

## REPORT

Meeting: **EFCA/NSAC/Scheveningen CEG Workshop on control and compliance with the Landing Obligation**

Parties: **EFCA, NSAC, North Sea Member States, DG MARE**

Date & time: **17 January 2024; 9.00-12.30 CET**

Location: **Danish Ministry for food, agriculture and fisheries, Copenhagen**

Chair: **Co-chaired by Ellinor Rutgersson (Swedish Agency for Marine and Water Management and current Chair of Scheveningen CEG), Kenn Skau Fischer (Chair of NSAC), and Cristina Morgado (EFCA)**

Rapporteur: **Tamara Talevska, NSAC Secretariat**

Ellinor Rutgersson, Head of Control Unit at the Swedish Agency for Marine and Water Management and the Chair of Scheveningen Control Expert Group (CEG) welcomed the participants and thanked EFCA for the organisation of the workshop and the Danish administration for hosting the meeting.

Kenn Skau Fischer, Chair of the North Sea Advisory Council (NSAC), extended a welcome to all participants and hoped for a fruitful discussion and exchange of views on control and compliance with the landing obligation (LO) of the North Sea demersal fisheries. He noted that he had been aspiring for this meeting for some time and was pleased with the turnout. He hoped that it would mark the beginning of a long and productive exchange on the functioning of the LO.

Tour de table was conducted. The Spanish and Irish MS representatives were invited to attend the meeting as observers.

The Chair of the Scheveningen Control Expert Group introduced the CEG, followed by a presentation by the Commission, represented by John Hederman from DG MARE Unit D4.

### [The Control, Enforcement, and Implementation of the Landing Obligation](#)

John Hederman from DG MARE Control Unit began by expressing his regret that no NGOs were present at the meeting. Fischer intervened to note that the meeting was open and advertised to all NSAC members, including NGOs.

Hederman continued with his presentation, which was said not to be related to any specific sea basin, but was deemed relevant to both North Western Waters and North Sea. He noted that the LO serves the objectives of the Common Fisheries Policy (CFP), taking into account the best available scientific advice and gradually ensuring that all catches are landed. The measure was introduced on 1 January 2015 through a phase-in approach and became fully operational in 2019. He continued by saying that it would be reasonable to assume that the

LO is well implemented by this time. Yet, the lack of implementation of the LO was obvious from the data analysed.

Hederman explained that the LO requires that catches be brought and retained onboard, recorded, landed, and counted against quotas, where applicable. He further listed the responsibilities, namely those of the Member States (MS), those of the operators (fishers) and those of the Commission.

The responsibilities of MS were as follows:

- To adopt measures to ensure control and enforcement, to make certain that something will occur.
- To ensure that control applies regardless of any presumptions of compliance.

Hederman further explained that “to ensure” meant “to make certain that something will occur or be the case”, according to the Oxford Dictionary, “control” meant monitoring and surveillance according to Art. 4(3) of the Control Regulation (CR) and “enforcement” was defined as “any actions taken to ensure compliance with the rules of the common fisheries policy” according to Art. 4(26) of CR. From that, it stems that the duty of the MS is to ensure that control applies regardless of any presumptions of compliance.

Hederman further presented the state of play of control of the compliance with the LO. The following was concluded:

- MS do not ensure control and enforcement of the LO.
- MS rely on ineffective control tools, such as inspections at sea, inspections at landing, aerial surveillance, and data analysis.
- All credible indications point towards widespread non-compliance.
- Evidence of prolific illegal and undocumented discarding of catches and the discard rates have not changed since the introduction of LO.
- Evidence was gathered from the Commission’s audits of 7 MS; EFCA compliance evaluation reports, and reports from COM, MS, NGOs.

It was further explained that many demersal vessels are configured to discard 100% of catch by default with only the portion of the catch that is removed from the belt kept. Furthermore, many pelagic vessels carry equipment that facilitates the discarding of large volumes – automatic grading equipment (in pelagic freezer trawlers), pumping equipment, water separators etc. The equipment used by many vessels availing of certain discard exemptions prevents accurate recording of quantities discarded.

