



PELAGIC ADVISORY COUNCIL

Newsletter 4/2017

October-December 2017

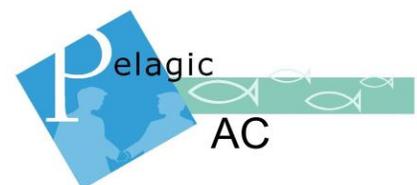


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PELAC MEETINGS

FOCUS GROUP ON CHOKE MITIGATION TOOL (25 SEPTEMBER 2017, SCHIPHOL)

The NWW AC has developed an excel tool to help identify choke stocks and possible mitigation measures. During the focus group meeting this tool was applied to demersal catches in pelagic fisheries as well as pelagic catches in demersal fisheries which could lead to choke situations.

A number of demersal stocks were identified that present especially urgent challenges due to overall quota deficits and which therefore have the potential to close all (pelagic) fisheries in a particular area. These stocks include haddock in 7b-k, whiting in 7b-k, whiting in 6, whiting in 8, whiting in 2 and 4.

Bycatches of pelagic stocks in demersal fisheries can also create problems. This could be the case for e.g. Celtic Sea herring. Since Ireland is the main quota holder of that stock, the problem will be mainly an Irish problem, but could possibly be solved through a de minimis exemption. Western and North Sea horse mackerel could also be severely affected by demersal bycatches, especially considering the high amount of bycatch in the Channel.

It was agreed to present the outcomes of the focus group at the upcoming Working Group II meeting in The Hague.

WORKING GROUP I MEETING (4 OCTOBER 2017, THE HAGUE)

The focus of this meeting was the ICES advice for blue whiting, Atlanto-Scandian herring and North Sea horse mackerel.

The ICES advice for blue whiting was based on the long-term management strategy agreed by the EU, Norway and the Faroe Islands. It was decided to support the advice while at the same time continuing the work of the blue whiting focus group which explores new ways of managing stocks with large fluctuations in recruitment. Recent progress made by the focus group indicates that the standard ICES MSY rule might in fact not be precautionary enough for a stock like blue whiting and this issue had to be followed-up on.

SSB of Atlanto-Scandian herring has decreased over the past years and is now below MSY Btrigger despite a low fishing mortality. ICES advised to follow the long-term management strategy agreed by the EU, the Faroe Islands, Norway, Iceland and Russia. This advice was supported by the Pelagic AC.

The ICES advice for North Sea horse mackerel followed the precautionary approach and is set biennially, i.e. for 2018 and 2019. Recent information indicates that discards in the bottom-trawl fishery amount to approximately 13% of total catches. After some discussion it was agreed to recommend setting the TAC equal to the ICES catch advice which excluded discard estimates so to not increase fishing mortality, and to develop solutions to minimize bycatch.

Regarding North Sea and Western Baltic spring spawning herring it was decided to follow the same rationale for recommending a TAC as in the previous year, i.e. to update the F_{msy} reference point in the long-term management strategy and to set the TACs for both stocks based on the updated strategy.

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WORKING GROUP II MEETING (4 OCTOBER 2017, THE HAGUE)

This meeting mainly dealt with the ICES advice for widely distributed stocks as well as updates on various (research) initiatives.

Northeast Atlantic mackerel has undergone a benchmark which led to lower estimates of SSB and higher estimates of F, although the overall stock perception did not change. ICES had also been requested by the Coastal States to evaluate a suite of harvest control rules. The ICES advice was based on MSY and the catch options table did not include the management strategy previously agreed by the major Coastal States. This caused some discussion and in the end it was decided to recommend following the management strategy as long as it is in line with the CFP.

For Western horse mackerel it was decided to follow the ICES MSY advice and to continue developing a new management strategy.

The ICES advice for Southern horse mackerel was based on MSY and was supported by the meeting. At the same time a long-term management strategy for the stock was presented and adopted. If found precautionary by ICES this strategy should be used for future TAC-setting.

Boarfish is a category 3 stock and as such the ICES advice was based on the precautionary approach. The meeting supported the advice, but emphasized the need for continuing working on an analytical assessment.

