



## ▶ Pelagic AC

Control Focus Group meeting  
30<sup>th</sup> September 2020  
10:00 – 13:00 hrs  
Remote Meeting

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### Participants

Representative	Organisation
Sean O'Donoghue (Chairman)	Killybegs Fishermen's Organisation
Anna Gruszczyńska	Ministry of Maritime Economy and Inland Navigation
Anne Mette Bæk	Marine Ingredients Denmark & European Fishmeal
Eric Roeleveld	Rederij Vrolijk
Gerard van Balsfoort	PFA
Guillaume Carruel	Pelagic AC
Johan Muller	Rederij Vrolijk
Katrina Borrow	Mindfully Wired (Pelagic AC)
Laurens van Balsfoort	PFA
Marisa Sevilla Andrada	European Parliament
Søren Anker Pedersen	European Fishmeal and Fish Oil Producers

#### 1. Welcome, introduction & adoption of the agenda

The Chair, Sean O'Donoghue, welcomed participants to the meeting at 10:06 CET. He noted that the PELAC hadn't held a focus group on control since the previous July, when a 'very comprehensive' document had been produced on Control Regulation proposals. He said that the FG meeting was to take stock of discussions at the European Parliament and Council level on the Regulation, and to see if the significant number of PELAC recommendations on the legislation – over 40 in total – had been taken into account.

The agenda was adopted without amend.



The Chair noted there had been one, simple action item from the previous Control FG meeting – to reconvene the group in Autumn 2020 to review the control proposals. This was underway presently.

## **2. Follow up on the EFCA workshop**

The Chair provided an update on an EFCA workshop held in March. He said this had been a useful discussion, bar one item, which had not been satisfactorily resolved: a summary report of the joint inspection deployment on mackerel. The Chair said this report contained some ‘very disturbing findings in terms of the Landing Obligation and discards’ which PELAC industry members found to be ‘totally against their knowledge of the mackerel fishery, and the scientific evaluation in relation to this’. The PELAC had immediately requested the detailed findings behind the report – this wasn’t provided. At the workshop, some underlying data had been provided, but the Chair concluded that this was ‘anecdotal evidence from inspectors...they didn’t have any quantifiable data we could look at’. Furthermore, EFCA was not willing to release even the statements shared during the workshop.

EFCA informed PELAC members that the summary report had been added to the website on the request of regional Member State groupings, and that those groups had requested that the detailed information be withheld: the NWW group, the SWW group and the Scheveningen Group (North Sea). This was considered unacceptable by the Chair and others, in terms of transparency and good corporate governance.

The PELAC had determined to take the matter up with the regional groups, and wrote to all three, asking for the release of the full report on 31<sup>st</sup> March. In July, negative responses had been received from the NWW group and the Scheveningen group. No response had been received from the SWW group.

The Chair concluded his update on this issue by noting that the PELAC Management Team had decided to pursue the matter through other routes: utilising a Freedom of Information process. This is underway but not yet complete. Another option is that EFCA could remove the summary report if they refuse to substantiate the claims it contains. The Chair said that Jose Beltran is the PELAC representative on the EFCA Advisory Board, and this may be worth pursuing via him.

The Chair recapped and proposed three actions: i) secure a response from the SWW group, ii) proceed with the FOI, iii) proceed with the suggestion that the summary report be removed from the website unless further, substantiating data is released.

Gerard Van Balsfoort commented that this is a matter of principle for the PELAC, and suggested that a meeting with the leadership of the EFCA be sought for the PELAC Management Team and Jose Beltran.

Goncalo Carvalho commented from an NGO perspective. He said the NGO community is concerned by the lack of transparency, and has supported the steps taken by the PELAC on this issue in order to get clarity on the situation. NGOs did not oppose a continuation of efforts. He said the PELAC should consider the future, and how transparency can be ensured going forward.



In addition to the three action items listed previously, the Chair added an action to request a meeting between the EFCA leadership and the PELAC Management Team, to enter into dialogue around joint deployments in terms of mackerel, and work to prevent future issues.

