



PELAGIC ADVISORY COUNCIL

Newsletter 3/2021

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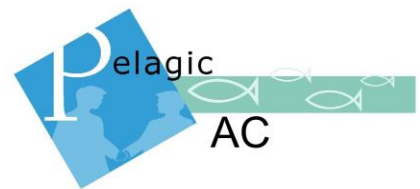


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PELAC MEETINGS

All meetings took place online.

RULES OF PROCEDURE FOCUS GROUP (31-08-2021)

Following the first meeting end of June, the Rules of Procedure (RoP) Focus Group met for the second time on 31st of August to discuss two new drafts prepared by the Secretariat: a revised Rules of Procedures document and amended version of the PelAC statutes. These new drafts were revised following the example of the NWWAC, which had undertaken a thorough revision of these documents earlier the same year.

The revision ensured the amended drafts followed the correct format and language, and that internal administration and operational procedures (which should be covered by the Rules of Procedure) were clearly separated from the legal principles (covered by the Statutes). Finally, the revision ensured the Rules of Procedure and statutes were updated to post-Brexit times and that PelAC decisions in relation to future collaboration with ex-UK members were properly reflected.

The new Rules of Procedure draft now contained more detail in terms of procedures to follow (e.g. advice drafting procedure, election/voting procedures), rules on external representation of the PelAC and further detail in the mandate and responsibilities of the Focus Groups, Working Groups and the Management Team. A section for the new function of PelAC vice-chair was introduced as well as a section on the Head of Secretariat. Furthermore, the revised draft included detailed (emergency) succession provisions of appointed chairs and as well as rules allowing third country stakeholders to continue to collaborate with the PelAC where appropriate, in WG and FG meetings. Finally, a new 'rotating seat' procedure was inserted as a result of the extra vacancies in the Executive Committee that emerged after departure of UK ExCom members.

As for the PelAC statutes, the Secretariat produced an amended draft following the correct legal format for statutes, removing any detail on operational procedures and referencing to the organisation's Rules of Procedure where appropriate. The new draft was aligned with relevant legislation and specified general rules of the organisation.

The Focus Group went through both drafts on a paragraph-by-paragraph basis, and discussed edits to the text. The secretariat would finalize both drafts for final written approval by the Focus Group, before presenting the final drafts to the October General Assembly meeting for final adoption. The Secretariat took another action to gather information on the formal procedure and its requirements for introducing amendments to statutes, which in the Netherlands would need to pass through a notary.

BLUE WHITING FOCUS GROUP (08-09-2021)

The Focus Group reconvened following the July Working Group I meeting, where a presentation on the preliminary outcomes of the IBWSS survey was held. The outcomes confirmed previous predictions by ICES that the stock was facing a period of low recruitment. It was therefore decided to reconvene the blue whiting FG meeting on short notice to determine what steps the PelAC could explore moving forward to manage this stock.

Claus Reedtz-Sparrevohn kicked-off the meeting with a small recap of the work carried out in 2019, where the development of a two-tiered management approach to manage blue whiting was explored through a hindcasting analysis. Surprisingly, the work found little difference between the single trigger vs two-tiered approach, but highlighted an issue with regard to the application of the stability mechanisms, which could be problematic for this stock (and others) in the future. While this finding was communicated

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to the Commission in its 2019 October TAC advice, it didn't seem to have resonated due to the subsequent developments around covid-19 and Brexit. The Focus Group therefore agreed to reinvigorate these messages to the Commission and MS, and to encourage the Commission to take this up in its discussions with Coastal States.

Next, the Focus Group discussed a number of recommendations for future work on blue whiting, brought forward by Claus Reedtz-Sparrevojn:

- Incorporation recruitment survey into the assessment
- Development formal method to incorporate fishery data into IBWSS survey
- Discuss dilemma ICES advice vs TAC overshooting
- Use MSE method developed by SEA++ to evaluate consequences of overshoot catches

Both DPPO and PFA have projects ongoing looking into using acoustic data from the fishery to see how it can align with the blue whiting survey. It was agreed to provide the PelAC regular updates on the progress of these projects at future PelAC meetings.

A long discussion was held on the dilemma with regard to developing management strategies for stocks managed under Coastal States: a management strategies may be agreed, but catches may still exceed ICES scientific advice if quota's unilaterally set by fishing parties. The question was raised that if a management plan is only theoretical and never implemented, one may wonder what the value is of developing plans and evaluating them.

An idea was proposed to conduct similar hindcasting evaluation that would compare what would have happened if the TACs for blue whiting were/were not overshoot by CS in the last years. This could be extended to other stocks as well, such as mackerel. An action from the meeting was to get in touch with consultancy Sea++ to discuss possibilities for such an exercise.

ECOSYSTEM FOCUS GROUP (16-09-2021)

The Ecosystem Focus Group met on 16 September, primarily to discuss the potential for developing a Pelagic AC response to the Commission consultation on the revision of the Marine Strategy Framework Directive. First, the updated ToR for the Focus Group was briefly presented and was adopted.

The MSFD consultation was launched in the form of a questionnaire, which consisted of two sections: the first part were general opinions on the implementation of the MSFD and the second part was a more technical questionnaire on the MSFD content. The Focus Group considered it more appropriate to focus on the second part, expecting that it would be difficult to come to shared opinions in the first. The group discussed the questions openly, to explore where there was space for common views, while fully accepting both industry and OIGs had different interests over this file. During the discussion it became clear that members did not have enough knowledge on the Directive, nor its implementation, to be able to give precise and confident answers to the questionnaire. Industries commented on the lack of time and resources to study these files, and admitted to only devoting resources when implementation affects their fishery activities. OIGs are generally more specialized on these Directives but also faced limited resources to monitor all ongoing environmental policies and provide input. Based on this discussion, it was decided to reply to the consultation in the form of a letter, where the PelAC expresses the following conclusions:

The PelAC shares the Commission's aspirations for healthy marine ecosystems, and considers that the efforts and advice generated through the initiative of its Ecosystem Focus Group can be considered as contributions to the objectives set out by the MSFD, such as environmental aspects. The PelAC also highlighted the difficulty for stakeholders that are active in the specific field of pelagic fisheries

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management, to monitor developments and provide detailed input to such broad policy files such as the MSFD which encompasses such diverse fields of knowledge and expertise. In part this is a consequence of a lack of resources, but also because there has been limited active communication.

