



## ADVISORY BOARD MEETING

9 October 2018, Vigo

### CONCLUSIONS

#### Participants

**Advisory Board representatives:** Ms Chloé Pocheau and Mr Francisco Portela Rosa (SWWAC), Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Ms Irene Kingma (NSAC), Mr Alexandre Rodríguez (LDAC), Mr Steve Karnicki (BSAC), Mr Guus Pastor (MAC), and Ms Purificación del Carmen Fernández Alvarez (NWWAC).

**European Fisheries Control Agency (EFCA):** Mr Pascal Savouret (ED), Mr Mario Lopes dos Santos (HoU 2), Mr Pedro Galache (HoU 3) and Ms Clara E. Fernández (PO).

**Observers:** Mr Stéphane Gatto and Ms Bérengère Lorans (FR), Mr José Carlos Simão and Mr Carlos Ferrreira (PT), and Mr Reinhard Priebe (Chair of the Administrative Board of EFCA).

#### **0. Approval of the Agenda.**

The meeting was opened by the ED welcoming the Advisory Board representatives.

The participants were reminded of the conflict of interest and data protection rules.

The draft agenda was presented by the ED.

The agenda was approved.

#### **1. Introduction and state of play: Advisory Councils (ACs) state of play**

The ED gave the floor to the ACs representatives to present their activity since the last Advisory Board meeting.

The MEDAC representative pointed out the following issues:

- The success of the High-level Conference on sustainable small scale fisheries (SSF) in the Mediterranean and the Black Sea that took place in Malta on 25-26 September. The “Friends of Small Scale Fisheries” Platform was signed by the MEDAC and the Black Sea AC, and the MEDAC received the award as “Best practice for Small-Scale Fisheries

#### **European Fisheries Control Agency**

Email: [efca@efca.europa.eu](mailto:efca@efca.europa.eu) – Tel: +34 986 12 06 10 – Fax: +34 886 12 52 37

Address: Edificio Odriozola, Avenida García Barbón 4, E-36201 Vigo – Spain

Postal Address: EFCA - Apartado de Correos 771 - E-36200 Vigo – Spain

Organisations". The MEDAC organised a side event during the Conference, "Involving artisanal fisheries in participatory approaches and decision-making processes". During the event the role of the 8 EU Mediterranean MS fisheries organisations was presented.

- On the draft Multiannual plan on the Western Mediterranean, specifically in relation to the exploitation of the demersal stocks, the MEDAC contribution was sent to the European Commission. It focused on the fact that the proposal does not include an ex-ante evaluation of the socio-economic impacts, management measures should be specific for each GSA, taking into consideration fishing activities of extra-EU fleets too operating in the Mediterranean Sea. The most crucial aspect is the ban on 100m depth fisheries, where no scientific basis is mentioned in support to it. The MEDAC representative highlighted that an effort has been made to find a compromise with the NGOs.
- Active involvement in the revision of the Control Regulation, the new EMFF, the proposal on the Technical measures and the European Parliament draft report on the small pelagics in the Adriatic Sea.
- At the request of the High Level Group PESCAMED, the MEDAC has drafted a joint recommendation on discard management plans for species listed in Annex III of the MedReg. The MEDAC representative pointed out that after 4 years of the entry into force of the landing obligation (LO), considering the practical aspects and the costs, it is not feasible to land the undersized fish in any of the 8 Mediterranean MS and therefore another solution needs to be found. In this respect, MEDAC suggested to MS to draft management plans that have to take into account the specific nature of the fleets in question and the socio-economic consequences of the spatial/temporal closure measures, paying particular attention to small-scale fisheries.

The HoU 3 mentioned that EFCA is ready to work with the Member States to start implementing the measures in the MED with the new SCIP/JDP, covering not only the highly migratory species, but also in relation to the LO for the species to be covered from 2019.

The LDAC representative welcomed the Commission proposal to amend the Founding Regulation of EFCA so it could increase its mandate in terms of work to implement MCS aspects on the international dimension of the CFP.