### **3. Presentation of the PELAC advice from July 2019**

The Chair summarised the PELAC's work on the Commission's control proposal. He noted that a comprehensive document had been sent in July 2019, containing 40 recommendations.

*General remarks on the proposal from the PELAC included:*

- The importance of proportionality between control measures or sanctions and the level of risk;
- On implementation and enforcement, the PELAC had shared a unanimous view that a significant number of existing measures hadn't been implemented and there was a lack of enforcement. Before adding new measures, the PELAC exhorted the Commission to implement those already in place;
- Remarks around the disclosure of data, confidential treatment of data, and the application of GDPR in this context;
- Remarks on the creation of a level playing field – not just for EU vessels, but for third country vessels fishing in EU waters;
- All Control related provisions to be included only in the Control Regulation.

*Recommendations had been made under five key areas:*

- Data: availability, quality and sharing (including mandatory recording of gramme size for mackerel – following a long-term push from PELAC for this as a control measure);
- Control of the Landing Obligation;
- Fishing capacity and engine power;
- Post-landing activities;
- Enforcement, sanctions, and infringements.

### **4. Update on latest development on the revision of the regulation - Ms. Sevilla Andrada, Parliamentary Advisor to Clara Aguilera, MEP**

Marisa Sevilla Andrada thanked the Chair for the invitation to address the Control FG. She noted that Clara Aguilera, MEP and Rapporteur to the PECH Committee on the Control Regulation, would be happy to attend a future meeting of the FG, if interpretation could be provided to facilitate her direct engagement with the group.

She provided an update on negotiations on the control file, saying it is a very complex and technical procedure, and proceeding slowly as a result. The COVID-19 pandemic has additionally affected progress. The PECH Committee had met six times to discuss the file, with a further meeting planned for that same day. Two political meetings had been held, but negotiations are going slowly. A



‘questions and answers’ session with the European Council had been scheduled to separate out the technical details of the proposal.

When Clara Aguilera had started work on the draft report, her team had reviewed the PELAC recommendations. Sevilla Andrada thanked the PELAC for their work, saying it was one of the best set of recommendations she had seen. She said the recommendations were very complete and well-written, but she would have liked to have seen more concrete proposals – eg. providing a specific time-frame when noting that ‘time is needed to allow changes to take effect’. On this point, the proposal from Aguilera is for a five-year transition period, with three years taken for negotiation of implementation and the Delegated Act, and then two years for training with fishermen to establish new control devices.

Marisa Sevilla Andrada moved on to ask some questions pertaining to the PELAC recommendations. On logbooks, she inquired why the PELAC text said that recording of information in logbooks should be carried out on a haul-by-haul basis, but that this is not possible in the case of pelagic fisheries.

On Article 22 of the CFP and fishing capacity, she understood that the PELAC was requesting no control on fishing capacity overall, leaving it to Member States to analyse their own fleet capacity.

The Chair responded. He welcomed the interaction of Clara Aguilera with the Advisory Councils and assured Sevilla Andrada that interpretation could be arranged for the next Control FG meeting.

On the logbook query, he explained that for the vast majority of pelagic vessels, nets are never ‘hauled’ on board the vessel – rather, the catch is pumped from the net directly into tanks. The PELAC has held discussions with fishing control agencies and Member State experts on this issue, and have said that one way to help with the Landing Obligation in this regard is to identify high-risk vessels (for non-compliance). The PELAC has developed a system based around mackerel, whereby at the same time as pumping of the catch, there is sample of fish being taken by the operator every 1-5 minutes. The Chair said a ‘huge amount of sampling is already being done for market purposes’, adding that the operator needs to know the precise size of mackerel that will be put on the market. This is voluntarily recorded for his own purposes, and there is no current requirement to put this in the logbook – the PELAC believes there should be. This would provide real-time information about catch composition of the mackerel, you could compare this with other mackerel vessels in the same area, and you can then quickly identify high-risk vessels by seeing who is and is not ‘high-grading’ the catch. The PELAC sees this as an effective control tool, but does not see any appetite for this measure within EFCA or Member States.

