



▶ Pelagic AC

Workshop on the Landing
Obligation
3 November 2016
09.30-13:00 hrs
Rue Phillipe Le Bon 3
Room 2.25
Brussels

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Participants

1	Sean O'Donoghue, chairman	Killybegs Fishermen's Organisation
2	Aukje Coers	Cornelis Vrolijk
3	Esben Sverdrup-Jensen	Danish Pelagic Producer's Organisation
4	Gerard van Balsfoort	Pelagic Freezer-Trawler Association
5	Jerome Nouis	From Nord
6	Julian Roberts	Marine Management Organisation UK
7	Line Groth-Rasmussen	DG MARE
8	Matthew Clarke	Department of Agriculture, Food & Marine Ireland
9	Norman Graham	DG MARE
10	Per-Olof Andersson	Swedish Agency for Marine and Water Management
11	Rob Pronk	W van der Zwan
12	Rocio Suarez Jimenez	EBCD
13	Rui Catarino	ICES
14	Stella Nemecky	WWF
15	Verena Ohms	Pelagic AC
16	William Stewart	European Fisheries Control Agency

1. Introduction by the chairman, Sean O'Donoghue

The chairman opened the meeting at 09:45 hrs and explained that this workshop was a follow-up focus group meeting to the one held in July. He hoped for a frank and open discussion just like the previous one. A tour de table followed.

2. Adoption of the agenda

The agenda was adopted without amendments.



3. Follow-up on action items

The first action item from the previous workshop was to include the removal of upper mesh sizes on the list of potential solutions. However, the chairman pointed out that this issue would more appropriately fit into the focus group on technical measures. He also noted that Council and Parliament are advancing the new Technical Measures Regulation and that it will be important for the focus group to continue its work quickly.

The second action item was to explore footnotes in the TAC and Quota Regulation, quota swaps and inter-species flexibility (ISF) to cover bycatch of demersal species in pelagic fisheries. The chairman said that this item would be revisited later today when looking at potential solutions and some concrete examples. He pointed out that the footnotes are not without problems given that the demersal industry is not too keen about the idea.

The next action item was to circulate the Scheveningen Group's ISF document to members of the focus group which has been completed. The chairman decided to come back to ISF later during the meeting as it might contain some relevant parts for pelagic fisheries.

Raising discard chutes with the Control Expert Groups (CEGs) was another action point to be dealt with later during the meeting.

The next action item was to discuss the de minimis approach with Member States, particularly as it applies to the Pelagic AC. Especially on the demersal side Member States are looking at de minimis exemptions, whereas in the pelagics only the SWW regional group granted some de minimis apart from a small de minimis for boarfish which will cease to exist in 2017.

The chairman explained that the trials with the saithe grid in the Swedish herring fishery are almost completed and the final outcome of the project will be presented at the Pelagic AC February meeting. The chairman also suggested including the issue in the focus group on technical measures.

The next action item was in relation to a scientific review of the mackerel box. ICES gave advice on the issue in 2002 and concluded that the mackerel box should remain in place. In 2007 STECF recommended that a further evaluation using up-to-date fishery and survey data should be carried out by ICES to determine if the current mackerel box arrangements remain appropriate for the conservation of the stock. The chairman thought that CEFAS confirmed the appropriateness in 2009 or 2010 and rather than submitting a request for a review as originally planned he suggested looking at the CEFAS report first to ensure that the Pelagic AC will not request something that has already been dealt with. He furthermore pointed out that the Scheveningen CEG covered the issue as well and that some of the MS, particularly the UK, wanted to keep the mackerel box.

Gerard van Balsfoort said that the question was not only whether the mackerel box should remain in place or not, but also what the size of the mackerel box should be. At the moment the dimensions of the box are very large and it takes a long time to move out of the mackerel box and back in again. To him the issue was more in relation to the size and exact location of the box.

The chairman replied that as far as he understood the CEFAS report actually recommended increasing the size of the mackerel box. However, he proposed finding the report first and analyzing it before dealing with the issue again. He said that Gerard van Balsfoort's request to review the mackerel box had to be viewed in relation to the landing obligation and he thought that a de minimis exemption could be a solution.

The next issue was in relation to damaged fish and the chairman said that it would be dealt with later during the meeting.

Another action item was to carry out a pilot project on onboard processing plants. The chairman concluded that this issue was more relevant for the focus group on technical measures and should hence be dealt with by that group.



The following action item was about the question whether broken fish has to be reported as animal by-product. The Commission was supposed to provide an update at the Pelagic AC October meeting but due to staff changes this issue was not addressed. The chairman hoped that the Commission would be able to provide this update later at the meeting.

