



## ADVISORY BOARD MEETING

20 September 2016, Vigo

### CONCLUSIONS

#### Participants

**Advisory Board Representatives:** Ms Manuela Iglesias (LDAC), Ms M<sup>a</sup> José Cornax (LDAC), Ms Sally Clink (BSAC), Ms Rosa Caggiano (MEDAC), Mr Mike Park (NSAC), Mr José Beltrán (Pelagic AC) and Ms Purificación Fernández (NWWAC).

**European Fisheries Control Agency:** Mr Pascal Savouret (ED), Mr Pedro Galache (HoU C), Mr Mario Santos (Deputy HoU C), Mr Alexandre Kempff (Unit B), Mr Sven Tahon (Unit B) and Ms Marta Rámila (CO).

#### 1. Introduction and State of play in each Advisory Council (AC)

The ED opened the meeting by welcoming the AC representatives and pointed out that a summary of the outcome will be reported to the Administrative Board on 11 October, where the AC observer can take the floor as well.

The NWWAC summarised their most recent issues and developments, drawing attention to the Report issued at the NWW Control Expert Group which recognises improvements in the collaboration with MS, and stated that besides a preliminary response that has already been issued, there are more developments ongoing.

The NWWAC representative emphasized the need of a level playing field among ship-owners in Europe through a regulated and coordinated implementation of control tools.

As regards the different options considered in the NWWCEG report for control tools for the landing obligation, the NWWAC pointed out that a working group constituted in their AC will meet soon to go line by line through this issue with more detail.

The ED reminded that the European Commission is in charge of the preparation of the evaluation of the control regulation.

The NWWAC pointed out that the AC finds certain contradictions, due to the learning by doing basis in this stage and in particular the representative expressed concern about the control of the implementation, and declared that to some extent there were contradictions between the provisions of the landing obligation and the article 16 of Regulation (EU) No 1380/2013.

Ms Manuela Musella was requested by the ED to reply as European Commission representative to this matter. EC recognised this issue as one of the most complicated they are dealing with, which will be extensively addressed in different dedicated workshops in the near future.

The ED pointed out the trend to the regionalisation of technical issues might contribute solving these tensions, while reminding the role of the European Commission in this process.

The NSAC apologised for the absence of their chairman (due to another meeting in Brussels). NSAC representative expressed the opinion that, for the process to succeed it has to work at the vessel level and involve the fishermen, otherwise the system would never work.

As regards the landing obligation, NSAC encouraged the Agency to get across the use of the information, and argued that if something is going to trigger the involvement of fishermen it would be them thinking that the information that they are providing is useful. He questioned about how new technology could be used in the future to record data in real time basis.

The ED thanked for these suggestions, and expressed the need to consider at appropriate level what monitoring on the deck could imply in terms of legal or safety aspects, as well as culture differences to accept such monitoring.

NSAC put as an example the situation of the Scottish fleet and suggested the use of reference fleets to get information to implement the landing obligation. He also pointed out that resistance has a lot to do also with inconsistency in the regulations and there will be reluctance till this is not clarified.

NSAC suggested to establish what is normal in terms of catch composition, so that data from small samples, snapshots, to a risk analysis, giving fishermen an incentive to the point that they are willing to provide the data.

NSAC highlighted the importance of having a degree of confidence in the data provided by the fleet and would put the Agency in much stronger position in terms of analysing the outlines, bringing them into commitment to report best as possible and understand the benefit of providing information.

The Head of Unit C pointed out that MS have their own inspection services and EFCA is working in the standardisation, and in particular for catch composition. Regarding the snapshot it depends a lot on the fisheries: number of data, catch composition, and he stated that some workshops in the future in the case of the North Sea could be helpful.

The ED expressed that he understands that the Advisory Council will be able to provide some data from the industry.

The NSAC mentioned Norway for instance; he suggested moving towards reference fleet and allying with fishermen and noted that despite being in the regulation, to record discards was still not in all the fishermen culture.

The ED thanked NSAC and gave the floor to the BSAC. The BSAC representative thanked EFCA and representatives of AC for the inspirational meeting and also apologized for the absence of their chairman.

BSAC stated that, since the landing obligation came into force, fishermen have been working hard to cooperate, and sharing experience with the Agency.

BSAC pointed out that in the framework of meetings about cod fisheries, where the AC is invited to participate they were calling for the need for changes to existing technical measures, as they are no longer fitting with the recent landing obligation. BSAC mentioned, in particular, the specifications for demersal gears which are no longer fit for purpose and requested a new fresh approach and some way to ask for derogations to improve fishing gears.

BSAC referred to the adoption of the Baltic Sea Multiannual plan in July, giving the possibility to produce some proposals for technical measures at a regional level. BSAC expressed

satisfaction that there will no need to wait for the adoption of the new technical measures framework.

It was agreed that it could be possible to organize an event early 2017 to discuss discard mitigation. There will be a meeting of the BALTFISH regional control group in the coming week and the EFCA representative will bring this up.

The ED pointed out the expectation of the Baltic Sea regarding art 18 of the CFP Regulation.

The LDAC apologized for the absence of Ivan López and Alexandre Rodríguez (due to a NAFO meeting in Cuba).

For LDAC the substantial work this year was followed by a positive feedback by EFCA, having deployed substantial effort in order to provide timely support and agreements in the framework of the Chairs WG, in comments for EC and stakeholders.

MEDAC representative highlighted the hard work for Mediterranean Advisory Council to identify the species defining the fisheries, and thanks to the active collaboration of the relevant MS, MEDAC managed to identify them. The MEDAC expressed that the members found a good compromise to propose some useful elements related to some technical measures for landing obligation, and a constructive input that hopefully will materialize in delegated acts very soon, making this year a very productive one.