Stella Nemecky and Goncalo Carvalho questioned this ‘gramme size measure’ as a control tool, given that the control authorities have concerns about it. Carvalho said that if any PELAC recommendations on control were revised, this text should be revisited. Gerard Van Balsfoort countered that the gramme-size method was a well-tailored control tool for pelagic vessels.

The Chair responded to Sevilla Andrada’s query around Article 22 of the CFP. The PELAC’s position is that capacity limits and horse power requirements are not sufficient to address the capacity issue overall. The PELAC felt that Article 22 was the correct way of approaching the issue in a broad sense, and that annual requirements for Member States to report to the Commission on ‘which fleet



segments are in harmony with the resource’ was a ‘proper approach’ to achieving the aims of Article 22. He added that, on overall time-frame for the regulation, the PELAC hadn’t supplied specific comments, but simply reflected that ‘significant changes shouldn’t come in overnight’.

Søren Anker Pedersen noted a recommendation developed by European Fishmeal members, around landing unsorted fish for human consumption. The Chair explained he could not ask Marisa Sevilla Andrada to take this into account in the context of the meeting, as it was not a PELAC recommendation.

Gerard Van Balsfoort asked Sevilla Andrada what the ‘state of affairs for the margin of tolerance per species, and the exemptions from that for mixed landings’ was. She replied that a discussion about weighing systems and unsorted landings was scheduled for the control regulation meeting later that day. She said it would be useful to have examples and advice on this facet of the regulation, adding that the ‘majority’ of respondents have ‘asked to maintain the status quo’ on weighing systems. Regarding the margin of tolerance, an exemption in the margin of tolerance was included in the draft report for small pelagics – reflecting a need shown within consultation responses for flexibility in this regard. She said this was an important issue for the Commission, and ‘probably one of the most difficult discussions to be had in trilogue’.

Goncalo Carvalho asked for any further clarity Marisa Sevilla Andrada could provide on timelines for votes and compromise discussions on the regulation. Sevilla Andrada indicated that the initial plan had been to schedule a vote in October, but this was now impossible. Clara Aguilera is now aiming for a vote in the PECH Committee in December. On compromises, she said that a ‘large number’ had been produced already and discussions were being held with different political groups ‘almost every week’ on this front. She warned: ‘any [compromises] that you see, be aware they are likely to change’. She said trilogue discussions would start ‘as soon as the Council has a position’, and this may be in January 2021. She said Aguilera was currently estimating that the trilogues will end under the Portuguese presidency [of the Council] – so after the Summer 2021 break.

The Chair formally thanked Marisa Sevilla Andrada for her participation in the meeting, and noted that a further meeting of the Control FG would be arranged in future, at which interpretation will be available. Sevilla Andrada suggested this would be useful prior to the next vote in the PECH Committee.

## **5. Conclusion of meeting & next steps**

There was general agreement amongst participants that a meeting in November may be of use, to consider any useful revisions to the PELAC position ahead of the PECH Committee vote. It was agreed that this should ‘focus on essential’ amends. Gerard Van Balsfoort cautioned against allowing the process to expand into a full, detailed revision of the recommendations made. The Chair and Stella Nemecky discussed options to avoid this, and it was agreed that Nemecky would examine ‘the current state of the discussion’ and identifying up to five issues where the PELAC could generate renewed or amended remarks.



These areas would be shared with the FG by the Chair, and a further meeting – with Clara Aguilera present – would be scheduled.

The meeting closed at 12:41 CET.

#### **6. Action items**

- On the EFCA mackerel summary report: secure a response from the SWW Regional Member State group to the original letter sent by the PELAC. *Chair, Secretariat*
- Proceed with the FOI request regarding the under-pinning data behind the report. *Chair, Secretariat*
- Proceed with the suggestion that, if the data is not supplied, the report should be removed from the EFCA website. *Chair, Secretariat*
- Request a meeting between the EFCA Board and the PELAC Management Team, plus Jose Beltran, to discuss this issue in particular and the subject of transparency more broadly. *Management Team, Secretariat*
- Hold another Control FG in late November, with interpretation present, and invite Clara Aguilera. *Chair, Secretariat*
- Determine any key areas where the PELAC may wish to refine its existing recommendations on the control proposals. *Stella Nemecky, Chair*

