



CONSEIL CONSULTATIF POUR
LES EAUX OCCIDENTALES
SEPTENTRIONALES

NORTH WESTERN
WATERS
ADVISORY COUNCIL

CONSEJO CONSULTIVO PARA
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MINUTES

Focus Group Control, Enforcement and Compliance

Virtual meeting

Thursday 31 October 2024

1. Welcome and introductions

The Chair, Patrick Murphy, welcomed all participants to the meeting. Apologies were received from Sander Meyns, Rederscentrale, in advance of the meeting.

Action points from the last meeting (10 January 2024) included:

1	The Secretariat will raise the questions and issues discussed under item 2 with EFCA via email as preparatory information for discussions at the workshop on 16 January.
	Focus for now on Control Regulation, needs to be followed up at a later stage
2	The Secretariat will collate all questions for DG MARE and share them with members for further input via email by 16 January.

2. Preparation Update on the organisation of the control workshop by the NWWAC Secretariat

Matilde Vallerani provided the background to the organisation of this workshop which was originally proposed by the NWWAC and PelAC. Following communication with the Commission the workshop has been extended to include 9 ACs overall. The event is envisaged as an in-person event in Brussels linked with the Inter-AC Brexit Forum. Currently the proposed date is 05 March depending on Commission availability and room booking in the Borschette Centre. The Secretariat has a call with the Commission on 06 November.

It is proposed that at today's meeting discuss the priorities for discussion at the control workshop.

Mo Mathies provided an update on the logistics for the day and the request from the NSAC to join the session with the PelAC and NWWAC. Participation will be open to all Focus Group Control members.

ACTION: Secretariat to contact NSAC and arrange meeting room for immediate debriefing following control workshop.



3. Review and update of correlation table

John Lynch pointed out a typo in the correlation table in Art. 17 and asked for correction in the comment included from the AC which refers to four hours as minimum requirement for reporting prior to landing. He explained that 4 hours is too much, not too little, for the coastal fleet because they fish less than four hours away and might land back into the harbour for example after two hours.

ACTION: Lynch to provide details via email to the Secretariat.

He commented that in Art. 59 the tolerance has to be accurate at each level starting at the vessel and ending at the facility. He felt it was impossible to guarantee this for every landing, and a tolerance of 10% is not realistic due to handling on board, for example ice removal. He felt that there should only be one point of correction, for example on the vessel as this would be the most accurate. This should be pointed out to the Commission.

The Chair added that once the boat is compliant at landing, it would be difficult at the end of the procedure to follow back if there is a mistake made during the process after the declaration has been done.

Lynch stated that the landing declaration is the last stage of the declaration by the vessel, and if this does not match the weighing at vessel level then there is an issue. Weight can change between catch and landing depending on the condition of the fish, icing etc.

Murphy agreed that the AC should look for flexibility and that once the declaration has been made, that is the compliance of the vessel.

Lynch commented that fishermen are being prosecuted for very small margins, i.e. as soon as they are outside the 10%.

Vallerani suggested to review the list of Articles which had been categorised as high and medium priority. These had been discussed at the joint HWG with the PelAC in March.

Issues highlighted as 'serious concern'

- Article 13 (1) & (2) obligations for REM/CCTV and data access
- Article 14 (2) completion of the fishing logbook
- Article 15 (1) electronic submission of the fishing logbook
- Article 17 (1) advance reporting of logbook volumes
- Article 38 requirement for continuous monitoring of engine power applicable to 'high risk' vessels
- Article 39a (1) continuous monitoring of engine power
- Article 59

Issues highlighted as 'potentially problematic'



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- Article 9 (3) VMS for small-scale vessels
- Article 15b (1) delegated and implementing acts concerning fishing logbook requirements
- Article 24 (1) electronic transmission of landing declaration data
- Article 44 (1) & (4) separate stowage of demersal catches subject to multiannual plans
- Article 55 (1) recreational fisheries
- Article 92 point system for serious infringements

Murphy mentioned that Art. 60 would also be of interest for discussion regarding the information received from first point of sale and the timing of 24 hours.

Lynch stated that the Member States need show flexibility as it can take up to two weeks if product is being exported and weighed in another jurisdiction. It introduces inaccuracies into the system if the legislation was strictly enforced as the first weight would be included to avoid prosecution. Weighing at first point of sales is most accurate as that is what fishermen get paid for.

Murphy added that the logbook system itself is showing up inaccuracies as reported by fishermen especially in mixed fisheries. Enforcement also depends also who is inspecting the vessel. At the meeting in January one of the enforcement agencies had commented that these issue would be addressed in the court room.

Vallerani added that Articles 14-15 would be relevant and that this is a high priority topic as the Commission is planning on implementing a delegated act in 2026.

Franck Le Barzic commented on Art. 17 and that the prior notification extends to all species and not only to MAP species. He felt it could be problematic for example for scallop fishermen.

Vallerani stated that there is a need for clear procedures between Commission and Member States. Clarity is also needed regarding the competent authorities, either Commission or Member States. This could be put forward in the joint session at the beginning of the workshop.

Murphy agreed and stated that this had been put forward previously by members. Control officers from the same agency can have different opinions for example on catch composition and net size. He added that there are additional complications when recording haul-by-haul composition. In addition, the administrative sanctions also need clarification. Should a vessel be prosecuted, it might be exonerated in a court room setting once the requirements under various different regulations, e.g. landing obligation, have been explained. Who has the competency, and will there be a level playing field regarding interpretation of the regulation across the Member States?" MISSED "Who comes in to adjudicate then? What does the industry do? What do the control agencies do?"