The PelAC recommended to reflect on what can be done to enhance the engagement of stakeholders in the field of (pelagic) fisheries to the MSFD, highlighting that this recommendation goes both ways: applying to the Commission and the Member States, but also to the PelAC itself.

The chairman and the secretariat provided the EFG with brief updates on other core themes. The LDAC focus group on deep-sea mining was in the process of setting a date for a second meeting. It was expected that a first draft would result from this meeting, which would be circulated to EFG members for comment.

Finally, an update was given on the status of the CIBBRiNA project, led by the Dutch Ministry of Agriculture. The Ministry is in the process of applying for funding by EULIFE and was taking stock of interested partners. The PelAC was approached to become part of the stakeholder advisory board. The stakeholder advisory board would meet approx. twice a year and provide guidance on the progress. The EFG confirmed its positive recommendation to propose to Working Group I that the PelAC become take part in the stakeholder board.

HERRING 6A, 7BC FOCUS GROUP (05-10-2021)

The focus of the meeting was the preparation for the benchmark meetings scheduled in November 2021 and February 2022. The first part of the agenda was dedicated to the state of play on genetics, presented by Ed Farrell. He updated the meeting on the 2021 work plan; the outcomes peer review by ICES SIMWG and future research needs.

Part of the 2021 follow-up work consisted of SNP assay development and validation in IdentiGEN, which was completed. Another main area the 2021 follow-up work looked into was to try and resolve the maturity staging issue by carrying out additional genotyping of existing samples. New 2020 Malin Shelf baseline samples were run for the first time. The work in Q2 was to sample for late spawning 6a South fish and 6a North spring fish. That data has now been collected, analyzed, assigned, and handed over to the Marine Institute, making all data now available for splitting the 2021 survey. The remaining work for the upcoming months was for Farrell to write up the papers for submission for peer review publication and working documents for the benchmark data meeting.

Farrell showed figures for the 2021 survey results. While they still needed some adjustments, they indicated the same pattern as seen previously. The picture is very consistent across survey years, while sampling is independent of each other. It confirmed the split is robust.

Farrell went on to discuss the outcomes of the peer review, which was positive overall. According to SIMWG *"This study should serve as an example of good practice for optimal use of existing resources and result reproducibility."* SIMWG felt *"that the methodology is rigorous throughout."* The main conclusions were that *"there is no doubt in SIMWG that the approaches presented can be used to: Distinguish the 6aS late winter spawners from the 6aN autumn spawners; distinguish, more subtly, the spring-spawning contingent in 6aN from 6aS (even though the relatedness between these two is high); confirm the 'North Sea nature' of the 6aN autumn spawners; and assess the mixed Malin Shelf catches (which appear primarily composed of 6aS fish, with the proportion of autumn-spawning fish increasing as one moves north-east towards Cape Wrath and the Orkneys)."*

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Some minor additional points raised by the review were briefly covered during the Focus Group. Ed Farrell assured any shortcomings identified in the review would be addressed in writing before the benchmark meeting.

He went on to discuss needs for the future and highlighted the importance of ensuring continuation of the data collection from 2022 onwards. In the short term, a plan needs to be put in place for 2022 to keep stock-ID work going. In addition, there's further refining to be done on the distinction between 6a North late spawners and 6a North spring spawners. He advised to develop a commercial catch sampling programme to continue to collect baseline samples. This is already in place for 6a South through the monitoring fishery. In 6a North, it would depend on the scale and distribution of future fisheries since there's more mixing in spawning time. The sampling programme needs to be setup to tease out what is 6a North autumn and 6a North spring fish using catch data.

A longer term plan was needed to continue to collect baseline spawning samples annually, and expanding this out to the North Sea, as well as examine interlinkages with the Irish and Celtic Sea. It would be important to develop a standardized protocol for sampling and genotyping, as part of future data generation. Farrell mentioned that the company he been working with on the genotyping, IdentiGEN, had been taken over by a much bigger company MSD, which has a significant R&D budget. This provided interesting opportunities for future work at a much larger scale. Farrell agreed to update the upcoming Working Group II meeting with future research needs, for discussion with the PelAC members.

The second part of the meeting focused on the industry acoustic surveys. Steve Mackinson briefly provided an update on the 6a North acoustic survey and explained that two surveys in 6a North were held this year, which was the 6th year of surveying. The first survey was the second time this type of survey was conducted, which took place at the same time as the HERAS survey. It ran for 10 days covering a large area with many hauls, but despite best efforts, hardly any herring were seen. Similar results had been reported by the other survey, so the impression was consistent.

The second part of the survey was the contribution to the routine acoustic survey in September, focusing on two focal areas (main spawning areas). Over the years, an acoustic index is developed from these two areas and will be the contribution to the benchmark. This survey was much more successful. Continuation of the 6a North survey beyond this year will depend on the benchmark, which will look at the utility of the acoustic data and its potential contribution to the stock assessment. Based on that discussion, future monitoring and how to carry it out can be discussed.

Michael O'Malley gave an update on the 6a South 7bc survey. Normally the survey runs in November-December, but this year a series of surveys will be run from November-March. In the last couple of years the survey design changed and it was decided to concentrate on the core areas. In 2020, this approach was followed concentrating on the bays and using smaller vessels. This method worked out very well, and it allowed for flexibility. In preparation for the benchmark, a time series was obtained that goes back to 2016, developed with numbers-at-age, SSB and uncertainty over the years. The time series is slightly more restricted when covering only core bay areas, so much will depend on the benchmark decisions in terms of what areas will be focused on in the future. Michael O'Malley was preparing a working document for the benchmark data meeting in November, to discuss if the index was appropriate to be used in the assessment.

The Focus Group concluded that all the data was ready for the benchmark and all was left was the writing of final documents. The Focus Group will reconvene to decide on next steps based on the conclusions from the benchmark meetings in November 2021 and February 2022.