Updates were provided on the 6a herring genetics project as well as on the industry acoustic surveys. Both projects are well on track and ultimately should enable separate stock assessments again. It was also recommended to allow a monitoring TAC again in 2018 in order to continue with the research.

There was some discussion regarding the ICES advice for Celtic Sea herring which was based on MSY, and the management strategy for the stock which, although not officially implemented, has been used in the past to set the TAC. The management strategy has been developed by stakeholders and was found precautionary by ICES. Eventually it was agreed that the management strategy should be followed if STECF assessed that it meets article 2.2 of the CFP.

Regarding Irish Sea herring it was agreed to recommend following the ICES MSY advice.

At the end of the meeting the outcomes of applying the choke mitigation tool (developed by the NWW AC) to pelagic fisheries were presented. Using this tool allowed the identification of especially urgent issues that need to be resolved before the landing obligation enters into full force. Otherwise there is a risk that entire fisheries will be closed due to bycatch of one particular stock. The tool also allows to evaluate potential mitigation measures. It was agreed to present the results from applying the tool at the Landing Obligation workshop on 15 November in Brussels.

GENERAL ASSEMBLY MEETING (5 OCTOBER 2017, THE HAGUE)

During the General Assembly meeting the final activity and financial report for the year 2016-2017 was presented which was subsequently approved by the meeting.

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Afterwards triennial elections took place. All chairmen were reappointed for a term of 3 years. A new Executive Committee was elected in line with the 60/40 allocation stipulated by the CFP and in conformity with the Pelagic AC's statutes.

Lastly, the meeting dates for the first half of 2018 were announced.

EXECUTIVE COMMITTEE MEETING (5 OCTOBER 2017, THE HAGUE)

A summary was provided about the NWW AC meeting on the future functioning of the ACs which had been attended by representatives of the NWW AC, the NS AC, the Pelagic AC and the Market AC. The conclusion from this meeting was that especially the ACs that will be affected by BREXIT should start a joint process of identifying and comparing models for how the ACs could look like in the future. The Pelagic AC has volunteered to arrange a follow-up workshop, possibly in April 2018.

Subsequently the stock advice from the Working Groups was presented and approved. It was also announced that the next MIACO meeting will take place on 18 and 19 January and members were invited to put forward issues for discussion at the meeting. One issue raised was to encourage ICES to be more transparent about the way it calculates F_{msy} for the different stocks. Another issue concerned a follow-up of the ICES quality control process or its lack thereof. Members were encouraged to submit further comments by email.

The last item discussed concerned the upcoming Inter AC meeting in November and it was agreed that the Pelagic AC representatives will raise BREXIT and the new delegated act on the functioning of the ACs for further discussion.

All detailed meeting minutes can be downloaded from the PELAC website:
<http://www.pelagic-ac.org/2017>

EXTERNAL MEETINGS

EFCA ADVISORY BOARD MEETING (20 SEPTEMBER 2017, VIGO)

PELAC representative: José Beltran

The EFCA Advisory Board meeting addressed the state of play within each AC, primarily in regards to the implementation of the landing obligation. Other issues, especially the technical measures regulation and the control regulation were also discussed. Some people expressed the view that both regulations are too focused on micromanagement and need to move to results-based management instead. In that context regionalization has to play an important role as well.

EFCA also presented an update on the implementation of its 2017 work program which was well underway and outlined its work program for 2018 as well as its multi-annual work program until 2020.

The official report of the meeting can be found in annex I.

INTER AC MEETING (14 NOVEMBER 2017, BRUSSELS)

PELAC representatives: Sean O'Donoghue, Verena Ohms

Introduction by Director General, João Aguiar Machado and exchange of views

The Director General (DG) opened the meeting and said that the involvement of the ACs is a key element of the CFP. There are now 10 ACs which are fully operational. The role of the ACs has been recognized and reinforced and members have increased in numbers while the input from the ACs has amplified. The involvement of stakeholders is key to good governance and therefore the involvement of the ACs is crucial in implementing the CFP. Economic, social and ecological sustainability cannot be achieved without the industry and civil society being involved. The ACs have a crucial role to play in advising the Commission, but also in providing data and in contributing to regionalization. The DG was confident that the ACs will fulfil this role well and he assured the Commission's support.

