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Location: West-Indisch Huis, Amsterdam, NL (Herenmarkt 99, Tel: +31 20 625 7528)  
Date: 3 July 2013  
Start time: 9:00  
End time: 15:00  
More info: see [www.pelagic-rac.org](http://www.pelagic-rac.org)

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### **Participants**

Christian Olesen (chair), Sean O'Donoghue (chair), Alan McCulla, Alex Wiseman, Anne Mette Baek Jespersen, Angus Cragg, Aukje Coers, Bent Pallisgaard, Björn Åsgård, Brian Isbister, Christine Absil, Claus Reedtz Sparrevohn, Colm Ó Súilleabháin, Dominic Rihan, Eibhlin O'Sullivan, Eric Roeleveld, Esben Sverdrup, Francis O'Donnell, Frank Minck, Frederik Schutyser, Fredrik Lindberg, Gavin Power, Gerard van Balsfoort, Henk Offringa, Ian Gatt, Iain MacSween, Ignacio Fontaneda López, Jean-Marie Robert, Jerome Nouis, Jesper Juul Larsen, John Ward, Jose Beltran, Jürgen Weis, Lotte Worsøe Clausen, Matthieu Reunavot, Maurice Clarke, Miguel Nuevo, Nico Bogaard, Nils Christian Jensen, Paul McCarthy, Reine J. Johansson, Rob Banning, Sarunas Zableckis, Simon Collins, Verena Ohms

### **(1) Opening of the meeting by the chairmen, Christian Olesen and Sean O'Donoghue**

The chairmen opened the meeting at 9.07 hrs and said that it was unusual to have a 3 day meeting. However, this was the most cost effective way of organizing the additional discard meeting. Afterwards participants got the opportunity to introduce themselves.

### **(2) Approval of the agenda**

The agenda was approved without amendments. Sean O'Donoghue explained that the meeting would be divided into three sections. In the first section Dominic Rihan would provide a presentation on the latest developments of the CFP, particularly article 15 dealing with discards. In the second section Christian Olesen would lead the discussion on causes for discards for which members have had the opportunity to submit information in advance of the meeting. The final section would look at developing a discard atlas. There are many gaps to be filled and it will be necessary to decide which people take over which tasks and produce an action list at the end of the meeting.

### **(3) Presentation on the current status of the CFP reform (Dominic Rihan, DG MARE)**

Dominic Rihan said that he would try to outline what has actually been agreed, but also warned the meeting that the Commission still had a lot of questions which needed to be answered. He explained that the scope of the discard ban has not changed and that there are still exemptions for species with high survival rate and prohibited species like sharks and rays. Where Member States agree the discard ban can also be extended to other species not covered by TACs. International obligations cannot be enforced internationally unless all third countries involved agree. He also informed everybody that 2014 was decided

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to be an unrealistic date for having the discard ban come into force and therefore it was agreed to postpone the entry date for pelagic, industrial and Baltic salmon fisheries to January 2015. He further explained that the preferred way of establishing discard measures would be through multiannual plans by including exemptions, a de minimis, minimum conservation reference sizes and control measures. However, due to the deadlock between the Council and the Parliament it was agreed to realize these measures in a temporary 3 year discard plan, which basically is a multiannual plan in disguise. In general there will be a 5% de minimis with a 4 year transitional period. During the first 2 years the de minimis will be 7% and in the second 2 years it will be 5%. At the same time the discard plan will only be valid for 3 years and hence it remains unclear how to realize a 4 year transitional de minimis rule in a 3 year plan. De minimis catches will not add up to the quota, but have to be fully recorded. The implementation will be done under regionalization with relevant Member States involved that will subsequently consult the ACs. Ultimately Member States and ACs come up with an agreed plan while the Commission facilitates the process and in the end puts the plan in place in a Commission delegated act. Dominic Rihan emphasized that it will be up to the ACs and Member States to develop these discard plans and he encouraged the Pelagic RAC to think about how to do this for widely distributed stocks in which third countries are involved. Two quota flexibility mechanisms will exist under the discard ban: 10% banking and borrowing and a 9% inter-species flexibility. The inter-species flexibility will be introduced to handle choke species. However, 9% can be quite a lot for stocks with high quota and be only applied when stocks are in safe biological conditions. Minimum conservation reference sizes in non-human consumption fisheries should be set in the plans as well, but might also be introduced in the technical conservation regulation as a standard. In terms of control measures the text is kept rather general and talks about detailed and accurate observation of all fishing trips by CCTV, observers etc. Fishing opportunities will have to be set taking into account regulating catches rather than landings. Member States shall also be allowed to submit proposals to review quota where scientific advice indicates that fishing opportunities do not realistically reflect the condition of a stock. He finished his presentation by pointing out that the process started by the Pelagic RAC regarding the discard ban is very much welcomed by the Commission and that RACs will be given the opportunity to suggest discard pilot projects to Member States.