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WORKING GROUP I (05-10-2021)

The meeting reviewed the newly released ICES advice for WGI stocks in 2022, namely blue whiting, Atlanto-Scandian herring, North Sea horse mackerel, and North Sea autumn spawning herring. The groups also explored the setting of TAC recommendations on fishing opportunities for 2022. It was confirmed that inclusion of the Transparent Assessment Framework (TAF) in advice sheets was undergoing ICES' consideration and would be up for decision at their Advisory Committee (ACOM) in December 2021.

The assessment for blue whiting indicated that despite low levels of recruitment, recent year classes appear to be getting stronger. Fishing mortality remains well above MSY and spawning stock biomass (SSB) continues to decline, although still above MSY Btrigger level. ICES advised following the long-term management strategy and that catches in 2022 should be no more than 752,736 tonnes (-19% compared to 2021 advice).

Atlanto-Scandian herring recruitment has been weak in recent years, following a particularly strong 2018 year class - these individuals still dominate the 2021 year class. Fishing mortality has been above FMSY as well as the management plan target for the past two years, while SSB has shown a declining trend. ICES advised that when the long-term management strategy is applied, catches in 2022 should be no more than 598,588 tonnes (-8% compared to 2021 advice).

For North Sea horse mackerel, a category 3 stock, a precautionary buffer of -20% was applied, leading to a 36% reduction in the advice compared to 2021. Overall, ICES advised that catches should be no more than 8,969 tonnes in 2022 and 2023, under the precautionary approach.

North Sea autumn spawning herring underwent an interbenchmark process in 2021. Recruitment has been relatively low since 2003. Fishing mortality is below FMSY reference points and SSB is showing a declining trend due to low recruitment in the recent past. ICES advised that when the MSY approach is applied, catches in 2022 should be no more than 532,183 tonnes (+45% compared to 2021 advice).

Ana Leocadio from DG MARE provided an update on upcoming fishing consultations and their timelines. The Commission was in the process of preparing its positions ahead of the bilateral, trilateral, and Coastal States negotiations. The timetable for these consultations is very tight, with the aim of completing them before the December Council, to ensure TAC setting and fishing opportunities would be in place for the start of 2022.

The PelAC recommendations for blue whiting, Atlanto-Scandian herring, and North Sea autumn spawning herring were accepted, which all supported following the ICES advice. Minor amendments were made to the blue whiting proposal, which reinforced the relevance of the LTMP, and North Sea autumn spawning herring, which asked the Commission for further information from ICES regarding measures to reduce pressure on Western Baltic spring spawning herring. The PelAC also agreed to take note of the BSAC recommendations for Western Baltic spring spawning herring.

For North Sea horse mackerel, it was agreed to incorporate additional recommendations highlighting: (1) the view that the stock should transition from a category 3 to a category 2 or 1, thus removing the precautionary element of the ICES advice; (2) the effect of Brexit on further reducing quotas.

A comprehensive Ecosystem Focus Group update was provided, including a presentation on the SEAwise project, which aims to enhance uptake of ecosystem-based fisheries management in Europe. PelAC engagement in the SEAwise project and an EU-wide fisheries bycatch project, named CIBBRiNA, was endorsed.

Prior to closing the meeting, it was agreed a pending workshop on long-term management plans would be planned as an in-person meeting in March 2022.

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WORKING GROUP II (06-10-2021)

The meeting focused on the recently published ICES advice for WGII stocks in 2022, namely Northeast Atlantic mackerel, Western horse mackerel, and boarfish. The group also considered the TAC recommendations on fishing opportunities for 2022.

The assessment for Northeast Atlantic mackerel demonstrated high annual catches in excess of 1 million tonnes. However, recruitment, fishing mortality, and spawning stock biomass (SSB) are following declining trends. ICES advised that when the MSY approach is followed, catches in 2022 should be no more than 794,920 tonnes (-7% compared to 2021 advice). The lack of a TAC sharing arrangement between the Coastal States and the instability of the advice were flagged as important issues. The meeting subsequently received a presentation from Teunis Jansen of DTU Aqua, who presented his recent paper on 'bioenergetics of egg production in Northeast Atlantic mackerel changes the perception of fecundity type and annual trends in spawning stock biomass'.

Western horse mackerel catches and fishing mortality show fluctuations, while recruitment has been generally low, and SSB remains stable. ICES advised following the MSY approach so that catches in 2022 are no more than 71,138 tonnes (-12.6% compared to 2021 advice). Rescaling and retrospective quality issues were raised as a concern, and a benchmark was in the planning to investigate these issues further. The benchmark will not consider the PelAC's rebuilding plan unless a special request is made.

For boarfish, a category 3 stock, catches have declined since 2010, although relative biomass shows an upward trend. ICES advised that under the precautionary approach, catches should be no more than 22,791 tonnes in 2022 and 2023 (+19% compared to 2021 advice). The scientific experts are now considering this stock for a benchmark in order to upgrade it to a category 1 or 2.

The PelAC recommendations for WGII stocks were reviewed. For Northeast Atlantic mackerel, the suggested proposal was agreed, with the addition of further emphasis on the need for a long-term management plan and urgent action to prevent autonomous quota setting by Coastal States. For Western horse mackerel, suggested proposals were agreed with minor amendments stating that the phasing in of the rebuilding plan will require examination, and that a benchmark should be undertaken as soon as possible. The Southern horse mackerel recommendations were to be adapted to include additional text outlining the PelAC's intention to hold a meeting between stakeholders and scientists, to determine if the existing management strategy has scope for amendment. Recommendations for herring in 6a and 7b,c, boarfish, and Celtic Sea herring were adopted without amend. It was agreed that the PelAC would continue to maintain a watching brief on Irish Sea herring. A proposal calling for the Commission to include Atlantic chub mackerel in its MoU with ICES was also agreed.

Prior to closing the meeting, the involvement of the PelAC in a genome sequencing project for Northeast Atlantic mackerel and blue whiting was endorsed.