A few months ago Jerome Nouis drew attention to the effects of the landing obligation on storage requirements and that it was not possible to increase a vessel's GT even if this increase was solely used for safety or crew comfort improvements. A draft proposal on this issue has been circulated for discussion at this meeting.

EFCA was supposed to give a presentation on its gramme size project at the Pelagic AC October meeting. However, due to time constraints this was not possible and it was decided to have this presentation today.

The next action item had been requested by Michael O'Mahony and was in relation to adding non-compliance with the discard-logging requirement to the list of problems identified. Unfortunately Michael O'Mahony was unable to attend the current meeting, but the chairman decided to discuss the issue anyway.

The last action item was to organize a follow-up workshop to the one held in July which was completed by having today's meeting.

4. EFCA presentation on gramme sizes

William Stewart explained that EFCA, in cooperation with the MS, has initiated a project to collect gramme sizes in the 2016 winter mackerel fishery. The project started in January 2016 aiming at mapping gramme sizes spatially and temporally. An external expert with experience on data collection in ICES Working Groups has been contracted by EFCA to assist with data management and to do the mapping. Preliminary results were presented at a dedicated workshop for data analysis in Edinburgh in late September. Unfortunately the data collected in the winter of 2016 were too scattered in time and area to yield any sound results and experts advised to continue sampling in a more concentrated and homogeneous way. This is being done at the moment with inspectors requesting gramme size information during boarding's and on landings. Data from processing factories in Scotland and Ireland are also being collected. William Stewart pointed out that the cooperation with the industry is appreciated and working well and EFCA has been able to get good data from the industry. He hoped that in the end it will be possible to accurately map the fishery both spatially and temporally and to identify areas where there is a high risk of catching smaller fish. He said that it is a challenge to continue and enhance data collection in cooperation with MS to increase the number of samples and hence improve statistical significance of results. EFCA also planned to exchange experiences and best practices to establish and standardize sampling methods. Refining risk analysis based on where smaller fish are and using it for controlling compliance is another goal, but William Stewart remarked that it is still early and EFCA is working in cooperation with the MS towards that goal. He furthermore explained that the Joint Deployment Plans are being used as a vehicle for achieving regionalization and a level playing field.

The chairman thanked William Stewart for his presentation and pointed out that Norwegian and EU vessels have very accurate records of mackerel gramme sizes. He asked whether EFCA did not decide to use a tool like this that already exists.

William Stewart replied that EFCA is looking at data from Sildesalgslag, but also collects gramme sizes verified by inspectors, so that in the end both data sources can be compared.

The chairman felt that the industry is more advanced than EFCA when it comes to collecting gramme size information. He encouraged starting with the Sildesalgslag data which can all be tied in back to



the logbooks enabling getting data from all the vessels in the area. Moreover he was certain that the Sildesalgslag data are correct, because they are used for determining pay. The chairman was surprised that EFCA used gramme size data only to look at juvenile fish.

William Stewart responded that EFCA does not only look at juveniles, but this is one aspect. It has not yet been decided what the MS will use the data for. EFCA in cooperation with MS is collecting and analyzing the data, but there are still discussions among MS about possible uses of gramme size data.

The chairman recalled that the Pelagic AC recommended using gramme size information for risk identification.

William Stewart agreed that this was the original idea and explained that in areas with more juveniles there is a bigger risk of non-compliance with the landing obligation.

The chairman, however, pointed out that the Pelagic AC was very specific in its argumentation. If there are ten pelagic vessels fishing in the same area and eight of them have an average gramme size of X and the other two vessels have an average of Y, then this indicates a problem with those two vessels.

William Stewart understood the argumentation, but said that this year the fishery did not follow the normal pattern. There have been observations of some very big fish and the fish also seemed to migrate and mix more.

The chairman said that the vessels keep their gramme size records and it should be easy to collect them.

William Stewart replied that the fishing industry is generally very cooperative and EFCA does collect gramme sizes from the industry. However, EFCA also collects factory data to double-check the data.

Gerard van Balsfoort thought that it was too early to decide how to use the gramme size information, but he wanted to know if everybody is collaborating on the project.

William Stewart confirmed that Ireland, Scotland, Denmark and The Netherlands are fully cooperating. He hoped that the data collected this year will be more informative than last year and that a first analysis can be carried out before the end of this year. He also expected that the project will continue next year.

Rather than finishing data collection at the end of this year the chairman suggested that the first six weeks of the mackerel fishery next year should be covered too.

William Stewart agreed that this period should be covered too.