Sean O'Donoghue thanked Dominic Rihan for his presentation and invited questions.

Ian Gatt remarked that EU vessels fishing in third countries, e.g. Norway, are bound to the regulations of these countries. He wanted to know whether the same will apply to third country vessels in the EU, i.e. will the EU discard ban also apply to Norwegian and other third country vessels fishing in EU waters which would only be fair.

Dominic Rihan replied that the EU and Norway have a set of regulations which is actually not legally binding. In the Skagerrak for example the EU and Norway agree on some aspects of the discard ban, but not on control issues and in the end the EU did one thing and Norway another. He said that it will be up to Norway to agree with EU measures and that it will probably not be possible to make the discard ban legally binding to Norwegian vessels. The Commission is aware of this issue and will discuss this further.

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Gerard van Balsfoort did not understand why it should be difficult to have the EU discard ban also apply to third country vessels fishing in EU waters. He pointed out that European vessels fishing in Norway have to stick to Norwegian legislation and it should be quite easy to have a regulation which works the other way around.

However, Dominic Rihan worried that Norway will never agree to certain issues, e.g. de minimis. Discussions with Norway will start this year to see where Norway stands.

Sean O'Donoghue understood that generally EU law is very clear in terms of third countries and that EU rules apply to all vessels fishing in EU waters. He said that there might be controversy in terms of implementation, but not regarding the general regulation. Since this was a huge issue for European fisheries he asked Dominic Rihan to clarify this question with his colleagues in DG MARE.

Dominic Rihan replied that the general rules indeed apply to Norway, but that there are certain elements, e.g. in the Skagerrak where the EU and Norway do not agree. Hence, specific implementation might differ. He also expected managing shared stocks to play out very difficult.

Sean O'Donoghue concluded that the issue is thus about implementation, not legality.

Christian Olesen wanted to know what the 5% in the de minimis rule refers to and how the calculation will be done. Furthermore he wondered whether the 10% year to year flexibility entails both banking and borrowing and finally he asked whether the 9% in the inter-species flexibility referred to the donor species, the quota species or the bycatch.

Dominic Rihan was not sure regarding the 5% in the de minimis rule. In terms of 10% inter annual flexibility he thought that it applied to both banking and borrowing, but promised to check with his colleagues. The 9% inter-species flexibility refers to the target species, but that is very difficult to define in a multispecies fishery. The idea is to transfer 9% of the target species to the donor species.

Iain MacSween said that the actual text relating to the 5% de minimis rule does not say 5%, but up to 5% which therefore could mean anything between 0 and 5%. Depending on who one talks to in the Commission different answers are given. At a recent North Sea RAC meeting it was explained that the 5% de minimis rule was not a 5% tolerance in general. He therefore urged the Commission to be very clear in the future and to provide exact information.

Dominic Rihan admitted that the de minimis can be up to 5% and does not amount to 5% automatically. There are conditions which need to be met, e.g. selectivity cannot be increased, in order to get a de minimis. However, he did not know how it would be decided whether the de minimis should be 4 or 5% as the entire rule was very low on details.

Sean O'Donoghue thought that there is a lot of room for interpretation in the text and he was sure that each Member State will come up with its own interpretation.

Eibhlin O'Sullivan wanted to know how flexibility would be handled in cases where no analytical assessments are available. She also pointed out that it is not possible to have

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a 10% interannual flexibility for most stocks and at the same time remain within safe biological limits as most stocks are fished at Fmsy. Therefore, applying a 10% annual flexibility could straightaway overshoot safe biological limits.

Dominic Rihan understood that the 10% interannual flexibility will apply independent of stock assessments. However, he could not answer the question regarding safe biological limits because the definition of safe biological limits is very unclear and therefore not useful.

Ian Gatt referred to the previous meeting when the Pelagic RAC strongly indicated to the Commission that control has to be harmonized between Member States. He wondered whether the Commission has done anything with this comment and whether Member States started discussing how to create a level playing field.

Dominic Rihan replied that it will be up to parties developing discard plans to ensure a level playing field, i.e. relevant Member States and ACs. The Commission will only facilitate the process. If a level playing field is not created within a discard plan, the Commission will not be able to support such a plan.