GENERAL ASSEMBLY (07-10-2021)

The Chair gave the report of the PelAC's year. Accomplishments included drafting TAC advice for 2021, supporting setup of the Brexit Focus Group, successes of the Ecosystem Focus Group, and progress on the WHOM rebuilding plan and SHOM management plan. The Chair gave an overview of other recommendations the PelAC had made, including joint recommendations. Streamlining of processes and constructive dialogue had helped increase collaboration between industry and NGOs and between ACs.

The Secretariat gave the financial report. There was significant surplus given savings on physical expenses such as travel, though hiring Mindfully Wired Communications to temporarily take on Secretariat duties

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had mitigated this. Surplus was to be returned to the Commission, though members' fees could first be subtracted and carried over into the next year to build up reserves.

The Rules of Procedure Focus Group reported on its two meetings, which had tightened the Rules of Procedure and separated legal rules and principles from internal procedures. Main changes included the introduction of Vice Chairs, more explicit succession procedures, a detailed advice drafting procedure, established mandates of sub-groups within the AC, invitation of non-EU stakeholders as 'invited experts', and rules surrounding two rotating seats on the Executive Committee. The statutes would need to comply with Dutch laws; the Secretariat intended the final version to be ready by March 2022.

The Chair, Jesper Raakjaer, was re-elected for a further year. Esben Sverdrup-Jensen was elected to chair WGI for a further three years. Sean O'Donoghue was elected to chair WGII for a further year, with Jerome Jourdain elected as Vice Chair, with the intention of assuming the chair role in a year's time. Goncalo Carvalho was nominated and elected as Vice Chair of the PelAC.

Finally, 2022 meeting dates and locations were given as follows: 2 March (Hague); 20 April (Hague); 13 and 14 July (location tbc); 5 and 6 Oct (Hague). It was suggested the July dates were changed to avoid clashing with a French national holiday; it was agreed the Management Team would find an alternative.

EXECUTIVE COMMITTEE (07-10-2021)

The ExCom meeting focused on approving WGI and WGII recommendations, and also covered the results of a recent performance review of the PelAC. Ongoing actions were raised, including pursuing discussions around a proposed Brexit FG, and considering participation in the NWWAC's upcoming WebGIS portal.

It was agreed to incorporate responses to the Commission consultation on fishing opportunities into recommendations for 2022 TACs. In addition to the existing draft, extra recommendations proposed covered the inclusion of STECF future casting within the report, the compromised usefulness of fishing proposals following Brexit, views on the setting of large autonomous TACs by Norway and the Faroe Islands, progress in setting up the Specialised Committee on Fisheries, requesting a clear procedural roadmap for new processes, and ecosystem considerations within fisheries management science. It was agreed to incorporate these recommendations and fast-track the final document via written procedure, ensuring the endorsement of the Management Team.

Oxford Research reported on their performance review of the PelAC. Their aims were to evaluate the PelAC's overall performance and suggest strategies for mitigating the impacts of Brexit. The PelAC was found to be relevant to stakeholder needs, supplying high-quality advice based on scientific evidence. The PelAC has a strong organisational structure and runs efficient meetings and internal communications. While collaboration with ICES was positive, a lack of engagement from DG MARE and Member States was felt to be hindering the usefulness of produced advice. The PelAC adheres strongly to the CFP. Brexit was already affecting the PelAC, namely through the loss of key members, and there were concerns over loss of influence. There was interest in including non-EU stakeholders within the PelAC. The review concluded that the PelAC should continue its current ways of working, including sustained collaboration with external stakeholders, potentially lowering thresholds for participation such as by continuing with online meetings. It also recommended developing a succession planning programme, and potentially addressing the imbalance of industry and OIG representation in the Management Team.

WGI provided recommendations for blue whiting, Atlanto-Scandian herring, North Sea horse mackerel, North Sea autumn spawning herring, and Western Baltic spring spawning herring. Further recommendations included adopting ToR for the Ecosystem FG, adopting a PelAC response for the MSFD,

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supporting PelAC involvement in the CIBBRiNA project, and scoping the SEAwisE project. The ExCom agreed to all the WGI recommendations.

WGII provided recommendations on Northeast Atlantic mackerel, chub mackerel (as an additional stock), Western horse mackerel, Southern horse mackerel, herring 6a and 7b,c, boarfish, Celtic Sea herring, and Irish Sea herring. As a further recommendation, a request from the NWWMS Group over boarfish closures was incorporated into advice on boarfish. The ExCom agreed to all the WGII recommendations.

The Secretariat proposed to send the agreed recommendations from WGI and WGII, alongside a response to the Commission consultation on fishing opportunities, to the Commission. Updates to the PelAC website and branding were previewed before the meeting closed.

ECOSYSTEM FOCUS GROUP (29-11-2021)

The main agenda item for this Ecosystem Focus Group (EFG) was to discuss a PelAC response to the ongoing Commission consultation on the action plan to conserve fisheries resources and preserve marine ecosystems.

The chairman introduced the consultation and proposed to focus on the sections in the consultation questionnaire that were most relevant to pelagic fisheries. A large portion of the questionnaire focused on issues that mainly apply to demersal fisheries, such as impacts of bottom trawling gear and protecting sensitive habitats.

A number of general remarks were made by EFG members on the consultation format. The questions formulated in the questionnaire were so generic that it makes responses from the Pelagic AC almost impossible. It was decided to convey this feedback to the Commission, to reflect on the extent to which targeting broad stakeholder groups such as ACs is useful following this format. Many of the questions also requested submission of factual/scientific evidence to support an opinion. The EFG believed it would be more appropriate to conduct meta-analyses of work done by different institutions on a common topic. Finally, the FG felt the issues raised in the questionnaire to be trivial relative to the wider issue of the sustainable management of pelagic stocks in the Northeast Atlantic, which was not mentioned in the questionnaire at all.

The Focus Group discussed pelagic specific responses to a small number of questions in the questionnaire in addition to the remarks above. It was agreed to compile this feedback as a PelAC response to the questionnaire. The draft response would be circulated to the EFG for written feedback during a period of one week, after which an ExCom approval procedure would be launched, to approve the final PelAC contribution in time for the consultation deadline.