Gerard van Balsfoort said that if the fishery is strange for some vessels, it is strange for all vessels and hence this should not be a problem.

William Stewart explained that the problem was scattered data. Normally vessels fish closer to each other, but not during the last season.

Esben Sverdrup-Jensen said that there are several projects on sampling in Denmark and he was curious about the protocol used by EFCA and best practices.

William Stewart replied that the EFCA sampling protocol is coming from Denmark and also that EFCA receives data sheets from Denmark.

Esben Sverdrup-Jensen furthermore wanted to know whether there are any discrepancies in the data collected to date.

William Stewart said that earlier in the year different vessels were showing different ranges. However, the data was too scattered to allow any conclusions.

The chairman thanked William Stewart for his presentation and moved on to the next agenda item.



5. PELAC control recommendations

The chairman said that one of the key recommendations provided by the Pelagic AC is the mandatory collection of gramme sizes which should then be used to identify high risk vessels. The gramme sizes should be recorded in the logbooks which is not the case at the moment. This would provide real-time information, because the logbook reports have to be submitted every day. Given that skippers already collect the information for market purposes this would not cause extra work. The reason gramme size data are a good control tool is because the fishery is normally much more concentrated compared to the demersal sector. Even with scattered data there will still be several vessels fishing in the same area. The Pelagic AC therefore felt that using this data is a good way to identify high risk vessels, especially in the mackerel fishery where there is a large difference in price between sizes. Once high risk vessels have been identified additional control tools should be applied on those vessels.

The next issue was the need for a level-playing field. There are a number of situations where the industry is concerned that different MS apply different rules, e.g. there are different conditions for horse mackerel and mackerel in the south-western waters compared to the north-western waters. It was also vital that third country vessels will have to adhere to the same rules as EU vessels.

Regarding the NWW CEG report the chairman pointed out that the Pelagic AC did not agree that a high risk vessel should be defined as high risk based on its size, but rather that the categorization should be made by gear and species. He was not sure what the MS have done with this recommendation given that they did not respond to it.

The chairman furthermore pointed out that the Pelagic AC spent a lot of time and effort on convincing the regional groups to have one subgroup for the widely distributed stocks. This would make life much simpler, but so far the efforts of the Pelagic AC have been unsuccessful. Therefore it had been decided to ask the Commission to act as facilitator and to set up a meeting with the regional groups.

6. Discussions on potential solutions

The chairman moved on to the specific problems identified in relation to the pelagic landing obligation and their possible solutions. He wanted to try to move forward on those issues as much as possible. The first item was in relation to bycatch of whitefish species in pelagic fisheries. Hake bycatch has already been identified as a problem for freezer-trawlers, but over the past months it became apparent that bycatch of whiting is an issue in the Celtic Sea and bycatch of saithe in the Baltic Sea and North Sea. One of the things suggested at the July meeting was to explore footnotes in the TAC and Quota Regulation, quota swaps and ISF to cover demersal bycatch, because most pelagic operators do not have access to whitefish quota. The chairman was aware that the demersal sector is not happy about the idea, but he nevertheless wanted to look at some concrete examples, e.g. horse mackerel in the channel. In this regard the footnote in the TAC and Quota Regulation read that: *"Without prejudice to the landing obligation, catches of boarfish, whiting and mackerel may be counted against up to 5 % of the quota (OTH/*4BC7D), provided that not more than 9 % in total of this quota for horse mackerel is accounted for by these catches and by-catches of those species that are accounted for under Article 15 (8) of Regulation (EU) No 1380/2013."* He wanted to know whether people considered this a way forward when addressing bycatch problems with hake, saithe and whiting, in addition to the technical solution suggested for saithe.

Gerard van Balsfoort explained that this footnote was invented when a TAC for boarfish was introduced, because only very few countries have boarfish quota. Therefore, other countries fishing in the area catching boarfish got this provision to use 5% of their quota to cover boarfish catches. He thought that this provision could easily be extended to e.g. hake. He could imagine that the demersal sector is not happy about the idea, especially since hake is of a higher value than horse mackerel and people might fear that others start targeting hake. Therefore, he suggested using a conversion factor.



He was convinced that no pelagic vessel will start targeting hake, but in order to take the worry away a conversion factor might be the right way forward. He also pointed out that this issue could be dealt with by the Council and it would be a relatively easy measure to treat all fleets with this problem in the same way.