Miguel Nuevo explained that the discard ban was a new challenge for EFCA and that his agency is closely working together with Member States on the implementation of the regulation. He said that many things have to be clarified before a control plan can be put in place, but work is progressing.

Gerard van Balsfoort uttered concern regarding the indistinctness of the regulation which gives too much room for interpretation. He could not imagine that all parties would accept interpretation by the Commission and therefore was worried that the Parliament will immediately ask for new trilogues once the Commission comes up with an interpretation of something. Sean O'Donoghue had the same question and pointed out that there were no provisions in the CFP on how to have new trilogues.

Dominic Rihan said that it would be very unusual to have trilogues again. Currently the Commission is still in a reflection phase and trying to get a clearer understanding of what things mean. There will probably be a series of workshops in the autumn to discuss this further. There has been some informal contact with the key Member States of some areas and the message there was to start developing discard plans which at least will provide a better picture of possible problems and vessels involved. The Commission, however, does not have a clear strategy yet.

Sean O'Donoghue pointed out that in the future ICES will provide advice on catches, not landings and he wondered how the Commission will take this into account when setting TACs.

Dominic Rihan explained that no decision has been taken yet, but that there will be a meeting with ICES shortly to discuss how to set TACs in the future under the discard ban. For many stocks ICES already does provide catch forecasts. However, for stocks with incomplete or lacking discard data this is problematic. He hoped to have a definite answer before the end of the year.

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Sean O'Donoghue found it illogical to realign the current technical measures which are not fit for purpose to the discard ban which is also not fit for purpose.

Dominic Rihan fully agreed and explained that the background for the so-called omnibus was the 2014 deadline which put the Commission under lots of pressure. It is possible that Council and Parliament will not consider the omnibus to be a good proposal and then the Commission will have to come up with something else, probably around June or July next year.

Sean O'Donoghue expressed his worries that there will be no agreement between Council and Parliament on long-term management plans anytime soon. He also doubted that Member States will agree on discard plans and then he considered it necessary to have a plan C. He was very concerned that in the end there will be a 0 discard plan, because the Commission might not be able to come up with a regulation in time.

Dominic Rihan said that a delegated act can be done rather quickly. The main point for the Pelagic RAC will be to look at the practicality etc. of a discard plan and deliver well documented arguments in time. The more time the Commission has, the easier it will be to implement a plan. He agreed that the issue of long-term management plans will probably take a very long time to solve. However, he also noticed that Member States are very keen on collaborating and therefore he was hopeful regarding discard plans.

Sean O'Donoghue wanted to know what the fall-back position will be if a discard plan is not adopted in 2015 and Dominic Rihan thought that this would probably imply 0 discards. Sean O'Donoghue warned the Pelagic RAC to be very cautious about this and also suggested submitting all the questions raised today in writing to the Commission and hopefully receive clear answers before the October meeting.

Dominic Rihan encouraged the Pelagic RAC to do so and said that the Commission will meet with ICES shortly and with STECF in September. Therefore it should certainly be possible to provide definite answers during the October meeting. Nevertheless he also pointed out that some things might remain unclear for a long time.

#### **(4) Causes for discards and possible solutions**

Christian Olesen explained that the first step to develop discard plans is to identify reasons for discarding. Therefore a document had been circulated before the meeting asking Pelagic RAC members to provide all reasons for discarding they could think of which resulted in a list with reasons including high grading, excess catch, early catch, minimum landing size, adulteration, mixed catch and broken fish. Christian Olesen thought that this list was probably not complete yet and asked meeting attendants to fill the list right here and now. In case people think of more examples later he encouraged them submitting those in writing.

Ian Gatt referred back to the situation he described at the last discard meeting. When in early September mackerel returns from the Norwegian Sea into Scottish waters

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there is a clear division between juveniles which aggregate west of 4° in area VIa and adults which aggregate around the Shetland Islands in area IVa. At the end of December and into January the adult fish join the juveniles in area VIa and form huge shoals of mixed mackerel. Only later in January when migration is well underway and the fish are at St. Kilda and to the West of Scotland it happens that the shoals break up again, because adult mackerel migrate faster into the South. Due to current regulation this creates a problem for the UK and Irish fleet as well as the PFA fleet. The current regulation says that only 40% of the quota may be caught in the North Sea (area IVa) and fishermen do that between October and November when the shoals in this area only consist of adult fish. However, this results in a race to fish, because 60% of the quota has to be caught in a very short time window in January in area VIa before the fish migrates into the Bay of Biscay and at that time shoals are mixed which leads to mixed catches of adults and juveniles. This in turn leads to discarding of mackerel as witnessed by whitefish vessels hauling up dead mackerel on the fishing grounds. Removing the regulation that only 40% of the quota may be fished in area IVa would therefore immediately eliminate the discard problem and Ian Gatt hence suggested that the Commission should terminate this regulation.