Hederman further noted that discarded quantities are hidden from view. While *de minimis* exemptions allow discarding, there is a requirement that all discarded pieces are recorded in the logbook, with current configurations not allowing this.

The failure to correctly implement LO undermines CFP and may have severe consequences, according to Hederman. The current lack of control and enforcement of the LO by MS is contrary to the provisions of EU legislation, including:

- Art 5 (1), (3) and art (109(2) of the control regulation,
- Art 15 (13) and 36(3) CFP regulation and
- Art 1(2) IUU regulation.

To date, the Commission has launched infringement cases against BE, ES, FR, IE and NL<sup>1</sup>, for failing to ensure control and enforcement of the LO.

Examples were provided of herring discarding in port whereby rotten herring was flushed on the shores. Hederman wondered: “If the inspectors are unable to detect illegal discarding on the shores and ports, how are they supposed to control activities at sea?”

Hederman continued with the presentation on voluntary compliance and drivers of illegal discarding. Powerful drivers of non-compliance were identified as follows:

- “Choke”
- “High-grading”
- Onboard storage and handling issues
- Limited market outlets for unwanted catches

Unintentional discarding can happen through negligence, as a result of burst nets or overfilled RSW tanks. He concluded by saying that it is highly unrealistic to expect voluntary compliance in the absence of effective control. Therefore, effective control and enforcement are deemed essential to the success and full implementation of the LO.

Hederman continued by saying that REM (including CCTV) is recognised as the most practical, cost-effective and scalable means to ensure control and enforcement of the LO. A legal basis for mandatory risk-based use of REM was included in the proposal for the revised fisheries control system, amending the Control Reg, Mediterranean Reg, IUU Reg, BS MAP, SMEFF Reg and EFCA Reg. The amended Control Regulation entered into force on 10 January 2024 - Regulation (EU) 2023/2842 of the European Parliament and of the Council.

Article 13(2) of CR stipulates that *“Union catching vessels of 18 metres in length overall or more flying their flag which pose a high risk of non-compliance with the landing obligation have installed on board an operating REM system...”*. Article 13(4) of CR states that MS may use REM for vessels smaller than 18m based on the risk of non-compliance. The Commission is to determine the fleet segments to be equipped with REM and set out detailed rules in implementing acts. REM will be a mandatory control tool on appropriate vessels by 10 January 2028 (Art 7 R. 2023/2842).

Hederman tied this to the Commission’s communication on the CFP (2023), noting that:

- The CFP was reformed in 2013, and there is no need for a new reform;
- The tools in the existing legislative framework are adequate and address the challenges, but are not fully implemented;
- Better implementation and full compliance with existing rules are needed.

Hederman concluded with the following:

- Without proper control and enforcement, the CFP objectives, and in particular the LO, will fail;
- Conventional controls at sea are ineffective;

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<sup>1</sup> ([https://ec.europa.eu/commission/presscorner/detail/en/inf\\_21\\_5342](https://ec.europa.eu/commission/presscorner/detail/en/inf_21_5342) and [https://ec.europa.eu/commission/presscorner/detail/en/inf\\_21\\_4681](https://ec.europa.eu/commission/presscorner/detail/en/inf_21_4681))

- Failure to control and enforce LO jeopardises the credibility and objectives of the CFP, leading to overfishing and reduced profitability;
- REM technology is advancing rapidly and offers the best means for MS to control and enforce LO and promote compliance;
- REM is in the best interest of all stakeholders and fishers that respect the LO but compete unfairly against those that do not;
- REM should be welcomed by the majority of fishers that wish to safeguard marine resources and the future of the industry.

The Chair opened the floor to questions.

