

EMFF OP Monitoring Committee 7th Dec 2021

Final Minutes

Draft Agenda

1. Welcome and Adoption of Agenda	For Adoption
2. Minutes of Meeting of 27 th May 2021	For Adoption
3. Update on implementation of Programme in 2021	For Information
4. Information & Publicity measures	For Information
5. Producer Organisation Scheme 2022	For Information
6. Update on planning for SDP 2021-27 programme (Shadow EMFAF Monitoring Committee)	For Information
7. AOB <ul style="list-style-type: none">• Update on suspension of EU funds for Control & Enforcement• Update from European Commission• Update on preparation of National Strategic Plan for Sustainable Aquaculture Development 2021-30	For Information

Attendance: Webex– (See Appendix A)

Agenda item 1 – Introduction & Adoption of Agenda

Pascal Hayes (chair) opened the meeting and welcomed EMFF OP Monitoring Committee (MC) members. Established that a quorum was present. Raise your virtual hand to take the floor and when you have the floor please state your name and the organisation you are representing.

Agenda item 2 - Minutes of Meeting 27th May 2021 – For Approval

Chair – Any comments on Minutes of the 27th May please raise your hand.

Sean O’Donoghue KFO - I don’t have a particular comment on the Minutes –2 meetings going on - one in the meeting chat and the actual meeting – should not be allowed.

Chair – Agreed and noted.

Jerry Gallagher Northwest Shellfish– Same vein as Sean there were issues on the fringes of the meeting. Issue clarified now.

Chair – All satisfied that Chat isn’t in play for today’s meeting. Minutes taken as read and approved. Are there any further issues to add to the agenda for today?

Jerry Gallagher Northwest Shellfish – Raises the point that not all items mentioned in the chat of May's OPMC are covered in these Minutes but, is satisfied that Chair will check at AOB to ensure all matters are covered.

Karen Dubsy Env Pillar – Would like to add to AOB Mapping Bill and Biodiversity is going to the Senate now.

Chair - No additional items to be added to the Agenda.

AOB Item 1 - Update on suspension of EU funds for Control & Enforcement

Chair - The system for points for licence holders has been put in place and the primary legislation for the master points is currently in the Oireachtas. We will be discussing the lifting of the suspension with the Commission.

AOB Item 2 - Update from European Commission

Adrian Antonescu DGMARE – Suspension of €24m for Control and Enforcement due to ex-ante conditionalities was set out at the beginning of the programme. A separate infringement procedure was opened against Ireland on both of the sanctions and points system and discussions are ongoing between the Commission and Ireland. We hope this will conclude positively in advance of the suspension.

Fabio Galetti DGMARE - other Infringement announced on 12th Nov - the Commission adopted a formal Letter of Notice officially starting the infringement regarding the failure to comply with the enforcement of the landing obligation. A warning letter sent for EMFF interruption on 26th November, we are now waiting a reply from the Irish Authorities on both letters. The deadline is 12th January to receive this information. On the 21st October we adopted the closing guidelines for the EMFF. However, with a good rate of implementation of the Irish programme I think it will close in advance of the final date.

Cora Lane DPER - DPER request to be updated on the progress of suspensions how it may affect the exchequer funding?

Chair - DPER are informed of current suspension and any future action that the Commission do decide to take. It is important to say that it is at an early stage and the Commission have written to us, we will respond in due course. MA can copy you on emails.

Cora Lane DPER– agreed that would be good

Rachel Myles Dept of Defence – Department of Defence do not want to see what is going to DPER but we need to be updated as it's Control & Enforcement money not making its way through the system. Thanks

Chair – all vote people are co-ordinating with defence.

Fabio Galetti DGMARE – Other points were related to the preparation for the new programming period so linked to Shadow EMFAF Committee.

Chair – Fabio we will come in later shadow Committee of EMFAF

Patrick Murphy Irish South & West – Question for Fabio - clarification is this applicable to just the Irish member state obligations under the landing obligation or does it extend to foreign vessels coming in and the responsibility they are being monitored under the landing obligations when they are landing in the ports here? We have already lost the derogation to fishing on the piers and we haven't seen this documentation. It is difficult to correct this when we don't know what we are being accused of?

Fabio Galetti DGMARE – This last infringement is a result of major exercise done by DG Mare on the compliance of MS with the provisions of landing obligations. There are a series of pilot issues opened and our colleagues who are dealing with the landing obligations have been monitoring the developments of such compliance. The letter sent to Ireland explained which provisions have been highlighted by our colleagues. As we expect a reply to this letter, I cannot go any further due to legal proceeding to be followed. The communication about ongoing infringements is strictly between COM and MS authorities, but we understand the will from the stakeholders to know more about the subject. We will check with our legal colleagues and come back to the managing authority on whether the letter is public or can be shared with concerned stakeholders.

Patrick Murphy IS&W – question for clarification - if other countries fishing here, landing here also deemed to be in breach will that effect the funding to the previous speakers the Naval Service and Defence?

