quota in Norwegian waters, and that is a very strange condition. On trilateral negotiations linked to North Sea herring, unfortunate to postpone the discussion on LTM strategy. It seems that Norway and UK have prioritized structure of fleet, while trying to grab some quotas from EU in the process. As a final remark for herring, he makes the need to revise the rule of fluctuations every year (+/- 25%) to achieve more stability in the management side. Furthermore, the decrease of the stocks is not due to fishing effort but natural causes (predation by whiting which is very abundant or displacement due to storms).

6.4. – Greenland:

- Outcomes of the MARE ex-ante/ex-post evaluation [final report](#).
- Briefing on the state of play the new SFPA with Greenland

The MARE representative, Mr. Iván Vázquez Pérez, thanked the LDAC for the invitation. He reminded that there was the evaluation for this SFPA, 1 year ago, and then started the negotiations.

The previous agreement was renegotiated in 2021 and entered into force in April that year with a 4-year period duration plus a possible extension of 2 years. The fishing opportunities related are included in the TAC and quotas Regulation.

However, in 2023 Greenland informed that they were not considering pursuing an automatic renewal, setting an obligation for the EU to renegotiate an SFPAs and launch an ex-post and ex-ante evaluations so the new protocol could be adopted in 2025.

The DG MARE completed that work and conclusions on this evaluation were published in March 2024. The main conclusion was the current protocol was fit for purpose but some aspects needed to be updated: fishing opportunities, sectoral support component, duration. This required at the end revising the whole agreement and protocol.

The three possibilities were: 1. have no agreement; 2. Agree a “status quo”; or 3. agree new agreement with modifications... it was decided to go for the third one.

Negotiations kicked-off in June in Nuuk with a request from Greenland on reduction of FO from the EU side, as they were considered excessive. There are four main commercial species relevant for bilateral agreement between Greenland and Norway: east and west halibuts and east and west prawns.

There were quite a lot of internal pressures from the Greenland industry to the government making the political position quite difficult. A second meeting took place in September, where the Greenland position was more flexible, and we managed to secure an agreement in terms of duration, species and quotas:

- 6 years protocol (2025-2030).
- Increases in cod and redfish catch for EU fleet
- Capelin: kept things as they are just reserving a bit more for Greenland
- Increase in sectoral support chapter

Overall, the EC considers it a good and balanced agreement, with full support of all MS present in the negotiation, given the short time available and the internal political pressure in Greenland.

In terms of procedure, today we adopted the EC proposal for Council decision for signature on provisional application and conclusion. The ball is on the Council yard, and we hope that signature of the agreement will be in December and SFPA enters into force on 1 January 2025.

Xabier Leduc (UAPF) thanked the EC for the negotiation efforts, and for keep it in the technical modality of prawns in the agreements, even if not ideal in terms of catch with a significant reduction. The MARE representatives agreed and hoped that scientific advice will be better in future years allowing to increase the fishing opportunities for prawns.

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

7.1. Briefing on work of Inter AC Brexit Forum (19 September 2024)

The Executive Secretary, Alexandre Rodriguez, reminds that this forum was set up between MARE and the concerned ACs (PELAC, NWWAC, NSAC, MAC and the LDAC) with very clear goals: to keep Advisory Councils regularly updated on developments and state of play of negotiations between the EU and UK; inform on calendar of forthcoming meetings (particularly technical working groups and specialised committee on Fisheries) and consultations; and discuss practical implementation issues related to the TCA. Mr. Rodríguez reminds that the minutes of this report are deemed as confidential and can only be circulated between the participating members. He also informs that the MAC announced at the last meeting that they are no longer interested in being part of this forum.

Regarding action Points from last meeting:

- LDAC - Organise the next meeting of the Inter-AC Brexit Forum in person (late 2024 or early 2025)
- NWWAC – To update the other secretariats on the date of the planned Fisheries Control Workshop, so that an in-person planning meeting of the Forum can take place alongside
- Norman Graham – To send email to DG ENV to update on the request to ICES.
- Norman – To provide an update on CCTV in Scotland / letter to Scottish authorities
- Norman – To provide update on letter to Scottish authorities
- AC Secretariats – To create a list of contacts of the members of the Forum on a shared file
- All participants – Continuous update of the “wish list” of horizontal topics for discussion

7.2. Next meeting hosted by the LDAC: ideas for inclusion from the LDAC perspective

There is still no news from MARE, but the date and logistics will be announced soon. Any interested WG2 member is invited to join to the next meeting and bring proposal for items to raise.

AOB

The Chair was not convinced with the explanations provided by MARE on the Pacific RFMOs (organise a separate stakeholder meeting for SPRFMO in the coming weeks; and nothing to report on North Pacific).

He proposed to write a letter to DGMARE complaining about their lack of participation at the LDAC WG2 to present work on Pacific RFMOs.

ACTION – The members agreed on the Chair’s proposal that WG2 will join the WG1 and write to DG MARE a letter to regret the fact that they refused to come to LDAC meetings to brief on Pacific RFMOs.

END

LDAC Working Group 2
Atlantic and Pacific RFMOs and Access Arrangements
17th October 2024 Brussels

Working Group Members

1. Emil Remisz. High Seas Fish Producers Organization
2. Tim Hedemma. Pelagic Freezer trawler Association
3. Iván López. AGARBA/CEPESCA
4. Edelmiro Ulloa. Opnapa / OPP3/ Acemix / Agarba
5. Vanya Vulperhorst. OCEANA
6. Rob Banning.PFA
7. Xavier Leduc.UAPF
8. Marc Ghiglia.UPAF
9. Rosalie Tukker.EUROPECHE
10. Aivaras Labanauskas. Lithuanian Long Distance Fisheries Association
11. Iris Ziegler.Seas at Risk
13. Josephine Woronoff. The Pew Charitable Trusts
14. Jean Christophe Vandeveld. The Pew Charitable Trusts
15. Maximilian Schwarz.EBCD
16. José Ramón Fontán.ANEPAT
17. Luis Vicente.ADAPI
18. Roberto Alonso.ANFACO

OBSERVERS

19. Stijn Billiet.DG MARE (NAFO)
20. Thomas Brégeon. DG MARE (Adjunto C5) (6.1- Sesión informativa sobre el estado de las negociaciones con los Estados costeros, 6.2- Noruega (únicamente en relación con el intercambio de posibilidades de pesca). El acceso a la FPZ/HLD de Svalbard lo cubren compañeros de la C1) 6.3- Reino Unido, Islas Feroe e Islandia)
21. Ilaria Vielmini /Kerstin Heck. DG MARE (NEAFC,Svalbard)
22. Iván Vázquez. EC (SFPA Groenlandia)
23. Juan Acacio.SGP
24. Paul Thomas. Consejo Consultivo de Pelágicos
25. François Mosnier. Planet-Tracker (Zoom)
26. Margarita Mancebo. MAPA Secretaría General de Pesca (Zoom)
27. Alexandre Rodríguez. LDAC
28. Manuela Iglesias. LDAC
29. Marta de Lucas. LDAC (Zoom)