Christian Olesen wondered whether this problem is not already covered under the point of adulteration where there is no quota available.

However, Ian Gatt disagreed since the problem is not due to a lack of quota, but due to the fact that 60% of it has to be caught in an area where juvenile and adult fish form mixed shoals.

Christine Absil thought that this might fall under the point of minimum landing size. Regarding boarfish she also remembered people saying that boarfish can damage other fish that fishermen target. She wanted to know whether this was covered under broken fish. Christian Olesen suggested including it as separate point on the list.

Claus Reedtz Sparrevohn mentioned that fish has to be discarded when there are hazardous substances in the catch like oil and paint which cannot be pumped on-board. In cases where prohibited species must be released, like sharks, it might be necessary to let go of the entire catch as it might be impossible to only release a single shark. Also, sometimes pumping equipment gets blocked by fish which then has to be discarded, even though these amounts are very small.

Alex Wiseman wanted to know what happens if a vessel targets horse mackerel, but the catch is mixed with mackerel for which no quota is left.

Christian Olesen responded that this would probably fall under adulteration, but the comment was noted anyway. He then invited participants to submit any other examples in writing before the 1<sup>st</sup> of August 2013.

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### **(5) Developing a discard atlas per stock**

Before moving to the next agenda point Sean O'Donoghue announced that John Molloy has passed away and he asked Maurice Clarke to say a few words about him.

Maurice Clarke thanked Sean O'Donoghue for the nice thought and told the attendants that John Molloy was present at the very first meeting of the Pelagic RAC where he argued for collaboration between scientists and fishermen. He already urged for this collaboration in the 60ies, but for a long time he was a voice in the wilderness. Today it seems obvious to work together thanks to him inspiring the participatory approach.

Sean O'Donoghue then started with the third part of the meeting by reminding the audience that at the last meeting in April 7 key issues had been identified. This section of the meeting would concentrate on these issues, especially the first ones. Point 1 was to identify different fisheries by area, gear, vessel type and number. This turned out to be more complicated than expected. Data which the Commission has do not accurately reflect the truth and people will have to be chosen today who will be able to provide reliable data. At the last meeting it also turned out that it will not be possible to deal with all stocks at the same time. Therefore, today will only focus on the 6 big stocks first: mackerel, Norwegian spring spawning herring, blue whiting, western horse mackerel, boarfish and North Sea herring. The rest will follow later. Sean O'Donoghue continued explaining that once the fisheries have been identified, different sources of discard data will have to be identified. He hoped that scientists would be able to help with this. The third point will then deal with discard measures already in place and Dominic Rihan has already done a fair amount of work on this. Point 4 will decide which fishery needs to be prioritized and what the potential problems are. Some stocks might not have a discard problem and therefore would not need to be high on the list. He expressed hope to get to point 4 today and to hopefully finalize the last 3 points at the October meeting. At the same time he pointed out that there is a huge amount of work ahead and he was not sure whether the text of the CFP will be helpful at all in sorting out the issues. Furthermore he said that once all 7 points have been dealt with all the information will have to be put together in a discard atlas. For that purpose he foresees a number of focus group meetings for which funding might be a problem. He informed the attendants about the demersal discard atlas developed by the Marine Institute in Ireland which can serve as example for a pelagic discard atlas. Although some of the points in the demersal atlas are not as important when dealing with pelagics, the general idea remains the same and will in the end lead to very detailed maps. The maps in the demersal atlas are based on observer data. Since the Pelagic RAC does not have access to a GIS system he hoped that some scientific institutions might be able to help with this.

- **Northeast Atlantic mackerel**

Sean O'Donoghue asked Dominic Rihan to provide an update on the Commission data regarding vessel type and number which he has submitted to the Secretariat in advance of the current meeting and which was displayed on a screen for everybody to see it.

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Dominic Rihan explained that an easy task turned into a nightmare. He had looked at different internal databases, but trying to link vessels to species and fisheries did not really work. He then looked at STECF economic data which divide metiers per Member State. However, this was not useful either. He then checked the STECF effort data, but again these data define vessels in very general terms by ICES area, which does not make sense in the case of pelagics. He then went back to ICES working group reports and various STECF reports which provide a lot of information. However, he doubted the accuracy of this information. The data he sent to Sean O'Donoghue are from 2011, but Dominic Rihan warned not to trust them too much. At the moment this was the best he could do, but he also pointed out that at the STECF plenary in Copenhagen in the following week it will be discussed whether STECF has a better way of providing the required data. In his view the industry probably has more reliable information collectively.