Karin Dubskey Env Pillar - Would like to welcome what the Commission has said and that it would be very useful for the shadow management committee. Is that solely related to the Control & Enforcement part of the funding or has it a wider remit?

Fabio Galetti DGMARE – Confirmed that it only relates to expenditure for Control and Enforcement. Once a COM decision on the non-compliance is adopted any payment claim containing expenditure for control & enforcement addressed to the Commission will be interrupted until the issue is solved. There is a similar exercise in other member states.

Fabio Galetti DGMARE – reply to Sean O’Donoghue KFO control measures/control expenditures supported by the programme? The interruption and the suspension do not apply right now, but will kick in after some time. Once a payment claim is interrupted there will be 6/9 months for the Irish Authorities to solve the problem, before the suspension eventually kicks in.

Jerry Gallagher Northwest Shellfish - is this a precedence where people are copied between the member state and the commission? Is this setting a precedent?

Chair - SFPA is the control authority for Ireland and the letter has been passed to the SFPA to get their views. It remains to be seen whether correspondence can or cannot be shared. On a previous infringement case where correspondence wasn’t shared there was a lot of dissatisfaction within the industry.

Sean O’Donoghue KFO - No way will the Commission release information in terms of infringement proceedings. We have it specifically from the Commission’s legal services - the industry may never get this information. Members should be aware that there is no point the Commission saying that member state can release this information when they have told the Minister, SFPA and the industry that information will not be released - they have a legal Freedom of Information supports their opinion.

Fabio Galetti DGMARE – reply to Sean O’Donoghue – The legal file is not under our responsibility - we are here to inform of the impact the infringement may have on the programme. Monitoring Committee needs to know this has started.

Patrick Murphy IS&W – I am looking for as much information as Sean outlined earlier. This could be much bigger contaminant than we fall foul of from other member states. Could we write on behalf of this Committee to the Commission outlining our concerns on this?

Chair - This has not been done before. As officials it would put us in an awkward position, I would have to give that careful consideration before I would say yes or no.

Patrick Murphy IS&W - Please note in the minutes that we have made the request - The Irish South and West.

Agenda Item 3 – Update on implementation of Programme in 2021

Keith Kelleher MA:

Discussion following presentation:

Fabio Galetti DGMARE – Congratulations everyone on the implementation of schemes – it puts Ireland on the top of the EU list. There is about 16% of payment to be executed - very little risk for Ireland to lose their allocation.

Adrian Antonescu DGMARE -Thanks Keith for presentation. I want to highlight a weak area - better quality data needs to be reported properly on the indicators of the programme.

Agenda item 4 – Information & Publicity measures

Presentation by Keith Kelleher MA:

Fabio Galetti DGMARE - Thank you for sharing information and that you are advancing in preparing for the EMFAF. We are confident that on indicators there won't be the same problems with the IT system that were experienced for the EMFF. Financial performance is excellent but must also translate into a positive impact and added value which was the aim of the fund. That is why a good and reliable system of indicators and quality data are important.

Chair - My own team are looking forward to having a fit for purpose system in place that can produce high quality management information.

Jerry Gallagher Northwest Shellfish - Is meeting being recorded?

Chair – No

Karin Dubsky Env Pillar - Can all presentations from meeting be circulated to the MC?

Damien Clarke DAFM - All presentations will be circulated to the Monitoring Committee after meeting.

Seamus Bonner IIMRO - Any updates on EMFAF? Would it be possible for the MC to get a draft of the programme?

Chair - Damien will give update on agenda No.6

Agenda Item 5 - Producer Organisation Scheme

Damien Clarke DAFM - Extended the Producer Organisation scheme for a further year as the new programme was not in place. It covered the PO activities in 2021.

As we are still in a similar position it is proposed to extend this for another year, this is to fund activities that will be undertaken in 2022. This is usually in the region of €400,000 per annum.

Sean O'Donoghue KFO – This is good news that it will be extended into 2022. Note the overall effort to look at the new programme and ways and means of what will be funded under the EMFAF. I would hope as PO's we can revisit that in the 1st half of 2022.

Patrick Murphy IS&W – I would like to echo Sean’s comment - the PO’s welcome this. We would hopefully get to meet to discuss the next programme, our ambitions are high as you will have seen from the document we have submitted.

Fabio Galetti DGMARE – Will this be financed outside the programme? You will have EMFAF supporting the scheme?

Chair - This scheme was implemented under the EMFF, it was extended last year for one further year. The proposal today is that it would be extended for another year and funded under EMFF, but we may have to move funds around within EMFF to cater for the payment for that scheme – estimated €400,000?

Damien Clarke DAFM – Confirmed €400,000 for scheme.

Fabio Galetti DGMARE - Thank you for clarification. It is possible to already include the expenditure under EMFAF - providing that the selection criteria fit with the operations that are selected under the programme, once the EMFAF programme is formally adopted.

Patrick Murphy IS&W - was there an overall budget allocated for this fund? Has it been exceeded?