The Chairman briefly covered actions from the previous meeting and a brief discussion was held on the planning of a workshop on the Ecosystem Approach to fisheries management, which will possibly be organized in conjunction with the July 2022 meeting. EFG members gave some preliminary input to the workshop agenda and a draft agenda would be prepared by the Secretariat in January 2022.

SOUTHERN HORSE MACKEREL FOCUS GROUP (02-12-2021)

The Southern horse mackerel Focus Group convened on December 2nd, as agreed during the last Working Group II meeting in October. The objective of the meeting was to discuss possibilities for amending the existing management plan, in order to align it with the revised Fmsy reference point introduced by ICES a few months prior. The meeting was widely attended by stakeholders from the SWWAC, a representative from the European Commission as well as a representative of the Spanish administration.

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The chairman reminded the participants of the rationale for the day's meeting, by giving the full background of the work carried out by the Focus Group to date. In May 2021, this Focus Group has reached agreement by making a small amendment to the management plan, which would ensure the fishing opportunities were in line with the ICES MSY advice. The change in the MSY reference point subsequently introduced by ICES, brought the plan and the MSY advice out of alignment again. It was agreed a Focus Group would investigate how the plan could be changed to align it with the MSY advice once more, before issuing a recommendation for a TAC figure for 2022.

During the Focus Group, a presentation was held by the stock assessor for Southern horse mackerel, Hugo Mendes, on the outcomes of the WGHANSA meeting which took place a week prior. He explained the nature of the serious concerns over the uncertainty in the assessment, shared by scientists involved in the Expert Group. Besides the lack of survey data, there were other issues linked to the data sources contributing to this uncertainty. Mendes indicated the expert group would seek an (inter)benchmark meeting for this stock in the near future, to resolve the data issues and set reference points adapted to the new situation.

A lengthy debate was held between FG members. There was broad agreement that considering the developments in the science, it would be pointless to revise the management strategy at this stage. It was also agreed that in the absence of a revised plan, the PelAC was not in the position to recommend a TAC figure for 2022.

The FG agreed the PelAC would explain this outcome in a letter to the Commission, while asking the Commission to expedite the organisation of a benchmark meeting as soon as possible. The Focus Group will reconvene as soon as more clarity arises from the outcomes of an ICES (inter)benchmark meeting for this stock.

All meeting minutes can be accessed on our PelAC website: <http://www.pelagic-ac.org/2021>

EXTERNAL MEETINGS

All meetings took place online.

CIBBRINA LIFE PROJECT (09-09-2021)

The Dutch ministry of Agriculture (LNV) is proposing a project focusing on bycatch in high-risk fisheries: at the multi-species level (covering all endangered species) and working at a regional scale. The main focus will be on the North East Atlantic and the Baltic, but linking to similar projects in the Mediterranean and the Black Seas as well.

The scope will be on high risk fisheries, and the project will establish which fisheries constitute 'high risk'. The overarching objectives of the programme will include building cross-border collaboration on the issue of bycatch, implementing successful monitoring programmes, implementing successful mitigation measures and developing joint recommendations. LNV underscores that the project will build on from work that has already been done.

One of the aspects hindering good implementation of bycatch measures is that different groups of people are not part of the project. LNV seeks project participants that include government departments covering both fisheries and the environment, scientific experts, industry representatives, and also inter-governmental organisations and NGOs. LNV aims to have both ministries for fisheries and environment work together to implement measures identified by the projects.

The project is envisaged to progress across six years following the structure for EU LIFE fund. Under LIFE, co-funding by the EC ranges from 67-75%. LNV expects a total project budget of around 10-20 million and aims to receive up to 75% co-financing, because the project will focus on priority habitats and species. The types of methods the project will look into: observers, REM, mitigation measures such as 'pingers' or alternative gear, modifications etc.

The deadline for submission of the full proposal 30 November 2021 (with internal LNV deadline 23 November).

So far, there is interest from BE, DE, DK, ES, FR, IS, IR, LT, NL, NO, POL, POR, SW, UK. For non-EU countries: It is possible to include them if their participation is vital for the project. : LNV believes this case can be made for important shared stocks. No list of confirmed participants is yet available but will be shared when partnerships are confirmed and permission is given.

The Ministry LNV went through the application process and other formalities in detail, explaining what different types of involvement in the project would be possible while outlining the specific requirements for each type of partner:

Main beneficiary: Dutch LNV ministry – will be main applicant

- The beneficiary monitors the implementation of the action, acts as intermediary between consortium and EC, distributes payments received from the granting authority to the other beneficiaries etc.
- The beneficiary and affiliated entities contributes to project and are part of the grant. Affiliated beneficiaries have similar rights of beneficiaries but do not sign the grant agreement.

Associated partners

- They are contractually committed to implementing action tasks, but not eligible for project subsidy. The costs incurred by partners are not eligible.

Subcontractors

- Can be considered through outsourcing non-key tasks necessary for the project e.g. promotion activities. Max 30% of overall project level.

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Third party

- Small organisations connected to parts of the project.

Stakeholders

Not contractually bound to project but may be invited to participate in the 'stakeholder advisory board' which guides the progress of the project. To become involved in the 'stakeholder advisory board', a letter of support to demonstrate commitment would be very valuable.

This would be the most appropriate type of involvement for the ACs.

More information:

The 'stakeholder advisory board' gives feedback on relevance of the results over the course of the project. Outside stakeholders not involved as partners, the different ACs, intergovernmental organisations such as ICES or NGOs, can become part of the advisory board.

Example of criteria for the composition of the stakeholder board: geographical balance, inclusive representation different stakeholders etc.

In accordance with the stakeholder partner role, stakeholders in the board should not be a direct partner and thus cannot access funding, but can contribute in an advisory form. Stakeholders members of the advisory board are not contractually bound to project but may be invited to participate in stakeholder advisory board meetings/workshops which guides the progress of the project.

LNV went through the different work packages as outlined in the project proposal. The most relevant work packages for stakeholder engagement are:

Work Package 3: Suitability assessment is key for involvement fisheries industry. This WP will develop an assessment based on FAO guidelines to assess suitability for monitoring and mitigation methods. This tool will be very vital for final phase of project focussing on upscaling different methods. The involvement of fishermen is key here, to assess effectiveness and viability of the monitoring and mitigation methods.