Esben Sverdrup-Jensen agreed with Gerard van Balsfoort and thought that the footnotes are a very good tool to handle unwanted bycatch. However, he also pointed out that if an RSW vessel bycatches a species like hake it represents no value for the vessel operator, because it has to go to fishmeal given that it is unwanted bycatch. He said that the footnotes could help solve this issue across all MS instead of ending up with different MS using ISF differently. For hake 5% might be a good number, for other species, e.g. saithe in the North Sea, 0.5% would likely be sufficient. He also remarked that these values could be adjusted each year. The only other solution would be to buy demersal quota which is impossible for species like hake, saithe and whiting given that quota for these species is extremely scarce.

The chairman asked Rui Catarino, the ICES representative, how ICES deals with the information from the footnotes in the assessment.

Rui Catarino replied that this varies from stock to stock, because sometimes there is not much information available regarding bycatch of other species. In the great scheme of things the bycatch in e.g. herring fisheries is very low and therefore is not accounted for. However, if the information is available, e.g. bycatch of haddock, it will be added to the assessment. So, whenever MS report bycatch then ICES takes it into account.

The chairman asked for further clarification and wanted to know what happens when e.g. the Netherlands uses the footnote and converts 5% of its horse mackerel catches to cover hake bycatch. How will ICES deal with that in the assessment?

Rui Catarino was not sure whether this is considered in the assessment, but said that it will be discussed at the horse mackerel benchmark and he promised to take note of it. He also said that in the past ICES always looked at landings data only.

The chairman specified his question and wanted to know whether the 5% to cover hake bycatch would be deducted from the horse mackerel catches and added to the hake catches.

Norman Graham confirmed that that should be the case. Ultimately these transfers end up in the catch data submitted to ICES for the respective species and will be translated into additional fishing mortality.

Assuming that the Netherlands submitted catch data for horse mackerel, but 5% of that catch was hake, the chairman wanted to know whether ICES counts those 5% as hake or horse mackerel.

Rui Catarino understood the question, but pointed out that could differ by country. If a country provides the actual catch data, then ICES will take those data into account.

In essence the chairman wanted to know whether hake being landed in pelagic fisheries is treated as discards in the hake fishery. Depending on the answer the footnotes could be acceptable to both the demersal and pelagic sector.

Rui Catarino said that he would have to look at the hake assessment to check whether it uses catch data or landings and discard data.

According to Norman Graham the demersal assessments should take into account discards of demersal species in pelagic fisheries. Hence, all hake catches should be taken into account in the assessment as long as they are reported.

Rui Catarino promised to check this and to report back.



Stella Nemecky wanted to know how much uncertainty the footnotes would add to the stock assessment.

Rui Catarino replied that ICES provides advice on 130 stocks and he did not have figures for all of them. However, he said that it depends on how much bycatch there is. The influence on the stock assessment can be very small or large and has to be evaluated on a case by case basis. He emphasized again that it all depends on whether the bycatch is reported or not. If it is not reported it also cannot go into the assessment. Misreporting could also have a strong influence on the quality of the assessment. If ICES suspects that something affects the stock assessment negatively, then that is further elaborated in the ICES stock advice.

The chairman said that from a Pelagic AC point of view there are only a few stocks that have a higher bycatch now compared to previous years. For hake and whiting setting the footnote at 5% is probably appropriate. The other issue with the footnote is that it refers to an "others quota" and he was not sure it would be appropriate to use an others quota. He summarized that members of the Pelagic AC have identified hake, boarfish, whiting and saithe bycatch as an issue in pelagic fisheries. Haddock is not causing any problems at the moment. He said that it comes down to drafting appropriate footnotes for these stocks.

Aukje Coers said that in relation to the question posed to ICES it depends on how the national research institutes receive their data from the MS. She suggested talking to the national institutes, e.g. IMARES and ask for more information from them.

Rui Catarino agreed that this would be helpful. He was willing to draft an email to the data coordinators and ask them if they take bycatch information into account and if they receive that kind of information at all.

The chairman concluded that if the bycatch data are already taken into account in the stock assessments, then the footnotes will just be a bookkeeping exercise and should not matter to the demersal sector. He asked Gerard van Balsfoort to draft the footnotes for the species identified and Rui Catarino to report back to the Pelagic AC secretariat regarding the bycatch information ICES receives from the national research institutes.

It was furthermore pointed out that any bycatch should be recorded as the appropriate species and not just as "others".

Esben Sverdrup-Jensen added that there is an issue with mackerel bycatch in the North Sea herring fishery, because the mackerel stock is so huge. This mackerel bycatch represents no value and is sorted out for fishmeal. Even though this was not a pelagic-demersal conflict, but a pelagic-pelagic he wanted to include this in the recommendation as well.