He highlighted the following developments since the last Advisory Board meeting:

- Increased interaction with COMHAFAT and FAO. At the ministerial conference meeting of COMHAFAT held in August 2018, an action plan was formally adopted for the next 3 years to implement a regional observer control programme at sea and a regional harmonised control port scheme, building on existing regional programme initiatives and in line with FAO Port State Measures Agreement. The Tuna Transparency Project developed by the Spanish and French tuna purse seine industry within the LDAC was mentioned as an example of reporting of fishing activities and fine-tuning in terms of data collection, control, physical and electronic monitoring and measuring, including the setting up of cameras on board as "electronic observers". The LDAC representative suggested the possibility to provide support to COMHAFAT in applying for specific actions/tasks through the implementation of the PESCAO project.
- During a bilateral meeting with FAO, the LDAC presented its work in the field of international fisheries governance. Possible synergies and common actions between both organisations were identified, e.g. promotion of ratification by flag states of international conventions and legal instruments maritime safety and decent labour conditions at sea, fight against IUU fishing linked to human rights and labour issues, Blue Forum involving fisheries stakeholders in Blue Growth and, artisanal fisheries in third countries. FAO announced that they will open a consultation articulated on series of dialogues on the social responsibility of the fisheries value chain, to which the LDAC showed its willingness to contribute actively.
- The LDAC has recently joined as partner an EU Horizon 2020 project called FarFish, aiming to improve sustainability and profitability of the European fishing fleet operating outside European waters. There are six case studies (2 in the high seas in the Atlantic (South-West FAO 41 and South East-SEAFO FAO 47)) and another four focusing on EEZ of third

countries, namely Mauritania, Senegal, Cabo Verde and Seychelles). The idea is to analyse the regulatory and management framework of the respective EU sustainable fisheries partnership agreements for each of these countries and to give policy recommendations to the Commission to overcome data gaps, management and institutional bottlenecks and to identify what can be improved in the next generation/modality of agreements.

- At the next LDAC working group 5, the focus will be on the sustainable management of the external fleet regulation, it is on the critical phase of implementation and necessary to discuss how the implementation can be improved.
- The LDAC will host the third series of Joint AC meetings to analyse the Brexit on the functioning, structure and composition of the ACs. This meeting has been scheduled for 4 December 2018 in Madrid. It will focus on how the Brexit will impact the LDAC operations from 30 March 2019 onwards, and the relationship between UK and EU stakeholders and vice versa.

On the Brexit, the ED mentioned that EFCA is cautious and its position will be aligned with that of the Commission.

The ED asked about the level of activity of the LDAC in the Indian Ocean and its position on the use of Fish Aggregating Devices (FADs).

The LDAC representative replied that the limitation on the number of FADs in tropical tuna fisheries would be on the table in the next ICCAT Annual meeting. He pointed out that many NGOs and artisanal fisheries are against the use of FADs due to its harmful effects on other stocks and in the ecosystem (drifting and abandoned FADs). The policy makers and the industry have also acknowledged that there is a need to improve knowledge on the impact of FADs on the ecosystem, developing initiatives on non-entangling FADs and leading towards the use of biodegradable FADs. They are working collaboratively in all these aspects with NGOs.

With reference to the Indian Ocean, it was mentioned that the LDAC has asked the Commission for unveiling a regional strategy. The LDAC representative pointed out the need to increase resources, partnerships and dialogue in the Indian Ocean with countries like the Seychelles or Mauritius.

The NSAC representative summed up the main working areas:

- The Brexit is the main issue on the table. Moreover, the new NSAC location would be soon decided.
- Their position on the SCIP consultation and CCTV cameras has been issued.
- The NSAC is preparing its advice on the revision of the Control Regulation due by mid-November. It will be looking at the control of the LO, the use of CCTV, the level playing field and how this affects the MS, REM, recreational fisheries and how to involve the small scale fisheries on the control system.