Recently one AC encountered some functional obstruction resulting in NGOs suspending their involvement in that AC. The Commission subsequently prepared a delegated act to clarify the framework of the functioning of the ACs to provide help in overcoming the issue. This delegated act had a positive effect and all ACs are now functioning smoothly again.

In regards to multi-annual management plans some proposals have already been submitted or are about to be submitted. Referring to the North Sea demersal plan, the Commission was trying to convince the Council and Parliament to have a flexible plan and counted on the AC's support.

Given the status of the stocks in the Mediterranean, it is important that all stakeholders work with the Commission to fully implement the CFP and multi-annual plans.

Concerning the landing obligation the DG was pleased to inform people that an amendment to the Basic Regulation will be signed tomorrow, enabling the Commission to renew the discard plans that will expire at the end of this year.

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Regarding the Technical Measures Regulation the DG pointed out that the process was now in a critical stage, but that the Commission did not always receive positive signals from the co-legislators. He therefore asked the AC representatives to liaise with their respective governments.

Furthermore, the Commission will also need the ACs' support in reviewing the fisheries control system and the DG was looking forward to the ACs' involvement in the process.

Taking stock of ongoing and future initiative proposals

State of play of Multi-annual Management Plans

The Commission pointed out that multi-annual management plans are foreseen to be the main tools to implement the CFP. However, there have been lengthy institutional discussions between the co-legislators on the exact nature of these plans. Consequently, it took a long time to reach agreement and therefore less multi-annual plans are currently available than the Commission had hoped for.

The first plan that has been adopted is the plan for the Baltic Sea which serves as a role model for other plans. By now the Commission has also tabled multi-annual plans for demersal fisheries in the North Sea and for pelagic fisheries in the Adriatic. The Commission believes that this is the way to go and that the Baltic Sea plan takes good care of stocks which are not doing so well. Nevertheless, this plan is not flexible enough and the Commission tries to solve that as quickly as possible by suggesting an amendment to the plan to update it in accordance with the latest scientific advice. However, co-decision is a slow process.

Regarding the North Sea demersal plan trilogue discussions are ongoing and people try to come up with a flexible plan, but there are still some important issues that have to be resolved, e.g. in terms of Fmsy ranges and inclusion of recreational fisheries. The Commission hoped that the plan can enter into force in 2018.

Furthermore, the Commission is working on a proposal for western waters and plans to build on the experience gained with previous plans.

The situation of the Mediterranean and Black Sea stocks is very bad and the Commission is also working on developing multi-annual plans for these regions.

State of play of discard plans – amendment of the Common Fisheries Policy basic Regulation 1380/2013

The Commission said that the implementation of the landing obligation goes hand in hand with the discard plans that have been implemented through delegated acts. Since there is no legal basis for extending discard plans and since some of them will expire at the end of this year, but cannot yet be replaced by multi-annual plans, an amendment to the Basic Regulation will be signed this week. This amendment will allow the extension of the discard plans for another three years, in the hopes that by the time they expire all multi-annual plans will be in place. This means that the discard plan for the North Sea and the pelagic discard plans can be extended. The Commission emphasized that this

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implementing this amendment was a very unusual procedure that will not happen again in the future. The Commission also encouraged ACs and MS to move forward on any discard plans that might still be needed in the future.

State of play of Technical Measures

The Commission said that revising the Technical Measures Regulation is a major project needed to complete the reform of the CFP. This was already the third attempt to consolidate the technical measures which are currently spread over several regulations. The Commission also attempted to simply them as much as possible. The proposal has been discussed extensively by the co-legislators and there is now a general approach from the Council. However, the technical discussions with the Parliament are still ongoing and there are highly divergent opinions on the report and lots of amendments. The Commission was not happy with the direction certain amendments are taking as they are inconsistent with the spirit of the CFP. Especially recreational fisheries are an issue, but the Commission was also unhappy that numeric targets have disappeared, whereas complicated rules on mesh sizes have reappeared. This goes against regionalization. Furthermore, the proposal has been watered down when it comes to sea mammals and seabirds. The Commission was actively working with the Council and the Parliament on these issues.