The chairman considered this problem slightly different, because it can be dealt with within the pelagic sector, whereas regarding demersal bycatch people are dependent on another sector.

Esben Sverdrup-Jensen agreed that this is true, but he still wanted to add mackerel to the footnote of the North Sea herring fishery. Even though bycatch of demersal species is minor it is still a certain amount that the demersal sector would like to catch and earn money from whereas for the pelagic sector it is without value. He said that if e.g. saithe bycatch is sold to human consumption for fair prices, then it should not come off the herring quota, but whoever is selling it should have saithe quota for it.

The chairman asked Esben Sverdrup-Jensen to draft the footnote for mackerel bycatch in the herring fishery since he brought up the issue. He also presumed that the Pelagic AC still wanted to avoid using ISF.

Gerard van Balsfoort agreed, but in case MS could not be convinced to use additional footnotes he wanted to keep ISF open.



The chairman asked Norman Graham what he thought the attitude will be towards the footnotes.

Norman Graham could not answer that question, but he offered to discuss the suggestion internally and to report back to the Pelagic AC.

The chairman concluded that the footnotes have to be submitted before the December Council and that people therefore had to provide a draft before the end of next week. He also decided to keep ISF in the cards in the event the Pelagic AC is unsuccessful with the footnotes. Otherwise ISF should not be used.

Gerard van Balsfoort said that the footnotes have already been discussed in the regional groups without success. He wanted to know why the chairman thought it might be successful this time.

The chairman replied that bycatch of hake and whiting is a new issue and that the control people are aware of it and also that it is not possible to avoid catching these stocks. He hoped that MS will see this as a way to solve a problem. Until now everyone assumed that there was no problem in pelagic fisheries, but now we know that there is an issue with some species. The next problem related to discard chutes on freezer-trawlers and the chairman asked Gerard van Balsfoort to provide an update on the issue.

Gerard van Balsfoort explained that all PFA vessels closed their discard chutes. Effectively that meant that everything entering the factory level has to be frozen. If there are small species that may be discarded these are also frozen, because they cannot be discarded through the discard chutes anymore. Bigger species like sharks do not enter the factory deck, but are sorted out in the water separator and can still be discarded. So, basically the PFA vessels accepted the extra costs.

Julian Roberts asked for clarification whether Gerard van Balsfoort suggested that closing the discard chutes should become the norm for the entire freezer-trawler fleet.

Gerard van Balsfoort was not sure about Latvian and Lithuanian vessels, but all others have closed their discard chutes.

Julian Roberts said that the MS concluded that the discard chutes are not contrary to the technical rules. Furthermore, some species have to be discarded and others may be discarded. However, this can only be done with discard chutes.

As far as Gerard van Balsfoort was aware all discard chutes have been sealed off and the vessels are freezing all fish, including boarfish for which the PFA had a small de minimis. Larger forbidden species are already taken out at an earlier stage. Smaller forbidden species are collected in a bucket and carried on deck to be thrown overboard which, of course, is uncomfortable for the crew.

To avoid any confusion Julian Roberts emphasized that from a legal perspective the PFA did not have to get rid of the discard chutes as long as they are not connected to the grader. However, Gerard van Balsfoort explained that the PFA decided to close all discard chutes.

The next issue was how to approach the de minimis exemption. The chairman recalled that the Pelagic AC had advised a de minimis under certain circumstances, but that MS had decided otherwise. He thought that MS will have to rethink the issue in light of some of the problems arising on the fishing grounds. In relation to that he gave an example where a de minimis could provide a pragmatic and sensible solution, i.e. when a skipper takes a last haul, but the catch is unexpectedly higher than the storage capacity still available. If there is no other vessel in the vicinity that could take onboard part of the catch, then the only option for the skipper will be to discard whatever cannot be stored.

Gerard van Balsfoort said that in his view this presents a case of force majeure which has also been addressed in the Pelagic AC's recommendation on implementing the landing obligation. He thought that in general a skipper should be aware of his average haul size. However, it can happen that someone accidentally catches more than on average and in that case discarding part of the catch



should be forgiven. Nevertheless Gerard van Balsfoort emphasized the importance of logging such events.

The chairman wanted to put the de minimis back on the table for special circumstances like the one described above and wanted to know how control experts would deal with that.

Julian Roberts said that across the control groups it was agreed that a skipper should ensure that he can take onboard what he is likely to catch. Having said that the control experts are also aware that a pelagic haul can fill up much quicker than expected which would constitute a case of force majeure. In such cases it is important to verify that it is indeed the last haul that is affected. He too emphasized that everything which falls under force majeure should be recorded as discards. If this is truthfully recorded over the course of a year it will be possible to evaluate how serious the problem is.