The ED mentioned that the Agency supports the REM concept. He highlighted that the level of misrecording and reporting on fishing mortality was still serious and the REM system could be a solution by changing some behavior.

The NSAC representative mentioned the exemption for plaice to the LO in The Netherlands, where there is an agreement with the industry to carry out a trial for a free documentation fishery.

The representative of the PELAC summed up the following actions of the PELAC:

- The LO and the Brexit remain major concerns.
- On the discard plans, their concerns in relation to the demersal catches in pelagic fisheries have been transmitted to the Commission.
- On the situation of the stocks, it seems that 35 stocks are in line with the MSY. However, the fleet decreases and there are quotas that remain not consumed. He called for better control of imports and a fair application of the rules.

Whit reference to ICES assessment, the PELAC industry disagrees with the current assessment of some species, especially mackerel and horse mackerel. New parameters have been implemented in the models. The industry thinks that the parameters need to be reconsidered and a new benchmark is needed.

- Regulation on Technical measures. There is an issue with mackerel in North-Western Waters. The text refers to a mesh size of 16 mm for small pelagic, but also 80 mm for demersal fishing, and therefore a clarification in this respect is needed.
- Other activities:
  - o Genetic project on mackerel evaluating 3 populations and several areas. Also in Africa to compare results.
  - o Recommendation of applications for suspensive quota.
  - o Review of the fisheries control system.
  - o Process of incorporation of new executive secretary.
  - o Meeting and integration in the Council for the Mid-Atlantic (USA).
  - o Preparing the opinion on the EMFF to be sent to the Parliament and the Council.

The ED asked which demersal species were impacting most on the PELAC activity. The PELAC representative referred to the hake. He also pointed out that the fleet has noticed a huge increase of mackerel, and referred to the difficulty of fishing other species due to the mackerel adjacent catches. He indicated a change in the model and called for a reevaluation by ICES.

The HoU 2 mentioned that the increase/decrease on the mackerel stocks would have an impact on the risk level and this would be considered in EFCA activity for the coming year.

The BSAC representative encapsulated the main areas of their activity as follows:

- Despite the pending election of the Executive Committee Chair, the BSAC is working as usual.
- There has been an interesting discussion regarding the Commission consultation paper on the specific control and inspection. There was no consensus. The BSAC opinion has been sent to the Commission and EFCA.
- He reiterated the BSAC position relating to the LO calling on more flexibility for fishermen' empowering them to the most adequate fishing gear, technical measures and alternative fishing practices to comply with the objectives of the LO. The use of REM systems should be based on the high and medium risks assessment criteria.
- On the revision of the Control Regulation, the core proposed areas dealt with by the BSAC are *inter alia*, the vessels tracking system and the level playing field.
- The BSAC is working very closely with Baltfish.
- On the European eel stock, attempts are being made to eliminate IUU fishing in eel, which is the basic problem. Eel needs to be treated with a high degree of urgency by all MS. Control of IUU fishing needs to be prioritised.
- On the recommendation of ICES for fisheries in 2019, the biggest issue is the western area where the ICES proposal is zero TAC for herring in 22-24 areas. There will be a working group focus on these topics as a solution should be found.

Within the new SCIP, the HoU 2 mentioned that EFCA is already advancing on the BS JDP 2019, the introduction of eel will be considered as a new area for EFCA.

The SWWAC representative summed up their main areas of activity:

- The main topic is the LO, there are a lot of worries from the sector on this matter, especially regarding choke species. In this respect, some proposal will be presented in the next AC meeting.
- On the Multiannual work plan for Western Waters, one of the main issues has been the MSY ranges.

- On the Control Regulation and the EMFF presented to the AC by the Commission in early July 2018, the sector has been critical of the drafts. The sector wants simplification; however, they consider that the way it has been simplified goes against good fisheries management.
- On the Southern Bay of Biscay, an agreement with the help of a scientist to better manage the stock is being sought.
- The SWWAC would like to increase communication with EFCA.