Kenn Skau Fischer intervened to note that he hardly agreed with Hederman's statements. He felt that, with examples from the pelagic fisheries in the workshop focussing the North Sea demersal fisheries, the presentation was not relevant in that context. Fischer also remarked that while the responsibilities of the MS and operators were thoroughly narrated, the equivalent was not done concerning the responsibilities of the Commission. He further noted that if after nine years of the implementation of the LO, the measure is not working, he wondered whether it wouldn't be worth considering the root causes of a measure not being effective. Finally, he concluded that the presentation provided a clear indication that there is indeed a need for reform of at least certain CFP provisions.

Hederman responded that the LO was collectively signed up by the MS as the core element of the CFP reform in 2013, adopted by the European Parliament and the Council, adding that an evaluation of the LO is scheduled in 2024. In response to Fischer's remark about the responsibilities of the Commission, he added that those include responsibilities of the DG MARE's Control and Inspection Unit, which controls and evaluates the application of policies by the national administrations and supports the Commission's role as the guardian of the Treaties. He concluded that the LO is admittedly a complex topic and hence difficult to relay in a general presentation.

Peter Ronelöv Olsson, NSAC member and Chair of NSAC Demersal WG, took the floor. He noted that in his 35-year career as a fisher for pelagic and demersal species, he had never seen anything remotely similar to what was shown in the presentation (notably the spill of pelagic fish in port). He felt it was not fair to generalize singled-out events to all fisheries. He further remarked that pumping anything in a harbour would be very insensible and fishers are not to be considered insensible. He further clarified that before working as a fisher, he worked for an NGOs called Environmental Defense Fund (EDF) on projects using cameras, considering how regulation should be set up to facilitate the use of REM. He felt that the Commission did not have a clear view of a regulatory framework that allows for REM operations. He indicated that the current CFP is not fit for purpose if CCTV is to be used for control. Olsson further relayed the message that fishers promised to never leave the port to go fishing again if cameras were to be installed onboard with the current set of regulations. He recalled the British Columbia fisheries as an example of a regulatory environment where their fishing operations were stopped until a proper system was set up conducive to a productive use of CCTV. In terms of discards, he wondered if the Commission is aware of any food production in the world with zero discards.

John Hederman responded that the legal basis for CCTV is established in the revised CR, which came about as a result of a co-decision process with any concerns and opinions of MS taken into account. He noted that all the issues Olsson referred to were discussed at length during the adoption process. He felt unqualified to respond to queries about other food production systems.

Geert Meun, NSAC, shared that he had participated in the earlier workshop dedicated to North Western Waters as well. He disagreed with the statement that the industry is not complying with the LO, referring to the Dutch project on Fully Documented Fisheries, which showed enormous difficulties with the implementation of the LO. He noted that the LO is only workable due to an extensive list of exemptions. In mixed demersal fisheries, full compliance is virtually impossible. He emphasized that REM will not be the panacea. He further observed that the Commission will likely have to continue with infringements since cameras will almost certainly not work as intended in European fisheries. He concluded by saying that the LO should be implemented in a pragmatic, bottom-up approach, rather than a dictating, top-down one.

Michael Andersen, NSAC, remarked that it is important to consider different levels of compliance, noting that illegal activities must definitely be prevented. However, it is also important to consider the objective of a measure such as LO, which is a means to fish in line with MSY limits. The LO is currently presented as a control issue, while the real issue is having quality catch data. He believed that the top-down bureaucratic approach through LO is not effective in obtaining what is in fact needed, which is quality catch data.

Olivier Dion, French Secretary of State responsible for the sea, agreed that the LO is not well implemented, and noted that REM shall help to monitor its implementation. However, he noted that REM should not be considered a silver bullet. He noted the lack of will to work together and to collectively pave the way forward. In the view of the French administration, it is not only for the MS to ensure implementation, but also for the rules to be enforceable. Hence, action is needed by all parties, the MS, the Commission, and the industry.

Miguel Nuevo, EFCA, remarked that any political discussion on whether the LO is appropriate as a measure should take place in a different forum. This workshop shall instead focus on the evaluation of compliance and control and enforcement of the implementation of the LO.