The chairman wanted to know whether there was a guideline available on this issue.

Julian Roberts replied that the only guideline issued asks a skipper to be aware of the amount he normally catches, but also acknowledges that there are cases of force majeure.

The chairman thought that this sounded like a pragmatic approach, but was worried that not all inspectors will agree with the approach.

Norman Graham said that when evaluating a de minimis approach it is important to have data to substantiate the claim. So, the question was whether there are any data available at the moment. Even though the quantities are very small STECF will ask for data.

The chairman concluded to look into the issue of having a de minimis in defined circumstances.

The next problem was in relation to damaged fish. Gerard van Balsfoort explained that there are two sorts of damaged fish. Fish that goes through the buffer tanks and is sorted out on the belt by manpower. The destination of this fish, i.e. either human consumption or category 3, is decided together with the health safety authority. Either way, ship-owners have decided to freeze this sort of damaged fish which is therefore not an issue anymore. The other issue is fish that falls on the deck when cleaning the net, i.e. meshed fish, and this fish should be allowed to be discarded. This situation is the same for freezer-trawlers and RSW vessels. In conclusion, there is no need for a de minimis for damaged fish, but there is a need for an allowance to discard fish meshed in the net.

Aukje Coers added that control inspectors take a practical approach in this regard.

In relation to the Animal By-Product (ABP) Regulation Norman Graham said that he discussed the issue with some colleagues and received the following response:

The fact that the fish is damaged during the fishing operation does not mean that it is automatically unfit for human consumption or other uses. It is up to the Food Business Operator (FBO) to decide the destiny of damaged products, in agreement with the competent authorities when necessary.

3 Cases:

- Damaged fish fit for human consumption must comply with sanitary requirements (Food Hygiene Regulations 852, 853 and 854/2004) and freshness criteria: Reg. 853/2004 stipulates that FBOs must carry out an organoleptic examination of fishery products. In particular, this examination must ensure that fishery products comply with any freshness criteria (Reg. 2406/96 on common marketing standards for certain fishery products).

The fraudulent practice of "improving" fishery products that would otherwise be rejected due to the condition of the eyes and gills is not permitted.

Fishery products caught on board fishing vessels that are damaged should not be placed on the market for human consumption if the damage exposes fish muscle that can be readily contaminated.



- Damaged fish fit for human consumption but not intended for human consumption for commercial reasons may, at any time, in accordance with Article 2(1)(b) of Regulation 1069/2009, be declared as ABP of Category 3 material, fit for the production of fishmeal for feeding of farmed animals.
- Damaged fish unfit for human consumption does not comply with the sanitary requirements (decomposition or spoilage so as to present an unacceptable risk to public or animal health) and cannot be processed into feed for farmed animals. It may be used only for the production of organic fertilisers or for the transformation into biogas: ABP of Category 2 material.

The chairman thanked Norman Graham for this information, but thought that it was impossible for a vessel or factory to have a license for both ABP category 2 and 3 material on the same premises. He wanted to know whether or not an ABP license is compatible with a license for human consumption on the same factory vessel or a processing premises ashore.

Norman Graham promised to collect further information on that question. Formal advice from the Commission will also be transmitted to the Pelagic AC on this issue.

Gerard van Balsfoort clarified that the PFA vessels define themselves whether something should be considered fit for human consumption or not. It is then checked with the health authority whether the fish can go into direct human consumption or into category 3.

However, the chairman wanted to know what would happen if the responsible authorities decided that the catch belongs into category 2. Given that factory fishing vessels already have a license for human consumption they cannot at the same time have a license for ABP. This conflict needed clarification.

Gerard van Balsfoort said that some EU freezer-trawlers fishing in Mauritania have a processing factory on-board and a special permit.

Another issue identified related to the gross tonnage (GT) recommendation drafted by Jerome Nouis earlier. An updated draft had been circulated in advance of the meeting. The chairman explained that once the landing obligation comes into full effect for all TAC regulated species there will be significant amounts of fish that previously had to be discarded which will now have to be stored. More fishing trips will be needed resulting in a higher carbon footprint. In the previous CFP there was also a provision for tonnage increase to improve safety. This provision does not exist anymore. The draft recommendation suggests that under regional discard plans provisions are included for increasing GT under very specific conditions to deal with the landing obligation and only when it does not increase catching capacity. Separate to that it is also being recommended to re-look at safety provisions again which were very specific under the previous CFP. This obviously cannot be done under the discard plans, but would have to go through co-decision. So, the first part of the recommendation is in relation to storing unwanted catch and should be included in discard plans. The second recommendation is addressing longer term safety improvements and cannot be included in discard plans.