Work Package 6 fisheries perspective: stakeholder participation and engagement

Successfully setting up joint projects with fishermen, developing best practice guidelines looking at other experiences. E.g. REM project with fishermen in NL. Learning from other initiatives. Peer to peer dialogue for fishermen. Linking with the Advisory Councils is important in this phase.

SCHEVENINGEN MEMBER STATE GROUP (14-09-2021 AND 18-10-2021)

Esben Sverdrup – Jensen joined technical meetings with the Scheveningen Group from on September 14 and October 18 2021. In the period the Schevening Group had its focus on issues relating to demersal fisheries and post the post Brexit situation. No explicit pelagic issues were raised in the agendas. The PelAC raised a number of issues at the meetings:

- The role of ACs and MS within the Specialised Committee on Fisheries. The response was that the Schevening Group was in a similar position to the PelAC, in that they were awaiting clarification from the Commission.
- The need for agreement on TACs for 2022 before the end of 2021 in order to avoid temporary measures and chaos similar to 2021.
- The process of the implementation of the Technical Measures Regulation and the need for approving the Excluder selective device in a delegated Act. (Endorsed by PelAC)

EXTERNAL MEETINGS

- On CCTV the Scheveningen Group foresees a process in the spring of 2022 where possible measures are to be discussed. PEALC has communicated its interest in participating in those discussions.

NWW MEMBER STATE GROUP (16-09-2021)

Sean O'Donoghue joined NWW Member State Group meetings. The proposed NWW recommendations for boarfish closures in NWW waters are the following:

- Consultation with the UK before inclusion in discard plan (due to Brexit)
- Enforcement difficulties
- Definition directed fishery

The Chair suggested the PelAC should endorse these recommendations, and this was agreed at WG II meeting in October.

NWWAC MEETING WITH COM, EFCA AND CONTROL EXPERT GROUP ON CATCH COMPOSITION RULES TECHNICAL MEASURES VS LO (29-09-2021)

In June 2019, the Pelagic AC sent a letter to the Commission requesting clarity with regard to a perceived conflict in the legislation between the catch composition rules in the new Technical Measures regulation and the rules pertaining to the landing obligation. The application of these rules create difficulties under the landing obligation (LO) that prescribes that all catches should be landed. The NWWAC organised a meeting with the Commission, EFCA and the Control Expert Group to discuss this specific issue.

Sean O'Donoghue, chair of the NWWAC Control Focus Group introduced the problem: Article 27 in the Technical Measures (TM) regulation sets out rules stating that a smaller mesh size may be used than what is normally allowed, provided that a minimum percentage of this species is fished relative to the catch. Article 27 also indicates that these rules on mesh sizes are without prejudice to landing obligation in the CFP. From an operational and enforcement point of view, this raises a number of questions which he highlighted with examples:

- If nephrops fishermen are using the mesh size for nephrops (18 mm), which is allowed if they catch a minimum of 20% of that species, but find out in the final haul that the catch composition doesn't meet the percentage requirement for catch composition onboard (e.g. they suddenly have more haddock/whiting in the net, so now only 18% of the catch consists of nephrops) – they are duty bound to land it under LO, but are then in conflict with the TM regulation. In this example it is not possible to comply with both regulations, so the question is: which regulation do fishermen have to adhere to when they land that catch.
- Another issue identified in article 27, related to directed fisheries. Directed fisheries are currently undefined. Article 27 states that directed fisheries will be set out in a Delegated Act, and MS regional groups should develop proposals in relation to this. The NWWAC has already put forward suggestions, but nothing is yet in place. From an operational perspective, since directed fisheries are not defined, do catch composition rules in the Annexes of the TM regulation apply to directed fisheries?

The NWWAC wants to bring clarity to the system and seeks workable solutions to these problems.

The Commission took the floor. According to DG Mare, the TM was contributing to selective fishing. Since the 2013 reform, the LO is a corner stone of the CFP aiming to reduce discards by increasing selectivity and avoiding unwanted catches as much as possible.

EXTERNAL MEETINGS

In discussions on implementing the LO, it is often emphasized there is no 'one size fits all' solution. The Commission underlined the importance of regionalisation to develop combined measures which provide options for implementation, leading to workable and enforceable fisheries. DG Mare mentioned that there has been intense collaboration on LO between MS, fishermen, NGOs, scientists, the Commission and the EP, which helped to reach a better understanding of the LO implementation including the challenges. A study on the landing obligation was published recently, which builds on knowledge during the transition to determine if management measures are indeed effective in eliminating discards. One key finding brought forward was that selectivity improvement trials occur but there is a slow uptake of improved selective gear. This specific issue is another example that should be discussed further at regional level to address how uptake can be improved. Control and enforcement remains challenging, and significant undocumented discarding still occurs. REM was identified as the most effective way to monitor and enforce the landing obligation.

Some words by the Control Unit followed. Under the catch composition rules, smaller mesh sizes can be used than those normally allowed under specific conditions. These rules apply at landing, where both the catch composition rules and the landing obligation must be adhered to. With regards to control and enforcement, if fishing vessels use mesh sizes that deviate from the regular mesh sizes, that is something that must be authorised, and it is necessary that MS control for this. According to the Commission, fishermen must comply with both regulations and proposes to avoid situations where conflict arises, collaborating with regional groups to try and resolve them.

Further clarity was sought from participants that wished to know what would happen in the examples depicted above, and what pragmatic solutions could be considered. Another question was raised regarding the catch composition rules and *force majeure*. What if dangerous weather circumstances force vessels back to port before the appropriate percentage is reached, are they then in breach of the TM regulation?

The Commission returned to the same point, the elimination of juvenile catches. The Commission will help where it can, but the answer lies with selectivity. It is up to the regional groups to look into specific cases.

A question was asked regarding the transposition of the TM regulation to UK law, since French and UK fisheries need coherence. The Commission indicated that the Specialised Committee for Fisheries planned to discuss control issues in the next two months.