Cristina Morgado, EFCA, underlined again that the recording of legal discards is not being conducted in the way it should, which constitutes a lack of compliance. It is one element of low compliance.

John Hederman confirmed that the LO is intended as a means to avoid unwanted catches. There are several means of avoiding catches. To incentivise the industry to do so, a stronger control and enforcement of the LO are needed. Without it, there is no real incentive for the operators to use gear that is more selective. He noted that the LO is more than just a discard ban. It requires several actions, namely, that catches are retained, recorded, that the use of exemptions is recorded, and that LSC and BMS catches are recorded. These catches must be deducted from the quotas. There is a need to address drivers for noncompliance.

Kenn Skau Fischer, NSAC, appreciated that some of the issues require political consideration, and agreed that from a control perspective, rules are in place and need to be complied with.

For fishers, it is not the enforcement that is the issue, but how the rules are formulated, and he agreed that this must be taken forward in other (political) fora.

Implementation and compliance with the LO in North Sea demersal fisheries: Monitoring the regional implementation of the LO: evaluation of compliance in NS demersal fisheries (EFCA)

Begoña Santos, EFCA, presented the evaluation of compliance with the LO in 2018-2020. She explained the evaluation was done in close collaboration with the drafting committee (constituted by MS experts from control authorities and/or scientific institutes), and with the additional peer review by an external expert. To assess compliance two elements have been considered: 1) illegal discarding and 2) non-reporting of legal discards.

Cristina Morgado added that in addition to the evaluation of compliance as included in the report published in December 2023, the presentation also incorporates information on the likelihood of non-compliance obtained at the most recent regional risk assessment conducted for North Sea demersal fisheries. The risk assessment is not new and is considered a standard methodology, applied to all sea basins to ensure a level-playing field. It is a data-based analysis in collaboration with MS done at a workshop, and it is conducted to support the planning of the JDPs.

Begoña Santos continued by clarifying that the North Sea CEG had asked for assistance in the evaluation of compliance with the provisions of the LO, following a similar evaluation done for the period 2016-17. The species covered in the current evaluation were cod, sole, plaice, and prawns (*Pandalus borealis*).

A standard methodology, consisting on three methods, was applied:

1. Method 1: information gathered by inspections (data compared with official landings statistics)
2. Method 2: results from evaluations of scientific bodies (STECF, ICES)
3. Method 3: infringement trends

There are currently few suspected infringements issues in relation to the non-compliance with the LO as non-compliance it is difficult to detect. However, some suspected infringements have been issued and are presented in the current report. The evaluation of compliance is done by fleet segment, allowing comparison between types of gears, mesh sizes, and areas.

Going forward, Begoña Santos explained the three methods, starting with method 1.

#### **Method 1:**

An indicator is a tool for measuring non-compliance. Examples of indicators: BMS discard rates, misreporting of species, fishing in closed areas etc. The BMS indicator is used to quantify illegal discarding of fish below the minimum conservation reference size (MCRS), calculated based on the comparisons of data from the logbook and inspection information from the Last Haul (LH) program.



She further clarified the use of inspection data. She noted that inspectors go onboard vessels and record the catch (weight) of the LH, split by below/above MCRS and these components of the catch are then expressed in relation to the total catch of that species in percentage.

These “verified” data are then compared with the data reported in the logbook by the vessels of the same fleet segments. Taking cod as an example, if the comparison shows that there was much less small (BMS) cod reported than expected based on the inspection information, it represents under-reporting of BMS cod. It is not clear whether this under-reporting of BMS cod is the consequence of the fish being intentionally discarded or the consequence of unreported exemption/legal discards of BMS cod but both cases constitute non-compliance with the provisions of the LO.

When the value of the unreported discards is less than 5% in relation to the total catch, compliance is considered high, 5-15% reflects medium compliance, and more than 15% constitutes low compliance.

Anais Mourtada, NSAC, noted that not all hauls have the same catch composition.