The European Commission intervened to pinpoint the need of collaboration, and reminded the fact that industry is consulted in the legislative process.

## **2. Exchange of views: implementation of EFCA's Annual WP 2016**

The provisional data of each JDP and the main risks identified were presented to the Advisory Board, including the landing obligation state of play.

EFCA indicated that figures follow the same trend as expected, even if there is still a quarter to go before the end of the year. There is only an increase of infringements in the Mediterranean Sea, mostly due to the fact of being now in a more permanent campaign during the year.

Answering the question of LDAC regarding NEAFC, there were 60 inspections in the area of NAFO-NEAFC, of them 46 were in NEAFC area, and then they were three presumed infringements found during the campaign, all for non EU vessels; one in a Norwegian flag vessel and two on Russian flag vessels.

MEDAC requested EFCA to clarify the reference to permanent campaigns. EFCA described it as an increase of communication and exchange between the MS, putting together the information, something which is already happening in the other areas, and EFCA is moving towards the same level of permanent exchange of information in the Mediterranean, where last year only inspection reports in the framework of the JDP joint campaigns were taken into account.

BSAC inquired whether there is a way to distinguish between infringements and landing obligation figures. EFCA admitted that the figures (close to zero) reflecting landing obligation infringements are due to the difficulty to identify presumed infringements to the landing obligation with traditional inspection activities.

EFCA stated that these are figures that need to be analysed on a yearly basis because there are some areas where the last part of the year is important, for example Western Waters, and even applying a risk assessment. Inspections are more targeted to possible cases of infringement, but more analysis is to be done.

EFCA expressed the intention to continue in 2017 the data collection, to improve the analysis of data and to continue using as much the JDP for this landing obligation.

EFCA detailed regional risk management activities, after outlining its main outputs. The long term plans were presented, a process where a control plan is prepared in coordination with MS for the following year 2017, stressing the priority threats to be addressed, taking in account space and temporary distribution of the fisheries based on the historical of catches and landing, in order to plan on a long term basis.

EFCA indicated that this year, when it comes to the risk identification, there was an especial attention to fisheries segmentation, breaking down fisheries into segments with similar characteristics to optimise the exercise.

In order that all have the same knowledge EFCA prepares fact sheets in a way to achieving a review and background what is the common basis, providing in a nutshell what are the main characteristics of the different sectors providing the same background knowledge.

When analysing these different units, it is important to know what are the main risks for certain risk to occur, a sort of critical review to see what has improved or not.

In this sense EFCA recognised the complexity brought by NSAC and BSAC referring to the infringements of the landing obligation. EFCA highlighted the importance of indicators than can substantiate on what is the likelihood that no compliance takes place, by analysing the catch profiles under observed circumstances and comparing it with the official records and have a good estimation on what the reality is, in terms of compliance and particularly regarding facts and figures of priority threats.

The ED gave the floor to the Unit B representative for an update on training activities.

Unit B summarised the work done in this area since the last Advisory Board meeting, and in particular referred to the project of actualisation for the three volumes of EFCA core curricula concerning inspections at sea, port inspections and general principles of fisheries inspections, which are available to the public, on the EU Bookshop and the EFCA website.

The update will adapt these materials to the new basic regulation, features such as the landing obligation and other new CFP requirements not covered by the first version of the materials.

EFCA, MS and EC experts collaborate in this process of review, focusing on an approach that makes it easier to assimilate for Union inspectors, merging some elements in a separate chapter.

EFCA explained that a training platform developed with the assistance of an external company is hosting these materials, in the format of e-learning tutorials. This platform was launched at the end of June and, to date, more than sixty users were registered. EFCA clarified that the e-learning is combined with the traditional training material for inspectors.

Referring to the international dimension, EFCA indicated that three on-the-spot missions were planned for this year. So far, the dates for the missions to Liberia and Seychelles still need to be confirmed by the Commission.

### **3. Way forward: Draft Single Programming Document (SPD) 2017 and new tasks (EU Coastguard undertaking)**

The ED referred to the SPD 2017 as it will be presented to the Administrative Board in October 2016.

Priorities were presented to be:

- Support the regional implementation of the Common Fisheries Policy (in particular of the landing obligation) and related maritime strategies.
- Support the Union in the international dimension of the CFP and the fight against IUU activities
- Support the European Commission, the European Parliament and the Member States in the proceedings of the expert group on compliance
- Provide training activities and training material in support of the effective and uniform application of the CFP based on the Core Curricula which will be kept updated.

EFCA also reported on the new cooperation with FRONTEX for an improved EU Coastguard function and announced the specific dedicated workshop that will take place in Lisbon next April with MS administrations, as well as the call for expert launched in July this year, and the final report of the pilot projects.

The AC asked about the increase of budget, and EFCA detailed all the areas that will be reinforced in the following years due to this new tasks.

### **4. Rotation of the Advisory Board representative in the EFCA Administrative Board**

The EFCA presented the yearly rotation system agreed by the Advisory Council representatives. From 2 March 2016 until 1 March 2017 representative will be the MEDAC, alternate the NWWAC.

### **5. Cooperation with the ACs: discussion**

ED reminded the coordination of the European agencies has scheduled a Forum at the beginning of December dedicated to EU agencies, especially decentralised agencies that share a legal framework, with the presence of the Dutch representative from EFCA Administrative Board. EFCA will transmit the AC the invitation to participate in this event.