Mathies added that EFCA expressed a strong interest in participation in this workshop.

Murphy commented that it would be important that EFCA would not take over the meeting for a lengthy presentation but that the topics identified by the ACs would be discussed as a priority.



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Arthur Yon stated that he felt that there was an issue regarding REM, for example the number of cameras and placement on board, or even the type of camera. He added that there was no information on the quality and transmission of data and that data collected would need an enormous amount of storage. Transmission to third countries would be very costly either via satellites or via hard drive.

Murphy agreed that there was an issue also regarding GDPR and there was no clarity regarding the legislation that covers this. He added that if there was incriminating evidence that is owned by the vessel, would the vessel have to provide the data and incriminate itself or would it be entitled to withhold the data. REM should not be used as a control vessel. MISSED The risk assessment was not evidence based

Yon added a point on the eVMS app for small-scale vessels that has been developed in France (<https://fisheries.groupcls.com/product/nemo-vms-for-small-scale-fishers/>).

Vallerani commented that costs and alternatives for VMS especially for small-scale vessels had been identified previously.

Enda Conneely commented that more problems are being created with VMS systems for small-scale fishermen especially for coverage. "If there is an error somewhere it will also be the fishermen that will be prosecuted." He felt that a lot of inaccuracies can happen during the process. While the App in itself sounds good, it may not be practical in reality.

Lynch felt that it was part of the regulation that the Member States would have to approach the Commission on a joint approach regarding VMS which would mean that at least the same system would be used by all Member States. However, costs should be borne by the regulator not the fishermen.

Murphy reiterated that this was about identifying ownership of duties between Commission and member States and level playing field between the Member States so that all Member States deal with issues the same way. "Whose competency is it to regulate the regulation?" He added that EMFAF funding is made available to the control agencies, and this should be used to support vessels in the implementation.

Lynch stated that all costs for transmission equipment are borne by the vessels as well as maintenance costs. Grant aid has been available in the past but there is no clarity about future arrangements.

Vallerani felt that ownership and competency also apply to the Advisory Councils who need clarity on who they need to address on which issues.

Murphy wondered what this new technology would mean for the industry as there does not see a reduction of other control measures if the new measures are improving things. Adding more levels of compliance could lead to more risk of mistakes as well impact the budget needed for compliance. "Will additional resource be put in place?"



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Philippe stated that every new regulation needs to be appropriately resourced. She stated that under EMFAF possibilities exist for funding for REM, but the AC could ask for appropriate funding to be made available for the next round of funding from 2027. She felt that implementation would be carried out by each Member State with EFCA harmonising the work of the national control agencies. What she felt is less clear is who is taking care of the delegated act.

Mathies added that addressing the financial aspects and the need for specific funding made available both for the implementation of the control regulation but also for the ACs overall is vital to ensure that from 2027 resources are still available.

Murphy agreed that the Member States are the competent authorities for implementation, but the question is who can be addressed if the system is not working as intended and that the system remains fit for purpose.

Issues identified NWWAC – Summary

- Who is taking ownership of what? Need to define competencies
- REM:
 - Definition of 'high risk' vessels
 - Technical specificities & equipment maintenance – costs?
 - Use of data and transmission of data
 - Control for vessels outside the scope of obligatory CCTV
 - EU vs third countries
- VMS for small-scale vessels – costs and alternatives – errors within transmission systems vs fishers responsibility – joint MS system to be proposed
- Completion and submission of electronic logbook
- Weighing procedures
- Monitoring of engine power – clarification on costs and technical specificities
- Need for harmonisation between MS in their control and enforcement activities point system and sanctions
- Impact on CFP resources? Additional resources needed – EMFAF funding? Ask for next funding term

Conneely felt that the regulation is geared towards large operators and would negatively affect small operators and felt this should be addressed.

Philippe stated that Art.22 of the EMFAF regulation identifies what can be funded in relation to the control regulation.

Murphy added that this is not harmonised between Member States and needs addressing.



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ACTION: Secretariat to circulate complete list to members for additional feedback and also share with PelAC and NSAC

Pauline Stephan asked if CNPMEM could send Louis Montperrus to the workshop since he is their expert on this topic.

The Secretariat explained that only one representative will be reimbursed per AC so CNPMEM can send one representative per AC that they are a member of. In addition, Montperrus can be added as a member to this FG if identified as competent presentative by CNPMEM.

ACTION: Members to review the correlation table and submit any additional items to the Secretariat.

4. Action points & closing of the meeting

1	Secretariat to contact NSAC and arrange meeting room for immediate debriefing following control workshop.
2	Lynch to provide details via email to the Secretariat.
3	Secretariat to circulate complete list to members for additional feedback and also share with PelAC and NSAC
4	Members to review the correlation table and submit any additional items to the Secretariat.

5. Participants list

Name	Organisation
Enda Conneely	Irish Islands Marine Resource Organisation
Franck Le Barzic	Cobrenord
John Lynch	IS&EFPO
Pauline Stephan	CNPMEM
Louis Montperrus	CNPMEM
Patrick Murphy	IS&WFPO
Alexandra Philippe	EBCD
Irene Prieto	ARVI
Matilde Vallerani	NWWAC Secretariat
Arthur Yon	FROM Nord