The NWWAC chair insisted the main question was still unanswered and asked if there was any intention to change or suspend any legislation. The way the regulations are drafted fishermen can be in infringement through no fault of their own. Selectivity does not solve the concrete problems at hand.

The Commission fully understood the issues but unfortunately the regulations could not be suspended. The TM regulation was adopted in 2019 by co-legislators. The Commission re-emphasized the need to discuss this further within MS groups and called on ACs to bring forward examples and discuss solutions, to incorporate in JRs. Enforcement is a responsibility of MS, to see how directed fishery can be further defined.

SWW MEMBER STATE GROUP (20-10-2021)

JR on reducing incidental by catches of cetaceans: The main point was the letter from COM regarding the evaluation on this JR. MS agreed that closures must be the last measure to be taken, we consider that further measures can be proved before this proposed closure.

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Spain will consider the implementation of a pilot project on pingers on static nets, as suggested by COM, and all MS agreed that it is still necessary to wait more time until the results of many scientific projects have been shared. These results will give an idea of the effectiveness of the measures that are implemented at this moment.

IR on directed fisheries: STECF still has many doubts. COM is preparing a letter (like a guideline) suggesting SWW MS on how to proceed.

AOB: The SWW Expert Control Group knows the problem regarding the non-compliance in the control of landing obligation and CEG is in contact with the COM to face the problem. More work next year is required on this matter.

NWW MEMBER STATE GROUP (21-10-2021)

Sean O'Donoghue attended by virtual means on behalf of the PelAC the NWW Member State technical group meeting. At this meeting Sean O'Donoghue covered the PelAC's letter that had been sent in response to the Group's request at the previous technical meeting on the boarfish closures. He also asked the status of the Specialised Fisheries Committee under the TCA. The Chair responded that the details of the PelAC letter on the boarfish closures were noted but that it was a matter for the Specialised Fisheries Committee under the TCA. On the Specialised Fisheries Committee the Chair indicated that the Commission had informed the Group that the Committee was meeting on the 27th October, and it was hoped it would sort out the working groups.

NWW MEMBER STATE GROUP (16-11-2021)

Sean O'Donoghue attended by virtual means on behalf of the PelAC the NWW Member State technical group meeting. He covered a number of items at this meeting namely the very short notification from the UK authorities on new marine mammals reporting requirements, the update on the Specialised Fisheries Committee, the notification of High Level Group meeting the following week and finally any progress on the boarfish closures. The Chair responded that notification period was far too short and that the Group had addressed this with the Commission at their meeting earlier. A letter will be sent to the UK authorities. The Working Groups of the Specialised Fisheries Committee had not met so none of specific issues had been addressed. The Chair confirmed that the PelAC that no progress had been made on the boarfish closures. As this was the last meeting of Technical Group under the French Presidency Sean O'Donoghue thanked the Chair for the very good communications and cooperation with the PelAC over the last year.

ICES WKNSCS (22/24-11-2021)

Sean O'Donoghue attended by virtual means as a member on behalf of the PelAC this benchmark (WKNSCS), particularly in relation to herring 6a, 7bc. This part of the benchmark related only to the compilation of data, seeing what gaps in data needed to be addressed before the full benchmark commences next year from the 7th to 11th February and organising the to do list. There were a lot of presentations on the data including the genetics data which were very informative. Given the large amount of work already done by the scientists it looks very promising that the benchmark will be in a position to split the stocks at the benchmark next February.

EXTERNAL MEETINGS

SCHEVENINGEN MEMBER STATE GROUP (22-11-2021)

Gerard van Balsfoort and Tim Heddema attended this meeting. Mention was made of Defra's announcement that a mandatory measure for all wild-capture commercial fishers to report bycatch of marine mammals to the MMO is being brought in as of 30 November. The information is to feed into UK bycatch monitoring programmes to improve understanding of where and what bycatch occurs.

Participants were reminded about the consultation 'Action plan to conserve fisheries resources and protect marine ecosystems'. The action plan will complement the recently adopted report on the implementation of the Technical Measures Regulation.

INTER-AC MEETING WITH COMMISSION (26-11-2021)

Better planning meetings:

The Commission invited ACs to bring forward thoughts and suggestions to improve planning and Commission attendance at AC meetings. It was underlined that DGMare staff were under pressure in terms of capacity (30% reduction in staff, while workload has increased by 30%), and the new covid era has resulted in an explosion of online meetings. To avoid overloading staff members, there was need to better reflect on how things could be better coordinated to ensure maximum efficiency, that the right people come to the right meetings whilst balancing priorities appropriately.

ACs gave mixed responses in terms of satisfaction of Commission attendance. Some were quite happy with the attendance at meetings, others more frustrated. Emphasis was put on the need to have technical experts present at meetings, and overall there was agreement that the communication and clarity from the Commission side in response to invitations was a point of attention. There was overall recognition of the capacity issue at DGMare.

ACs pointed out that there was a significant increase in consultation requests from a vast range of topics, sometimes diverging far from the expertise of ACs. Caution should be taken to avoid becoming 'AC's of everything'. A discussion was held on how to deal with this and how coordination between ACs, DG Mare as well as other DGs could improve. The Commission pointed to the CFP and felt the ACs should prioritize files that are relevant to the CFP objectives. However, it was emphasized AC involvement has to go through DGMare so it is not possible for ACs to liaise directly with other DGs. The Commission also underlined its wish to hold more frequent inter-ACs in this format to strengthen the dialogue and transparency, and welcomed the reflections received today. The Commission assured an internal discussion was ongoing to improve communication and coordination between ACs and appropriate units at DGMare.

Update on Lump-sum financing

The Commission presented an update on the lump-sum financing methodology which aims to become applicable in the first half of 2022. If ACs enter calendar years before the new methodology is implemented, the lump-sum method will apply from 2023.

Through lump-sum financing the Commission aims to simplify the contributions from the EU to ACs by linking financing to results achieved rather than incurred costs. The new methodology will imply that detailed financial reporting will no longer be required.

The main differences between cost-based vs the lump-sum financing:

- Financing is based on results, not costs.