The PELAC pointed out that these recent developments were quite disappointing. The PELAC had supported the Commission's original proposal where much of the detail was contained in the annexes and even suggested having a separate annex dealing specifically with small pelagic fisheries. Unfortunately, this recommendation fell on deaf ears and he hoped that the proposal could be brought back on track.

The Commission pointed out that all ACs have been very supportive of the Commission's proposal which was very different from what the Council and Parliament have now come up with. The Commission thanked the ACs for their support and input.

Revision of the Fisheries Control System – State of play and way ahead

The Commission explained that there had been a big reform on control in 2009, but that there is further scope for simplification and refinement. Recently, the Commission carried out its own evaluation of reforming the Control Regulation. In addition, there was an evaluation by the Court of Auditors and by EFCA and there is a resolution by the Parliament which called for better harmonization of the control system. The plan is to table a legal proposal in late April which will still allow the current Parliament to go through the reading. Waiting any longer will mean that it will take years before the Control Regulation can be revised. There have already been discussions with the MS and several AC meetings have been used to call for contributions. The Commission encouraged the ACs to submit further input as soon as possible. First of all, there is a need to strengthen enforcement. Also, sanctions are not applied in a harmonized way. The quality of data and data sharing has to be looked at. The control of the landing obligation also poses a challenge. Furthermore, stronger synergies were needed with other policies, e.g. on sanitary controls.

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The LDAC pointed out that it was unacceptable that people have to use different data collection platforms depending on where they fish. This causes a high administrative burden and takes a lot of time. There should be clear guidelines on what is required from an electronic reporting system based on an international standard. The EU is well positioned to take the lead on that.

Several ACs were unhappy that the control workshop planned for this week seemed to turn into an official consultation since there has not been enough time to consult members.

The Commission agreed that there first has to be a public consultation, followed by an impact assessment. According to the Commission the public consultation on the evaluation of the Control Regulation already provided a very good view. Nevertheless, the Commission thought that it would be useful to also have a specific consultation with stakeholders and this will be done in two days from now. The aim is to collect all available opinions for the impact assessment. It was necessary to find a balance between flexibility, simplification and effectiveness. This will not be easy and sometimes a simple proposal turns into something more complicated after it has been discussed by the co-legislators. One clear conclusion from the Court of Auditors is that recreational fisheries must be controlled much stronger and that control has to be least burdensome and costly for artisanal fisheries.

Administrative and Financial Issues

Review of the Functioning of the ACs and exchange of best practices

The Commission summarized that the new delegated act on the functioning of the ACs clearly spells out that each interest group decides autonomously on its representation on the ExCom. This has resolved the previous issue in the SWWAC and the Commission hoped that there won't be any further problems.

Regarding communication with the Commission it was pointed out that there are few people in the Commission tasked with coordinating the work of the ACs. To allow efficient processes it was requested to always submit recommendations directly to the Director General with Pascale Colson and Amalia De Diego in copy.

On the acceptance of new membership requests it was pointed out that the rules and principles are spelled out in the CFP. EU and national organizations can suggest members and MS have to approve the request. That does not mean, however, that MS can block an association from becoming a member of an AC. The only authority MS have is to carry out a formal check to confirm that the organization exists and is properly registered.

Several ACs pointed out that MS often do not respond to any requests from the ACs. Therefore, the secretariats usually work on the basis that no answer from a MS after a deadline of 14 days equals approval for a request. In general people felt that there are a lot of obligations from the ACs towards MS while the MS are mostly absent at important meetings, including today's. This was very unfortunate since the ACs cannot function well without the support of the MS. It was therefore suggested that the Commission will make this again clear to the MS.

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On the communication with the Commission the ACs said that since the reorganization of DG MARE it has not always been clear who to address. Furthermore, the Commission usually does not confirm having received emails and or letters from the ACs which was certainly not in line with best practices.

Some ACs also mentioned that they have scheduled their meetings in particular places on particular dates following requests from Commission representatives to enable them to attend these meetings. Despite the efforts undertaken by those ACs the Commission representatives did not show up to the meetings which was very disappointing.