Begoña Santos explained that trawlers fishing with a certain mesh size should have a similar catch composition. She also clarified that the data are aggregated, which is not perfect, but there is no inspection information available to do a haul-by-haul data comparison for this exercise. She also explained that statistical test is performed to determine the precision of the estimates, with the details on these analyses also included in the report.

Kenn Skau Fischer asked whether data collected from Danish fishers is used when checking Swedish fishers, for example. Begoña Santos responded that what is looked at is the catch data per fleet segment in the region, not by country. However, she noted that there may be differences between MS, which is true for the prawn fishery.

Cristina Morgado added that even if there is a national difference in catch composition, this is taken into account in terms of higher variability. Differences stem not only from the gear used, vessel type, and area fished, but also from the knowledge and expertise of fishers.

It was further noted that discards are estimated as an indicator to measure whether a certain fleet segment is problematic. The risk assessment serves to identify where to allocate control efforts. It is a tool for EFCA to identify the segments with a higher risk/probability of having illegal discards and/or non-reporting of legal discards. She acknowledged that the data are not perfect due to its aggregated nature, but explained that the extrapolation done takes into account the variability of catch composition of different last hauls and that when the number of last haul was low the estimate obtained was not considered to assess compliance.

**Method 2.A** consists of scientific discard estimates (FDI data call made available by STECF).

These discard and landing data are aggregated at the country level by sub-region, mesh size, and metier. This information is then used to allocate the catch and discards to the fleet segments. Discards are based on scientific estimates and include legal and illegal discards. The data can be marked as confidential to avoid the identification of individual vessel. It was explained that there is no knowledge of how data was collected and how the end figure was calculated, as this information was not included in the data call.

Emiel Brouckaert, NSAC, expressed concerns about using scientific data for control purposes.

Begoña Santos further clarified that when exemptions are available, discards may legally take place, but need to be reported.

In this method no sample numbers are available as opposed to the last-haul method, therefore it is unknown how representative the data are. As part of the analysis done to compile these discard information for the assessment of compliance, when information on discards available and corresponds to only a few landings in that fleet segment/area combination, no discard rates are provided to avoid generating unrepresentative discard estimates due to the limited data available.

**Method 2.B** uses ICES estimates, as provided in the advice for fishing opportunities for each stock. All data from the MS go into an assessment model, with estimates of landings and discards.

The problem with this method is that data are provided at the stock level, not fleet segment level, which means it cannot be always allocated to assess compliance by fleet segment.

Begoña Santos concluded by saying that inspections (method 1) are usually preferable, but when there were not enough last-haul conducted per fleet segment, then method 2 was used to assess compliance. Method 1 is used to determine the part of the catch below MCRS that is not in the logbooks. The figure obtained with Method 1 is usually an underestimate if discarding practices also include high-grading. Method 2 on the other hand, incorporates total discard figures. In relation to method 3, the small number of suspected infringements issued during the assessment period (2018-2020) provided little additional information to assess compliance.

Kenn Skau Fischer acknowledge the practical and professional approach to data collection and analysis. He also underlined the low number of inspections as part of data collection programs and issues with data provision for individual segments. Aggregating the data therefore seems the most practical way.

Begoña Santos went on to present the outcome of the analysis. She clarified that a traffic light approach was used to communicate the results based on the sources of information available (Methods 1 and 2) and the agreed criteria for compliance, with green marking high compliance, orange denoting medium compliance levels, and red signalling low compliance. Cells with light-blue colouring signal cases where there are exemptions to the LO granted.

A clarification was sought by Kenn Skau Fischer on plaice, namely given that plaice has no TAC limit and free fishing is implied with legal discards/exemptions (marked in blue), he wondered why it was still marked by red implying non-compliance. Begoña Santos explained that that is because there was a mismatch found between the logbook and inspection data, implying that these discards were not properly declared. Fischer responded that this was because of the administrative burden and additional work required.

It was also reiterated that the evaluation is done at a regional level, and no difference in compliance between MS is captured. That said, the MS could use the same indicators for their national evaluations.