Sean O'Donoghue understood the difficulty and said that some vessels which were replaced with the same name might have been counted double. He wondered whether Dominic Rihan has looked at the EU fleet register.

Dominic Rihan replied that the EU fleet register is very difficult to use because it has lots of double data.

Sean O'Donoghue said that the numbers for the Irish fleet are definitely incorrect and wanted to know from attendants whether the numbers for the other countries were right.

Several attendants pointed out that the numbers were not correct and a discussion followed on who would be able to update the table for the year 2011 for the various countries.

Esben Sverdrup offered to update the table for Denmark and Gerard van Balsfoort for Germany and The Netherlands.

Sean O'Donoghue suggested setting a time scale for the process with Friday, 12 July as deadline.

Jean-Marie Robert offered to check the figures for the French fleets, but also pointed out that the number of freezers depends on the year. If 2011 was the basis then there were probably only 2 freezers. For dry hold vessels it would depend on what exactly people are looking for and what criteria to use for a target fishery. Some things in France were not that clear.

Dominic Rihan explained that he took the French number of vessels from the WGWIDE report. There are many pelagic vessels in France which catch mackerel. However, how many of those target mackerel remained unclear.

Sean O'Donoghue hence concluded that very much depends on the Pelagic RAC members to provide accurate information.

Dominic Rihan asked how to define a vessel that participates in the Northeast Atlantic mackerel fishery. For RSW and freezers this is very easy, but what about other vessels?

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Christian Olesen suggested doing it in volume and Sean O'Donoghue agreed that this might be a good idea since small vessels which only have a small bycatch should be avoided. However, the question was which volume to use.

Christian Olesen suggested 10 tons, but Dominic Rihan said that that would exclude a lot of the artisanal fleet. However, Sean O'Donoghue hoped that that would not be a problem since these vessels should not have a discard problem.

Jean-Marie Robert wanted to know whether the 10 tons would apply per trip or annual TAC.

Sean O'Donoghue said that it in conformity with the control regulation the threshold of 10 tons should apply per trip. However, Christian Olesen disagreed and wanted to have it apply per year as otherwise no Spanish vessels at all are taken into account.

After a short discussion it was suggested to have one tonnage threshold in western waters and another one in southern waters, but to park this issue for now.

Eibhlin O'Sullivan and Francis O'Donnell agreed to provide data for the Irish fleet while Ian Gatt announced that the number for the UK is correct.

The next gear type to be dealt with was purse-seine. Esben Sverdrup agreed to provide data for the Danish fleet. Ian Gatt said that 2 purse-seine vessels have to be included for the UK.

Dominic Rihan remarked that a lot of purse-seine vessels are purse-seine trawlers and there could be double counting.

Sean O'Donoghue replied that the industry will have to take this into account when providing data.

Reine Johansson agreed to complete the numbers for Sweden for purse-seine vessels and trawlers.

The next gear type included long-line, gillnets and driftnets. Eibhlin O'Sullivan and Francis O'Donnell were willing to look up the data for Ireland, Angus Cragg for the UK, Bent Pallisgaard for Denmark and Jean-Marie Robert for France.

The discussion then moved on to the southern areas where in terms of purse-seine Spain and Portugal fish for mackerel.

José Beltran offered to update the information. He said that there are much fewer vessels than in the Commission table. He also added that the fisheries are completely different with explosive growth and fishing mainly in February and March and very little fishing during the rest of the year.

Sean O'Donoghue said that it would indeed be very useful to include information on months of fishing activity.

Dominic Rihan promised to follow up on this with the Portuguese administration.

Jean-Marie Robert thought that there was no real French fishing activity in southern waters, but will check this.

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Sean O'Donoghue went back to the tonnage issue and wanted to decide on a threshold.

Christian Olesen proposed leaving this to José Beltran for the southern area and stick to 10 tons in the northern area. He also asked people providing information for the North to narrow down the fishery area. Sean O'Donoghue agreed that any additional information would be useful and he hoped to include relevant fishing areas in the discard atlas.

Jose Beltran said that the number of Spanish vessels differs from year to year. There are approximately 250 purse-seine vessels, around 90-96 trawlers and 619-620 hand-liners. He promised to provide more concrete numbers in writing.

Sean O'Donoghue wanted to know from Maurice Clarke how the ICES working groups get the fleet details and whether it is based on people's own knowledge.