EXTERNAL MEETINGS

- Once a Grant Agreement with an AC is signed, the Commission will not review the details of incurred costs (financial report) and will have no right of audit (though national accounting requirements still need to be fulfilled). The lump sum methodology however, is subject to audit.
- There will be higher predictability of the amount to be received by the Commission.
- If budget planning is accurate, this allows for efficient budget planning.
- The Commission will continue to cover 90% co-financing as in the current method, and the two payment moments (80% pre-financing and 20% final payment) will remain in place. The deadlines for applications and final reporting per AC will also remain the same.

The baseline for the lump-sum will be the review of the number of recommendations and meetings as set out in the work programme. The final activity report will be reviewed to determine if objectives are properly met and if the full lump-sum (2nd payment) is awarded. If under exceptional circumstances, ACs only produce 50% of the recommendations or meetings set out in the work programme, only 50% of the lump-sum will be granted. The Commission further clarified during the Q&A that this will only apply when large deviations between expectations and realisations are observed (i.e. 'something is going wrong'). The Commission understands it is impossible to 100% predict a specific number of recommendations/meetings, so some flexibility will remain. A minimum number of recommendations should be reached. The Commission assumes ACs have a long recorded history and stability in their activities that should ensure a reasonable forecast.

Determining the lump-sums amount:

ACs are invited to submit their budget needs estimation by January 14th 2022, and should take into consideration that this amount will apply for the next 4 years, in principle without review. The estimation needs to be as close to the real costs/needs as possible (with proper justification), and the long history of incurred costs should lie at the basis. If a fixed lump-sum amount is awarded and signals are received in the intermediate term that realistically foresee significant changes to the workload that would justify a higher grant, it is imperative to communicate this to the Commission as soon as possible. Based on this information, the Commission may decide to review the amount of the lump-sum grant in the subsequent year.

Once budget estimations are received, the Commission will review them and compare them to past actual costs, while also taking into account the number of members, distance to HQs, number of languages etc. The decision will then be reached on the final lump-sum awarded.

The Commission clarified some additional elements that were sent in in writing ahead of the meeting:

- The spirit of the lump-sum is that the grant amount will not change for 4 years: an AC may end up with a surplus one year, other years perhaps with a deficit. Any surplus will not be recovered, as it is believed this will equalise over time, since reality will always be different from what is predicted. The Commission ensured the annuality principle still continues to apply (carrying over excess budget from one year to the next year).
- When estimating budgets, the Commission advised to take representative years into account but also the new covid era with remote meetings. A 20% reduction in travel costs should be considered. If this is not possible, ACs should justify why.
- ACs were advised to be as precise as possible in predicting number of meetings (preferably with dates!) and recommendations in the work programme. The spirit is to anticipate as much as possible.

EXTERNAL MEETINGS

NWW MEMBER STATE GROUP (26-11-2021)

Sean O Donoghue attended by virtual means on behalf of the PelAC the NWW Member State high level group meeting. He covered a number of items at this meeting namely the divergence of the TCMs measures between the UK and the EU, the lack of progress by the Specialised Fisheries Committee in dealing with a number of key issues, PelAC boarfish closures, new consultation process post Brexit and the PelAC October recommendations particularly the massive overfishing of mackerel in the Northeast Atlantic stock by Norway and the Faroe Islands. The Chair responded in general terms that the divergence needed to be addressed without delay, he was aware of the boarfish closures, but it was a matter for the Specialised Fisheries Committee which had not yet started dealing with specific issues and that the actions of Norway and Faros in relation to mackerel was not acceptable. Sean O'Donoghue thanked the French Presidency for the active communication and cooperation during the last year.

PRACTICAL INFORMATION

NEW WEBSITE

The Pelagic AC has created a new website, which will be launched on 18 January 2022.

NEW PELAC HEAD OF SECRETARIAT AND MT MEMBER

From January 1, 2022, Tim Heddema will take over the tasks from Gerard van Balsfoort as head of the Secretariat of Pelagic AC and MT member.

Gerard van Balsfoort will retire on 1 January. We would like to take this opportunity to thank Gerard van Balsfoort for his enormous efforts over the past years.

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CHRISTMAS BREAK

The Secretariat **will be closed** from 27 December 2021 until 7 January 2022.

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 2022!



UPCOMING MEETINGS

WORKING GROUP I & II, EXECUTIVE COMMITTEE AND AN EXTRA GENERAL ASSEMBLY MEETING: 2 MARCH 2022

The Secretariat hopes these meetings can be organised in hybrid form, but will continue monitoring the course of the pandemic and adjust the meeting setup as appropriate. The final decision on the meeting form will be taken at the end of January. We will keep you informed on the outcome.

WORKSHOP LONG TERM MANAGEMENT STRATEGIES (LTMS): 3 MARCH 2022

The Secretariat hopes this workshop can be organised in hybrid form, but will continue monitoring the course of the pandemic and adjust the workshop setup as appropriate. The final decision on the workshop form will be taken at the end of January. We will keep you informed on the outcome.

WORKING GROUP I & II, AND EXECUTIVE COMMITTEE: 20 APRIL 2022

The Secretariat hopes these meetings can be held in-person in the Netherlands. We will keep you informed of the final decisions in due time.

WORKSHOP ECOSYSTEM APPROACH TO FISHERIES MANAGEMENT (EBAFM): 11 JULY 2022

The Secretariat hopes this workshop can be held in-person (in the afternoon, location t.b.d.). We will keep you informed of the final decisions in due time.

WORKING GROUP I & II, AND EXECUTIVE COMMITTEE: 12 AND 13 JULY 2022

The Secretariat hopes these meetings can be held in-person (location t.b.d.). We will keep you informed of the final decisions in due time.

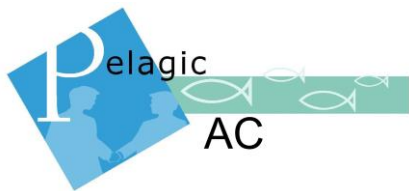
For more information please visit our website:

<https://www.pelagic-ac.org/pracmeetings/upcomingmeetings>

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