Based on the evaluation, several recommendations were provided:

- Lack of appropriate verified data has and continues to be a recurrent problem when evaluating compliance, matched with the lack of proper control tools and systems to detect infringements related with the LO.
- The introduction of EM systems and/or control observers would facilitate the collection of reliable reference data.

Additional recommendations related to data collection were:

- A more detailed look into the STECF data could offer additional insights into discarding patterns.
- Obtaining catch data based on haul-by-haul recording will facilitate the collection of discard and other catch data. Haul-by-haul reporting will become compulsory for all EU catching vessels > 12 m two years from the entry into force of the revised EU Control Regulation.

The results of the likelihood of the Regional Risk Assessment from 2022-2023 were also presented. The results stemmed from the two workshops of 2022 and 2023. EFCA explained that the assessment of the risk is done by threat, fleet segment, and area, and is calculated pooling together the results of the impact (percentage of catches by a specific fleet segment on a stock combined with that stock status) and the likelihood (probability of non-compliance). The information used to assess the likelihood include the calculation of the BMS indicator based on the comparison between the LH inspections and the logbooks, the scientific information on discards (STECF and ICES information), infringements related with non-compliance with the LO, and MS intelligence on non-reporting, etc. Where there is a lack of data, a precautionary approach is applied. Again, a similar colour system was used to show the results, marking with red a very high likelihood of non-compliance with the provisions of the LO. EFCA further explained that if the level of catch of the species assessed in that fleet segment is below 3% of the total catch declared by all fleet segments, the category is coloured grey, meaning that it will not undergo assessment.

Begoña Santos noted some improvements from 2022 to 2023 but not many, notably more reporting in the logbooks, but with a significant difference with the scientific estimates.

The floor was opened for Q&A and exchange of views with NSAC members.

Jacob Handrup, NSAC, remarked that it is important to get objective and representative data from the last inspections, including from those vessels that are compliant and those that are less compliant. He queried how EFCA ensures that.

Cristina Morgado explained that given the risk-based approach, one could say that the estimates are biased. There is of course some randomness to the inspections, however, the focus is indeed on vessels and fleet segments with higher risk of not being compliant. Problematic fleet segments are identified in terms of non-compliance with the LO but also other threats, so a given vessel may be selected for an inspection but not due to the threat of LO. She believed that the bias was low and that the level of randomisation is higher than intended due to many factors (i.e. inspection opportunity, weather conditions, etc.).

Begoña Santos added that the inspectors record the catch composition, not the behavior of vessel operators. Even if the vessel was targeted because it was identified and with high risk of noncompliance for any reason, only the catch data will be looked at, not what operators do with the catch. This is then compared with the data reported by the fleet segment.

Kenn Skau Fischer remarked that focussing on the “bad guys” does not ensure representativeness and that when evaluations are done at a national level, this should be ensured.

Cristina Morgado clarified that this is a standard procedure in the strategic planning of the JDPs, focussing on fleet segments instead of individual vessels. The identification of individual vessels is then done by MS.

Michael Andersen reiterated that the bias introduced by only inspecting low-compliant actors should be avoided and randomness introduced within the sector.

Olivier Dion, French administration, noted that the French national control authorities use EFCA criteria for risk analysis within the same fleet segment.

The representative of the Danish Fisheries Agency noted that there should be both, the risk element and the randomness element, in risk assessments.

Cristina Morgado noted that that is why other sources of data are also used to cross-verify.

Peter Ronelöv Olsson, NSAC, was saddened to observe fishers being treated as scapegoats. REM, seen as a silver bullet but without a proper legislative framework in the EU was problematic, in his view. He went on to relay an example he witnessed in British Columbia, where the discard ban was taken very seriously at the beginning, but criticism about discards continued. He also noted the effects of looming fishing restrictions due to offshore renewable energy, MPAs, REM, are leaving fishers unmotivated to continue their operations. He wondered whether ceding all quotas to third countries in exchange of imported fish is the strategy the EU is aiming at. He also pointed out the recent decrease in TAC for *Pandalus borealis*, despite fishers putting extensive efforts into minimizing discards and the clear indications of an increasing stock. He called on policymakers to set quotas in a way that enables fishers to comply with the LO.