Maurice Clarke replied that he did not know and also that he thought that ICES usually does not separate purse-seine vessels from pelagic trawlers.

Sean O'Donoghue then moved on to existing discard data from STECF and asked the scientists what these data mean and how relevant they are.

Maurice Clarke explained that he was not so much involved in STECF, but that the discards compared to landings were very small. He thought that the information came from the ICES working groups and had just been repacked by STECF. Pelagic trawl data are from observer trips, but he doubted the correctness of these numbers and suspected that they might be minimum estimates.

Christian Olesen thought that discards which seemed to be between 10 and 15 % appeared quite high to him.

Maurice Clarke elaborated that the numbers themselves are not small, but based on only a few observer trips which are usually poorly estimated and therefore probably represent minimum estimates.

Aukje Coers pointed out that there are two processes in IMARES to deliver numbers to ICES and STECF. These numbers come from Member States directly, but based on the underlying questions the estimates can differ. She furthermore noticed that STECF processes the data in specific ways and if Member States do not provide data, STECF extrapolates the numbers using information from other countries. Therefore she would be very cautious with using STECF data.

Sean O'Donoghue emphasized that the reason to show the STECF data was just to get the discussion going and not to use these data. He urged the Commission to sit down with ICES and STECF and figure out these issues.

Dominic Rihan explained that the Commission has already realized that different data sets are handled in different ways and that plans are made to discuss this with ICES and STECF. Until now these data have never been really used, but now they are becoming important and even STECF doubts its own numbers.

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Sean O'Donoghue wanted to know how all these problems can be tackled and whether there will be a review of the STECF/ICES data and how they can be harmonized.

Dominic Rihan was not sure about this and said that often data are used for different purposes. Moreover, in many cases one person comes up with a table and only that one person knows what it means. This will have to be solved.

Sean O'Donoghue moved on to the discard measures already in place and Dominic Rihan said that this was work in progress. He promised to submit something in the following week. Sean O'Donoghue said that identifying problem areas and types of discarding is also work in progress and that the next point, namely how to address problems and solution, will be dealt with at the next meeting. He wanted to prepare a draft text in this regard before the next meeting. He was still worried about the discard data and wondered whether ICES could provide help.

Maurice Clarke said that the ICES advice might be useful to consult, but also that there used to be a fish technology group of which Dominic Rihan was the chair. This group might give some qualitative insights.

Dominic Rihan promised to have a look at that.

- **Norwegian spring spawning herring**

It was decided to move this stock to the second list of stocks instead of keeping it a priority, because ICES advised that discarding is negligible for this stock.

- **Blue whiting**

Sean O'Donoghue wondered whether next to the EU fleet the other fleets should be included in the considerations too.

However, Esben Sverdrup pointed out that in this case it would also be necessary to go back to Norwegian spring spawning herring since there is huge discarding in non EU fleets.

Christian Olesen suggested starting off with EU fleets only, especially as non EU fleets in EU waters will encounter the same problems as the EU fleet.

It was agreed that the same people mentioned under mackerel will provide information on fishing vessels for blue whiting. Furthermore, Rob Banning pointed out that the Dutch fleet fishes with 32-54 mm mesh size category and that therefore people would have to check all columns in the table, not only number of vessels.

Jerome Nouis explained that for France a lot depends on the level of quota, but there are between 1-4 freezers. He also mentioned that one of the 4 vessels is a fileting

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vessel and depending on the weather conditions some fish can be damaged. In some years this might be over 7%.

In terms of discard data Maurice Clarke said that there was very little or no information. In general people assume that it must be very low at least in some countries. At the same time there are reports about burst bags.

It was decided to make blue whiting a second priority.

- **Western horse mackerel**

Sean O'Donoghue appointed the same people to provide data for the mackerel stock to also provide data for this stock. He pointed out that this is a very complex stock where everything depends on stakeholder information.

Dominic Rihan explained that he really struggled with this stock and that even the ICES working group does not have any numbers.

Sean O'Donoghue remembered that there were numbers in the Commission report from 2007 relating to the horse mackerel management plan and wondered how useful these were.

Dominic Rihan replied that these numbers are from years ago and he did not know in how far they were still relevant.

Maurice Clarke thought that there might be some minimum discard estimates hidden in the ICES system. He knew that there was discarding in the directed, but also mixed fishery. However, there was no information at all from the mixed fisheries.

Sean O'Donoghue therefore concluded that this stock had to remain a top priority and asked for suggestions how to handle it.

Maurice Clarke said that there might be some working documents from IMARES and maybe also from Germany. He proposed taking a risk based approach by identifying the likelihood of where something could happen.