Jerome Nouis said that the problem in relation to storage is bigger for smaller vessels compared to larger vessels. A study carried out in France on three different vessels including two vessels under 18 meter and covering 60 fishing trips found that discards on these vessels ranged from 11 to 69%. Additional time spent on sorting discards was 2 hours and 45 minutes per trip. This will have a negative impact on working conditions, but can be dealt with. However, another problem the study identified was that there is not enough room to store all the sorted, normally discarded, fish, because it has to be stored in separate boxes. In 80% of the trips the trip had to be shortened. That means, that respecting the discard ban will lead to an increased carbon footprint and there will have to be investments to increase storage on the boat. He furthermore pointed out that investments are normally made for the next 10-30 years, but nowadays issues like safety and new energy have to be taken into account as well. Therefore, having these GT limits is a major problem, not only from a



landing obligation point of view, but also from a comfort and safety of the crew point of view. He said that the blue whiting vessel in France is 45 years old and if people want to modernize the vessel to add a shelter deck for increased safety, then the additional GT would have to be bought from other vessels which would be unfair towards smaller vessels. Article 11.5 of Council Regulation (EC) 2371/2002 as included in the draft recommendation is only referring to vessels older than five years. However, Jerome Nouis argued that the provision should apply also to new vessels.

The chairman said that even though the issue might not be as relevant for larger pelagic vessels he pointed out that there are a number of artisanal vessels which must not be forgotten.

Esben Sverdrup-Jensen said that in Denmark the market price for GT has risen from 200 euro per GT to 3.000 euro. This is a major challenge for all vessels, but especially for smaller ones. Denmark is also very close to hitting its ceiling. He said that a discussion should be opened on capacity in general. A vessel exploring a gas-driven engine would not change its fishing capacity, but reduce its CO2 emissions. However, it is impossible to pay for this and the same applies to improving living conditions on-board.

The chairman agreed that there should be a debate. However, today he wanted to focus on the landing obligation and in this regard only storage and safety is relevant. He suggested looking into the data of the study Jerome Nouis referred to and to clarify that the recommendation should apply to new and existing vessels.

Stella Nemecky was not familiar with the fleet registers and wanted to know why the entry could not just be changed to include GT for storage and safety and why it would have to be in different registers.

The chairman replied that it would seem logical to follow Stella Nemecky's proposal, however, he explained that in the current EU fishing register there is a specific way to measure GT through a formula. At the moment that formula does not allow any exclusions. So, if someone wants to install a shelter deck on an existing fishing vessel he has to buy GT for that. In the past there were provisions to take such measures into account and the current draft recommendation proposed including these provisions again. Therefore GT increases for storage and safety improvements would have to be registered separately.

Aukje Coers said that the whole GT administration is a complex issue and she therefore suggested to deal with it in a broader scope in the focus group on technical measures, next to going ahead with the current draft recommendation.

The chairman agreed to have a broader discussion either in one of the Working Groups or in the Executive Committee. Regarding the current recommendation he concluded to broaden it to both existing and new vessels in terms of storage, safety and crew accommodation.

The next issue had been brought forward by Micheal O'Mahony who could unfortunately not attend the meeting and was in relation to the non-compliance with the discard-logging requirement. His argument was that there is a dichotomy of some problems identified, but declared as non-existent, i.e. not having been logged prior to the landing obligation. Why should MS grant exemptions if such discards have not been logged in the past and are declared to rarely happen now? The chairman pointed out, however, that on RSW vessels it is not known whether and what kind of bycatch there is until the catch gets sorted in the factory. The other issue is that the species identified today as causing problems only entered the fishery very recently. Two years ago there was no problem with e.g. hake bycatch, but the stock has grown so much that now there is. He also said that discards have been recorded prior to the landing obligation in several of the fisheries.

Gerard van Balsfoort said that the obligation to record discards came into force in mid-2011. However, he was not aware of any fleet that did record discards from that moment onwards. People did not really become aware of it. Control authorities did not really check it and ICES did not really take it into account. So, even though it has been an obligation from mid-2011 it was neither controlled nor



enforced. It was an existing obligation of which nobody knew why it was there. Although it was wrong not to follow the obligation it is also wrong to now use it to refuse granting exemptions. The reason The Netherlands never got a part of the TAC for boarfish is because it never recorded boarfish bycatch. Even though the remark by Micheal O'Mahony is true, Gerard van Balsfoort also pointed out that he himself never encouraged his fleet to comply with the obligation.