Miguel Nuevo, EFCA, noted that EFCA recognizes the efforts made by the industry to ensure compliance. However, EFCA is mandated to control the implementation of legislative measures, such as the LO, and any discussions on the appropriateness of the measure should be taken to different fora.

Emiel Brouckaert, NSAC, agreed that the LO as a measure requires discussion at the Inter-AC level, but noted that he was missing EFCA's authority as an operational institute, realizing the effort is there, but the measure is not workable, not controllable, and not enforceable. In his view, authorities should be able to report this to the legislators.

Miguel Nuevo responded that LO could be enforceable by installing REM on all vessels, but stressed that if the measure is not workable as claimed, this should be taken at legislators

level. He added that EFCA has been flagging the potential difficulties with controllability and enforcement of the LO from the outset.

Cristina Morgado concluded that the evaluation report identified elements of improved compliance, noting that it is possible, and effort can indeed be enhanced. She concluded that this forum was not appropriate for voicing disagreements with the framework regulation.

Kenn Skau Fischer concluded with words of appreciation for the work in the North Sea MS groups on the LO as well as control. In his view, fishers can improve their evidence base on compliance with the LO, where that is possible. He noted that most fishers have never really bought into the LO as a top-down measure, resulting in lower compliance. From his perspective, it is difficult to mandate people to follow a measure they don't believe in. However, he agreed that more can be done on accurate reporting of catches and discards.

### REM Pilot projects in the North Sea

Discussions continued on **How to improve monitoring and control of the LO**. The REM pilot projects in the North Sea were presented alongside the EFCA REM Working Group.

Miguel Nuevo, EFCA, underlined that REM would be challenging to implement, and that it may not going to solve the lack of compliance in some fisheries. However, from a practical point of view, the current control regulation needs to be implemented with REM as a mandatory control measure by 2028.

He informed that EFCA launched the REM working group in 2019, focusing on development of the Technical Guidelines and the minimum requirements for implementing the REM (published on EFCA's website). The EFCA REM WG summarised terms of reference (TOR) are the following:

- Assist MS with REM pilot projects;
- Promote exchange of experience;
- Consider best practices to effectively control and enforce LO;
- Ensure level-playing field in the implementation of REM.

The WG was said to be open to representatives of all MS and the Commission and is operating under coordination of EFCA.

The EFCA REM WG supports MS' work on new technologies (i.e. AI), level-playing field, harmonised implementation (i.e. standards working with RFMOs) etc.

In 2023, EFCA has worked on:

- Incentives to participate in pilot projects;
- Tender procedures for REM;
- Drafting Vessel Monitoring Plans;
- Installation of REM systems on board fishing vessels.

EFCA also conducted dedicated meetings to discuss future mandatory implementation of REM, including considerations on:

- Data protection
- Data analysis
- Data exchange
- Systems compatibility (with third countries)
- Update technical guidelines and minimum requirements

Nuevo shared the state of play in REM Pilot projects. Pilot projects are ongoing in the North Sea, Baltic Sea, and North Western Waters and concerns voluntary participation of 2 vessels per MS. So far mainly pelagic vessels volunteered. While some MS are already in implementation phase, others are poised to start during 2024. EFCA's role in this is to follow up and support MS implementation, and to gain experience in running REM programs.

Nuevo relayed some challenges ahead. They relate mostly to the application of the harmonised Risk Assessment methodology across JDPs to identify the fleet segments by region/JDPs; the definition of the technical specifications on REM to be updated within the REM WG; and the level-playing field in the implementation of mandatory REM (training, harmonisation of data analysis, etc.)

Emiel Brouckaert, NSAC, noted that the risk of implementing REM is not having any fishers left operating. He queried how the involvement of stakeholders, for example ACs, is envisaged by EFCA to add some experience to the pilots' evaluation.