Christian Olesen wondered whether people were missing out on bycatches in different fisheries. He wanted to address the bycatch problem at the next "tour de stocks".

According to Maurice Clarke there is already a solution for this problem in horse mackerel, namely the mixed quota.

Sean O'Donoghue wanted to know how this will fit with the 9% inter-species flexibility if there is also a 5% de minimis. Would the 5% be subtracted from the 9%? Dominic Rihan had to admit that he did not know the answer.

Finally Sean O'Donoghue asked whether ICES could help with the risk analysis and Maurice Clarke thought that that should be possible. Provided that there is expertise from all countries it might be done at the upcoming ICES-STEFC-Commission meeting.

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- **Boarfish**

According to Sean O'Donoghue the numbers for boarfish were correct. However, Eibhlin O'Sullivan noted that the year should be changed to 2012 for this stock.

Christian Olesen pointed out that the year should be changed for blue whiting too since there was a very small quota only in 2011.

Eibhlin O'Sullivan agreed as the idea is to get a baseline. 2011 is probably good for most stocks, but not for blue whiting and boarfish.

Aukje Coers suggested to also take into account which years ICES uses and Sean O'Donoghue suggested changing the baseline to 2012 in general.

In terms of discards Maurice Clarke explained that there are only data from the demersal fleet, where discards are very low, but no information is available on the pelagic fleet. The main things were burst nets or not enough space on the vessel.

It was concluded to keep this stock on the first priority list since there seems to be a problem in the mixed fishery, though not in the directed fishery. The only discard measure so far is the proposed closure.

- **North Sea herring**

Christian Olesen explained that the 16 mm fishery is an industrial fishery for sprat, sandeel and Norway pout and therefore belongs to the North Sea RAC. He suggested leaving this to the North Sea RAC.

However, Christine Absil said that the North Sea RAC was not as far in the process as the Pelagic RAC and therefore wanted to keep this fishery on the list.

Christian Olesen disagreed since this was not a herring fishery, i.e. there is no herring quota in this fishery and hence it belongs into a different category.

Sean O'Donoghue proposed taking it off this list, but dealing with it under problems and solutions and Christian Olesen agreed to that.

Christine Absil also promised to table this issue with the North Sea RAC at its next meeting.

Lotte Worsøe Clausen informed the meeting that there are some discard data available from the Netherlands and Scotland, but nothing from Denmark and Germany.

Sean O'Donoghue asked whether there is a noteworthy discard problem and whether the stock should therefore stay on the first priority list, but according to Lotte Worsøe Clausen that problem is minor.

However, Christian Olesen said that there was some discarding in the mixed herring/mackerel fishery and that the stock should stay on the first priority list.

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Christine Absil said that it will be up to the industry to assess whether there is a discard/high-grading issue. Not much is known to observers and it is the industry's responsibility to come forward with any information.

Gerard van Balsfoort said that he has looked through the official discard data from IMARES and these are in the order of 1-2%. He furthermore pointed out that there was a recent accusation of high-grading in the German fleet. However, high-grading can only be economically interesting when the stock is small, but has lots of recruits. In a stock which has built up over many years and where recruitment is low, high-grading would not make any sense.

Sean O'Donoghue concluded that the industry will decide about the priority of this stock shortly. He summarized that 6 stocks have been covered during this meeting. 3 of which are top priority, 2 which are on the second priority list and one with a question mark. He saw a huge amount of work ahead and asked people to work on the action items as soon as possible so that sufficient progress will be made before the October meeting.

### **(6) Action items**

The action points had already been determined during the meeting. Another discard meeting will have to be organized and shall be decided upon shortly.

### **(7) AOB**

There was no other business.

### **(8) End of meeting**

Sean O'Donoghue closed the meeting at 13.00 hrs and announced that the next Working Group I and II meeting will be on the 3<sup>rd</sup> of October followed by the Executive Committee meeting on the 4<sup>th</sup> of October. This time the meetings will take place at the Parkhotel in The Hague. He also reminded especially Member State representatives to sign up on time in order to allow proper preparation of the meetings. He wished everybody safe travels home.