The ED stated that EFCA is open to improve current communication and offer to participate in a specific meeting to that aim. He also extended the suggestion to other ACs.

On the LO concerns, the HoU 2 that the demersal fisheries would be covered by the Western waters JDP 2019, allowing EFCA to coordinate a more dedicated action in this respect.

The NWWAC representative highlighted their main areas of work:

- On the LO, the NSAC is working very closely with the MS on the elaboration of a choke mitigation tool to identify species and stocks that affect the main fisheries.
- On the Control Regulation proposal, to prepare the advice a specific meeting is planned on 15 October 2018.
- Brexit and the potential involvement of UK as observer.
- The advice by consensus on the Fishing opportunities for 2019.

The HoU 2 pointed out that in 2019 a JDP operating fully on demersal fisheries will start. The first risk assessment has been done, some potential high-grading of species and other possible illegal discards have been outlined. EFCA is open to dialogue with the industry and a workshop on risk assessment results in North-Western waters has been envisaged.

The MAC representative highlighted the main areas of work:

- The MAC has been active for one year and a half, looking at the effects of fisheries on the market, and how the market can influence the fisheries policy (60% of the market demand is supplied by third countries). Although, there is a market dimension that can be separated from the catching dimension, it has to be taken into account that some companies have vertically integrated systems encompassing catches, processing and market.
- Working with other ACs to avoid duplication of work.
- Looking into producer organisations functioning, as they are instrumental to ensure proper control and organisation of the market in terms of sustainable and well organised fishing.
- On the Control Regulation, they are focused on the traceability rules, identifying challenges regarding the definition of lots and the type of products included, such as processed products e.g. surimi.
- On IUU fishing, external dimension, they look into the marketing standards, analyse the rules in force and look for improvements, e.g. conservation and market sizes to be aligned. On the internal dimension, a small catch can lead to a non-IUU fishing product. Market pressure can potentially combat IUU. Therefore, they are looking for a way to contribute to the wider discussion.
- Working on a paper on the level playing field. The focus is on regulations and control while looking for case studies, both at EU and non-EU level.

The BSAC representative supported that market measures are instrumental to combat IUU fishing, and therefore should be considered.

The MAC representative mentioned that the main retailers' complaint is about losing their market. If the product disappears from the shelves, the fish will go to the black market.

The representative of PT requested if there was any information on the state of play about the sardine in ES and PT.

The SWWAC representative indicated that the sardine looks in good shape for next year and the scientific institutes of ES and PT give good prospects. The SWWAC representative called for a revision of the scientific position.

## **2. EFCA's Annual work programme 2018 implementation**

The ED presented EFCA's Annual work program 2018 implementation. A growing trend of inspections is being seen, e.g. in the North Sea there have been around 11 000 inspections<sup>1</sup>, both at sea and ashore, and 118<sup>1</sup> suspected infringements. In the Black Sea, the first pilot project activity took place in April and a JDP will enter into force in 2019.

The ED highlighted that the regional cooperation with the ACs is very welcomed.

He also informed that EFCA is committed to enhance transparency on contacts with organisations or self-employed individuals. Sometimes EFCA receives requests from different organisations, like local NGOs, and would like the companies to be registered in the transparency register. In this respect, a decision<sup>2</sup> to improve transparency has been adopted.

The LDAC representative referred to the PESCAO project, he mentioned that the ultimate aspiration would be to have one main regional fisheries monitoring centre coordinating operations for the whole Atlantic African Coastal States. On training, the objective would be to get to a mutual recognition of inspections between countries, for which it would be best to have common core curricula on a regional basis recognised by the countries involved. He asked if EFCA had been looking into it.

The HoU 3 explained that, to promote a common understanding, EFCA delivers the same type of training to the different partners. He pointed out that the integration of the Atlantic African countries on the technical measures domain is not so evident, e.g. each country has its own legislation. On recognition of inspections, as a first step, EFCA is working with international teams of inspectors, acceptance of reports is a step further.