Miguel Nuevo suggested taking the discussion on the risk of losing fishers to the REM measure to a different forum, such as the Inter-AC meeting organised by DG MARE. Regarding stakeholder involvement, he noted that there had been no discussion on participation of ACs in the EFCA REM WG so far, but added that there is openness to the proposal, if requested. One idea would be to organise technical meetings between EFCA and ACs. He concluded by informing that a meeting could be planned in the fall of 2024 to update stakeholders on the way EFCA is advancing on REM.

Kenn Skau Fischer provided the following thoughts:

- Practical issues demand a division between the pelagic and demersal fisheries to reflect the nature of the fisheries, such as how to treat the catches onboard. For example, in demersal mixed fisheries sorting of catches onboard is necessary, making it a completely different situation from the pelagic fisheries.
- Involvement of stakeholders, particularly the industry, is crucial to address technical issues.
- Exchange of views with ACs when developing technical guidelines would be beneficial.
- There is a tendency in presentations to refer to global leaders in REM, for example, the British Columbian case, which do not relate to mixed fisheries. There are no REM examples in mixed fisheries and this needs to be fairly reflected.
- Issues with GDPR must be addressed. This is currently not mentioned at all in the revised Control Regulation. This might pose difficulties also in relation to the national legislations.
- Regarding system compatibility, one must also look at how Norway is conducting their control operations. Instead of using REM, they apply automatic catch reporting. Currently, it seems ambiguous if the Commission or MS consider this in relation to the implementation of REM.

Miguel Nuevo responded that there are obvious reasons behind the absence of demersal vessels volunteering to install REM. He noted that in the technical guidelines there is a distinction made between the demersal and pelagic segments in the number of cameras and types of sensors. Regarding technical issues, he noted that EFCA consulted technical experts dealing with REM installations and that the REM technology is much more advanced and effective than the automatic catch recording still being developed, which is a measure that, when ready, should be integrated in the electronic catch monitoring and reporting system of all vessels. And finally, he remarked that privacy issues have been dealt with.

Kenn Skau Fischer remarked that the number of cameras needed on one vessel is significant and that it will be difficult to place so many cameras on all vessels.

Nuevo responded that the number of cameras for demersal fisheries in the technical guidelines reflects the average estimated number. In reality, the vessel monitoring plan for individual vessels will be tailor-made. He acknowledged that there are many challenges ahead in the implementation of REM.

Emiel Brouckaert noted that many fishers are interested in obtaining and providing more data for better stock assessments and better advice. He suggested that if managers fail to involve people who do have a genuine interest in providing the data, an opportunity to get people involved might be lost for good.

A Danish Authorities representative added that it was an issue of trust. He believed that fishers must be incentivised, in order to contribute and comply, noting that communication is key. He emphasised the need to work with fishers on the development of technology as well.

Michael Andersen commented that the current system with cameras is seen as a markedly top-down approach, and he felt that the legislators were “putting the cart before the horse.” He insisted that cameras would demonstrate that it is impossible to fish legally with the present form of the LO.

A Swedish representative informed that the Swedish pelagic vessels equipped with cameras and later decommissioned, had their cameras sent back to manufacturers (they were rented) and the Swedish authorities are now preparing a report on lessons learned from this exercise, to be published in March 2024. He agreed that there is a difference between pelagic unsorted catches and mixed demersal fisheries.

Kenn Skau Fischer underlined that being penalized based on past data increases the feelings of uncertainty. The consequences for the sector are enormous because infringements of the LO were so strict. Even with cameras, he noted, discarding happens, either intentionally or unintentionally. The current rules (5%) seem quite absolutist, he noted, and suggested that some discretion should be included, as to the root causes of these discards.

Ellinor Rutgersson thanked participants and closed the meeting, expressing hope for further fruitful discussions. She also thanked the Danish authorities for hosting the workshop and EFCA for the support on the organisation.