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### **Annex I: action items**

#### **General**

- 1) Ask for clarity regarding the application and implementation of EU regulations in EU waters for Norwegian and other third country vessels (*Dominic Rihan*)
- 2) Check whether 10% inter annual flexibility refers to both banking and borrowing (*Dominic Rihan*)
- 3) Request clarity on several aspects of articles 14, 15 and 16 of the new CFP in writing reflecting the numerous questions asked during the meeting. (*Sean O'Donoghue, Christian Olesen, Verena Ohms*) ✓
- 4) Explore possibilities of developing a discard atlas using GIS in collaboration with scientific institutes (*Maurice Clarke*)
- 5) Additional causes of discarding to add to existing list (*all members, deadline: 1 August*) ✓
- 6) Draft document of seven key issues for priority one stocks (mackerel, western horse mackerel and boarfish) for next meeting (*Christian Olesen, Sean O'Donoghue and Verena Ohms*)
- 7) Decide North Sea herring priority one or two (*end of July 2013, Christian Olesen, Gerard van Balsfoort and Ian Gatt; if priority one include under specific items*)
- 8) Decide on veracity, usefulness and any necessary modifications of the different discards data bases used by ICES, STECF and other for next meeting (*Dominic Rihan*)
- 9) Draft initial template for all stocks not covered under priority one for next meeting (*Christian Olesen, Sean O'Donoghue and Verena Ohms*)
- 10) Table 16 mm fishery under North Sea herring with North Sea RAC since this is not a herring fishery, but an industrial fishery for sprat, sandeel and Norway pout (*Christine Absil*)
- 11) Decide on date for next meeting and inform members as soon as possible (*Management Team*) ✓

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### Specific

#### Northeast Atlantic mackerel

- 1) Updating/correcting numbers and types of vessels as well as mesh size for trawlers and purse-seiners in 2012 including months of fishing activity (*deadline 12 July 2013*):
  - Denmark: *Esben Sverdrup* ✓
  - Netherlands: *Gerard van Balsfoort* ✓
  - Germany: *Gerard van Balsfoort* ✓
  - Spain: *Jose Beltran* ✓
  - Portugal: *Domnic Rihan* ✓
  - France: *Jean-Marie Robert* ✓
  - UK: *Ian Gatt* ✓
  - Ireland: *Eibhlin O'Sullivan and Francis O'Donnell* ✓
  - Sweden: *Reine Johansson*
  
- 2) Updating/correcting numbers and types of vessels as well as mesh size for hand lines, driftnets etc. in 2012 including months of fishing activity (*deadline 12 July 2013*):
  - Denmark: *Bent Pallisgaard* ✓
  - Netherlands: *Gerard van Balsfoort* ✓
  - Germany: *Gerard van Balsfoort* ✓
  - Spain: *Jose Beltran* ✓
  - Portugal: *Dominic Rihan* ✓
  - France: *Jean-Marie Robert* ✓
  - UK: *Angus Cragg*
  - Ireland: *Eibhlin O'Sullivan and Francis O'Donnell* ✓
  - Sweden: *Reine Johansson*

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- 3) Request qualitative information on discards from ICES fish technology working group (*Dominic Rihan*)

### Western horse mackerel

- 1) Updating/correcting numbers and types of vessels as well as mesh size for trawlers and purse-seiners in 2012 including months of fishing activity (*deadline 12 July 2013*):
  - Denmark: *Esben Sverdrup* ✓
  - Netherlands: *Gerard van Balsfoort* ✓
  - Germany: *Gerard van Balsfoort* ✓
  - Spain: *Jose Beltran* ✓
  - Portugal: *Domnic Rihan*
  - France: *Jean-Marie Robert* ✓
  - UK: *Ian Gatt*
  - Ireland: *Eibhlin O'Sullivan and Francis O'Donnell* ✓
  - Sweden: *Reine Johansson*
  
- 2) Updating/correcting numbers and types of vessels as well as mesh size for hand lines, driftnets etc. in 2012 including months of fishing activity (*deadline 12 July 2013*):
  - Denmark: *Bent Pallisgaard* ✓
  - Netherlands: *Gerard van Balsfoort* ✓
  - Germany: *Gerard van Balsfoort* ✓
  - Spain: *Jose Beltran* ✓
  - Portugal: *Dominic Rihan*
  - France: *Jean-Marie Robert* ✓
  - UK: *Angus Cragg*
  - Ireland: *Eibhlin O'Sullivan and Francis O'Donnell* ✓

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- Sweden: *Reine Johansson*

3) Provide discard risk analysis (*Maurice Clarke and other ICES/STECF scientists*)

### Boarfish

1) Updating/correcting numbers and types of vessels as well as mesh size for trawlers and purse-seiners in 2012 including months of fishing activity (*deadline 12 July 2013*):

- Denmark: *Esben Sverdrup* ✓
- UK: *Ian Gatt* ✓
- Ireland: *Eibhlin O'Sullivan and Francis O'Donnell* ✓