The chairman agreed with Gerard van Balsfoort and pointed out that in the past the factories recorded bycatch on RSW vessels. However, since the landing obligation the vessels themselves also make sure to record it. He said that Micheal O'Mahony's argument was that pelagic fisheries do not have a problem now, because they had no problem in the past.

Gerard van Balsfoort said that MS must not use this as an argument not to address any of the problems pelagic fisheries are encountering.

Aukje Coers said that while the logbooks from the past cannot be used as data source, there are other sources of information, e.g. national institutes and observer programs, which can be used to substantiate requests.

The chairman concluded that while there was a problem with non-logging of discards prior to the landing obligation but this is not a problem anymore.

7. Interaction with regional groups

In terms of interaction with the regional groups the chairman recalled that the CEG previously declared that they will produce recommendations for the HLG and discuss those with the ACs afterwards. Subsequently the chairman suggested that consulting the ACs prior to submitting recommendations to the HLG would be a better way cooperating with stakeholders and he wanted to know if anything has happened in that regard.

Julian Roberts replied that at the last NWW CEG meeting there was a lot of sympathy to at least have joint meetings between the NS and NWW regional groups. Entering 2017 he expected that there will be joint regional meetings and a formal arrangement for that had to be put in place. It will still have to be decided, however, when to accommodate AC representation at those meetings. He said that this joint regional group excludes Portugal, because Portugal is only a member of the SWW regional group. A first meeting will be held in December, but that meeting will be an inter-regional meeting under the auspices of EFCA.

The chairman asked the MS representatives to invite the ACs to those meetings and that the joint group should seriously consider a level-playing field. He also felt that if EFCA organizes such an inter-regional meeting the ACs should be involved at some point. The chairman furthermore pointed out that the Pelagic AC has asked the Commission to facilitate a meeting between the AC and the regional groups and he wanted to know what the state of play is in regards to this request.

Norman Graham was not aware of the letter, but promised to check with his colleagues and report back to the Pelagic AC.

8. AOB

The chairman re-addressed the review of the mackerel box and Norman Graham explained that STECF has reviewed all closed areas in 2014 and was positive about the mackerel box. This should be included in the 2014 STECF report.

The chairman said that in this case it had to be discussed how to handle the landing obligation inside the mackerel box.



Gerard van Balsfoort offered to look into the issue. He also pointed out that last week STECF met and only discussed an amendment to one of the pelagic discard plans, in relation to horse mackerel in South Western waters. That means that MS have not put forward any of the amendments recommended by the Pelagic AC and therefore the Pelagic AC will have to go through the Council in order to get any amendments implemented.

The chairman said that that comes back to the difficult relationship between the Pelagic AC and the regional groups.

Norman Graham explained that the timing of STECF also plays a role, because normally STECF deals with these issues in the summer.

However, Gerard van Balsfoort pointed out that the Pelagic AC already put forward recommendations before the summer.

Line Groth-Rasmussen said that the proposal on fishing opportunities has already been submitted. Therefore, the Pelagic AC's recommendation on the footnotes and the use of ISF should also be submitted to the presidency of the Council.

The chairman thanked Line Groth-Rasmussen for this information. He concluded that the recommendations agreed today will be written up and, if supported by the Executive Committee, be submitted as soon as possible. He did not envisage another meeting in the near future, but emphasized that people will have to follow-up on the action items.

9. End of meeting

The chairman thanked all attendants for their participation and the Commission for hosting the workshop. He closed the meeting at 13:00 hrs.



Action items

- Draft footnotes and ISF recommendation and submit to Commission and Council Presidency after ExCom endorsement (chairman, Esben Sverdrup-Jensen, Gerard van Balsfoort, Verena Ohms)
- Continue gramme size collection in the first six weeks of the mackerel fishery in 2017 (EFCA)
- Check whether hake assessment uses catch or landings and discards data (Rui Catarino)
- Contact data coordinators and ask them whether they take discard information into account in the stock assessments (Rui Catarino)
- Look into the possibility of having a de minimis for defined circumstances relating to force majeure (chairman)
- Find out how needing a license for ABP is compatible with holding a license for human consumption (Norman Graham)
- Broaden current GT recommendation to both existing and new vessels in terms of storage, safety and crew accommodation (chairman, Verena Ohms)
- Launch a general debate in relation to GT limits in either one of the Working Groups or the Executive Committee (chairman)
- Check what progress the Commission has made in setting up a meeting between the Pelagic AC and the regional groups (Norman Graham)
- Explore how to handle the landing obligation inside the mackerel box (Gerard van Balsfoort)