The Commission admitted that participation in AC meetings is a problem. There has been a proliferation of Working Group meetings and rightfully so. However, this also creates challenges for the Commission since they cannot attend all meetings anymore and have to prioritize.

The NWWAC suggested a group email address for the Commission that the AC secretariats can use, so that they won't forget to include anyone in their emails anymore.

The MAC said that there was an organisation which has been approved by both the relevant MS and the GA, but not by the Commission, because the organisation has a public part to it. The MAC therefore wanted to know what it should do now since it cannot take back its vote. Also, the regulations say that the GA elects its members. That means that individual members have the potential to block membership of others.

The Commission confirmed that semi-public bodies cannot be members of the ACs, because they are part of the MS and the MS have observer status.

The LDAC pointed out that it has started an evaluation of its functioning considering that the role of the ACs has evolved and strengthened. However, the LDAC thought that it might be more valuable if an outside party carried out a performance review. Given that the Commission has a lot of statistics available on the ACs, e.g. in relation to number of advice etc., the LDAC is currently discussing whether it should ask the Commission officially for a performance review.

The Commission encouraged the ACs to look into their performance and carry out an evaluation. The new CFP does not have a performance requirement, but the financial rules stipulate that the Commission has to check its spending and that of the ACs. The question was whether a few of the older ACs should be picked out now for a review or whether it would be better to wait until all ACs are mature enough.

Participation of ACs in external projects and additional sources of funding

The Commission reminded the ACs that it was important to submit the activity and financial reports on time and in the right format. The secretariats are the contact point between the ACs and the Commission. If there are any problems with members, the secretariats have to inform the Commission.

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The Commission is also working on a new framework agreement which will be sent to the ACs soon. The idea is to allow more flexibility in regards to the budget, but that required approval from the financial department.

The NWWAC said that its year ends in September which means that the new grant agreement has to be signed in August. However, given that almost everyone in the Commission is on holiday in August, this usually poses a problem. The NWWAC therefore wanted to know whether it would be possible to shift the start date of the new financial year.

The Commission explained that the ACs run on 12 months operating grants. That means, if they want to shift the starting date of their financial year, they will have to find a way of funding the gap between the end of the previous year and the start of the new year. If members are willing to pay for this gap, then it is possible to shift.

AOB

Preliminary reflections on Brexit and implications for the ACs: information on the results of the discussions held at the last NSAC and PELAC meetings

The NSAC said that it will be heavily affected by BREXIT and therefore decided to set up a BREXIT focus group, but the work of the focus group has not yet started. However, the Commissioner said at the last NSAC ExCom meeting that the Commission is dealing with BREXIT, also in regards to fisheries. The location of the NSAC secretariat will also be affected by BREXIT given that it is located in the UK. However, there are limits to what can be discussed at the moment. Even though people are divided in their views, everyone agrees that post BREXIT there will be shared stocks between EU and UK members and all members will receive the ICES advice. That means some form of common management will be needed. The NSAC referred to a similar situation with Norway where each year an agreement has to be struck with Norway. There was the need for an advisory and governance structure post BREXIT and the NSAC planned to start discussions on the of structure in the first quarter of 2018. Some people would like to see a stronger representation by government and science. The NSAC hoped to have sufficient funding to undertake the work and to include Norway in the process as well.

The PELAC said that it also started looking into the issue, but in a different fashion than the NSAC. The PELAC decided to look specifically at post BREXIT scenarios and the first discussions indicate that people consider it necessary to fundamentally rethink the current advisory structure. At this stage no proposals have been brought forward as to what a good option forward could be. However, the PELAC agreed to organize a meeting with other ACs in the first half of 2018 to discuss the issue.

The Commission thanked the ACs for the update. While they could not comment on anything, they were glad to hear that reflections have started and they considered it useful to receive a paper from the ACs on this soon.