The NWWAC representative asked if within the EFCA multipurpose operations, the protection of the environment was also included, e.g. the monitoring of litter and oil inspections in maritime protected areas. She mentioned that last September during the STECF meeting, a scientist was invited to make a presentation about the contamination affecting the dynamic of fisheries. She inquired if, considering the synergies between EFCA and EMSA, there was collaboration with EMSA to monitor those activities affecting the fisheries.

The ED mentioned that EFCA was concerned about the different factors affecting the fisheries. It has not been discussed with EMSA at this stage. He pointed out that the legal basis has to be taken into account; it would require a comprehensive approach to be discussed with the Commission.

## **3. EFCA's draft Programming Document: Multiannual work programme 2019-2020 and Annual work programme 2019**

## **4. The Way Forward: Programming Document 2020-2024**

Due to the timing both agenda items were discussed together.

The ED summed up the main highlights in the PD 2019 and the draft PD 2020:

- The PD 2019 cover a 2-year cycle. It follows the multiannual priorities set up in the previous multiannual programming.

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<sup>1</sup> Data available on 2 October 2018

<sup>2</sup> Decision No 2018/013 of the Executive Director of the European Fisheries Control Agency of 26 June 2018 on the publication of information on meetings with organisations or self-employed individuals.

The PD 2019 takes into account the written comments received from the Commission and the MS. The annual activities:

- Follow the Activity Based Management System set up in 2017.
  - The annual performance indicators for the operational activities have been streamlined.
  - Support the EU in international projects (e.g. PESCAO).
  - Budget: Titles I and II have been adjusted with the latest information related to installation and salary costs.
- The draft PD 2020 covers a 5-year cycle. It has been substantially streamlined in its multiannual and annual sections. The multiannual programming is structured around 6 strategic multiannual objectives and 4 strategic areas. The annual section has been reorganised in line with the strategic multiannual objectives and areas of intervention for 2020-2024, and responds to the comments of the Administrative Board members provided during its meeting on 14 March 2018.

The BSAC representative highlighted the need for new technology and asked for the role of the Agency in this respect and for the budget availability.

The ED explained that EFCA has many ambitions and is looking for the diversification of funding resources, e.g. through projects such as PESCAO. *Inter alia*, he mentioned the work with the Commission on the integration of electronic catch certificates.

In relation to the activities in the Indian Ocean, the ED mentioned that EFCA is looking for additional financial resources to support FAO in the implementation of the Port State Measures agreement, also for combating IUU fishing. He underlined EFCA's interest to be eligible in the new EMFF.

## **5. Rotation of the Advisory Board Representative in the Administrative Board of EFCA**

The rotation system to appoint the Advisory Board representative to the Administrative Board was discussed at the previous Advisory Board meeting in February 2018. On that subject, the ED referred to a letter dated 14 June 2017 addressed to the Advisory Board representative to the Administrative Board (WWAC) at the time. If the Advisory Board wish to change its approach, the proposal would need to be presented to the Administrative Board.

The MEDAC representative summed up that a proposal was made by MEDAC in February 2018. The proposal was distributed to the other ACs. She pointed out that the current system was very democratic, allowing everyone participation, and should include the new ACs. She also mentioned that some new ACs, e.g. Aquaculture AC, have showed concern about the feasibility to represent the catching sector.

The MAC representative mentioned that the rotation still had to be discussed in the MAC.

The LDAC mentioned that the current system was working satisfactorily. He pointed out the possibility for an AC representative to delegate or pass their comments through the appointed representative and mentioned that the new proposal for a rotation would be discussed internally amongst the members of the Executive Committee of the LDAC.

The Chair of the Administrative Board of EFCA mentioned that it could be more efficient to increase the term of the Advisory Board representative in the Administrative Board.

## **6. AOB**

There were no additional comments.