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SEMINAR ON THE LANDING OBLIGATION (15 NOVEMBER 2017, BRUSSELS)

PELAC representatives: Sean O'Donoghue, Verena Ohms

The Commission organized a seminar on the implementation of the landing obligation with participants from the Advisory Councils, Member States, EFCA, ICES, industry representatives and NGOs. The meeting split into subgroups dealing respectively with choke species, control and catch reporting issues, technical solutions and marketing of unwanted catches.

A detailed report of the seminar can be found in annex II.

WORKSHOP ON THE EVALUATION OF THE CONTROL REGULATION (16 NOVEMBER 2017, BRUSSEL)¹

PELAC representative: Sean O'Donoghue

Presentation by the Commission

EU Commission invited ACs, Fisheries Organisations and environmental NGOs to a workshop to discuss the shortcomings identified in an evaluation of the EU Fisheries Control System. The week before the workshop the Commission presented a document with three proposed policy options which they asked the participants to give their views on:

Option 1: No policy change: Continue with the current policy and focus on implementation and enforcement of existing framework.

Option 2: Amendment of the Fisheries Control Regulation by simplifying the current legislative framework to bridge the gaps with CFP and other policies in order to increase effectiveness and coherence.

Option 3: Amendment of the Fisheries Control System as option 2 and additional the alignment of the EFCA mission and tasks to the new CFP.

Discussion

Initially, all ACs made it clear that no one had any mandate to express the view of their AC, as the document had been presented too late to give proper time for consultation. However, with this as a starting point, there was a constructive and open discussion.

Enforcement rules

In general, there was consensus that there is a need for a revision of the control regulation. The Commission's intention is to only make a revision of the existing regulation. There is no fast track, as there needs to be co-decision between the Council and the Parliament. A level playing field and consistent infringement and penalties were considered important.

¹ This report has been prepared by representatives of the BSAC.

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There was a proposal to simplify control for the fishermen by having a separate control document for them.

Discussion - Data: quality, availability and sharing

Regarding reporting and tracking for vessels below 12 m, there were different opinions; practical implications for small open boats were highlighted.

There was consensus that control of recreational fisheries was justified.

The proposed improved monitoring of fishing capacity was questioned, as fishing effort is no longer being used as a regulation instrument.

Data management and sharing at EU level is an internal matter among Member States.

Discussion - Increased synergies with other policies

Environment

The NGOs were positive to develop minimum requirements for environmental obligations. However, the practical problems were highlighted for the fisheries at national and regional levels when the restrictions are not fishery related.

Discussion - EFCA Founding Regulation

There were in general positive opinions about strengthening the role of the EFCA in improving the control system. Representation of the ACs on the EFCA Administrative Board was raised.

Conclusions and next steps

The Commission will present a proposal mid-February and until then it welcomes proposals and comments: the sooner the better.

PRACTICAL INFORMATION

REIMBURSEMENT OF TRAVEL COSTS

Please remember that the secretariat has to receive your reimbursement claims within one month after the corresponding meeting by post or email including copies of all receipts. Reimbursement sheets received after the deadline will not be taken into account. If you cannot meet the deadline please inform us as soon as possible. To find out more about reimbursement rules please consult the PELAC's "Rules of procedure" or contact the secretariat.

<http://www.pelagic-ac.org/media/pdf/Rules%20of%20Procedure%20Pelagic%20AC%20-%202014%20November.pdf>

CHRISTMAS BREAK

The secretariat will be closed from 23 December 2017 until 2 January 2018. We wish you all a Merry Christmas and a happy, healthy and prosperous New Year! We are looking forward to continue working with you in 2018!



UPCOMING MEETINGS

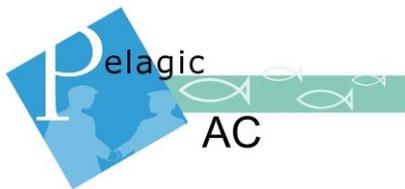
WORKING GROUP I AND II MEETING AND EXECUTIVE COMMITTEE MEETING (1 MARCH 2018, THE HAGUE)

The next Pelagic AC meeting will take place on the 1st of March 2018. As usual this meeting will focus on a review of the AC's impact over the past year and address ongoing issues, such as the development of management strategies and rebuilding plans and the implementation of the landing obligation.

CONTACT INFORMATION

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