Chair – The budgets work at different levels according to Union Priorities, and according to measures within the Union Priorities. There would have been a budget set out for the Producer Organisation Scheme at the start of the EMFF. If we continue with the same scheme into 2022 then it is likely that the budget would be inadequate to meet the 2022 payments and that is why we are talking of moving additional funds into this scheme.

Patrick Murphy IS&W - Thanks for clarification.

Jerry Gallagher Northwest Shellfish - Does the Committee approve that proposal?

Chair - It is preferable that they would, is there an issue?

Jerry Gallagher Northwest Shellfish - I have no issue with it.

Chair – Implementation Plan was approved by the Committee earlier in the programme

Damien Clarke DAFM - Implementation Plan approved back in 2015/2016 with no further need to approve plan.

[Agenda item 6 – Update on planning for SDP 2021-27 programme](#)

Presented by Damien Clarke DAFM

David Lyons DHLGH - Will there be adequate time for Government Departments to review new programme

Damien Clarke DAFM – When we have the strategies of the Programme identifying all the measures which we may have by January we propose to consult with the Commission and consult with your department at that stage.

Brendan Byrne Irish Fish Producers and Exporters Association - Clarity on the work of Task Force – regarding the “Sunset Clause” in relation to the BAR Fund. This will have grave implications across the Seafood Sector. it is important to get BAR Fund up and running. I do appreciate there are 2 programmes running parallel. Has there been progress since the Task Force presented the initiative to Minister?

Chair - Thanks Brendan, there is a process for each of the schemes and availability of funding which would be BAR funding. Processing Scheme would be BAR funding initially, then most likely moving to EMFAF funding. The scheme that has come through the process is Temporary Cessation Scheme which is in place. As Damien outlined the Processing Scheme will not be finished within the lifetime of the BAR and will reach across the BAR Fund and EMFAF.

Brendan Byrne Irish Fish Producers and Exporters Association – It is imperative that the BAR initiative is started because of the Sunset Clause deadline of the 31st Dec 2023.

Chair – I am aware, and it is the same for all the BAR Schemes.

Karin Dubsy Env Pillar – Environmental NGO's have been excluded. It is important to look at a different approach, Ireland is not compliant with Water Framework Directive in coastal and transitional waters. There is a need for more information for Inshore sites, knowledge into the local public and facilitating small fishermen in helping to protect the so called Marine Protected areas. We need funding under the new programme.

Chair - answer to Karin Dubsy, there will be opportunity for consultation in relation to funding the ENGOs. Not strictly true to say no money was given under the EMFF to the ENGOs. Willing to consider that going forward or any other measure the ENGOs bring forward. We have not thrown away our notes of the meeting we had over a year and half ago, a very productive meeting. Marine Institute does have a large input into the Biodiversity element of it – Ciaran do you want to add to that?

Ciaran Kelly MI – thanks Paschal, there will be consultation going forward. Wherever the opportunities are for funding for the ENGOs, you will look at the appropriate actions. The process is not completed, and the consultation will go through as the programme is developed.

Karin Dubsy Env Pillar - From ENGO point of view we wasted time trying to find a way of getting funding and we didn't. We eventually had an international ENGO which funded Fintan Kelly part-time for 3 years which was very useful. The talk about the environment and climate change is getting bigger but the practical implications are getting smaller.

Seamus Bonner IIMRO - Is there a timeline when the draft programme will be available.

Damien Clarke - The Strategic Environmental Assessment is a significant issue for us, this will need to be assessed before we can advance to a draft programme, we would expect this to be Q2 of next year.

Fabio Galetti DGMARE - Thank you for the presentation and preparation for the new programme. No EMFAF programmes will be adopted by end of 2021 as the Commission is amending the financial framework. The 2021 allocations will be split in 4 tranches from 2022 – 2025, each of them accounting for about 25% of the 2021 allocation. However, there are no regulatory provisions on the 2022 allocation in case a programme is not adopted by end of 2022. Therefore, the last deadline for EMFAF is to have a programme adopted without the risk of losing allocations by the end of 2022. To avoid the risk of late adoption, it is important to formally submit the programme before the summer break. The late submission of the Strategic Environmental Assessment should not delay preparing an informal draft that could be shared with the Commission already.

Chair - Thank you for your outlining the timeframe and constraints to MC.

Fabio Galetti DGMARE - At the end of September, a new policy tool has been developed in the Commission; the new EU Horizon Missions. We expect you to use this tool in the new programme, particularly in respect of the EU mission to protect seas and oceans. We expect a reference to how the programme can contribute to the objective of this EU mission by supporting projects (along with other funds that have the same objectives) that are part of the framework of the European Green Deal

and focus on restoring the consistence and the Biodiversity of our ocean and waters, on eliminating pollution and support Blue Economy projects to make them more carbon neutral.

Adrian Antonescu DGMARE - We are all aware of the timeline - SEA is very important for the development of the programme. We are available to discuss.

Catherine Morrisson - Update on preparation of National Strategic Plan for Sustainable Aquaculture Development 2021-30

Teresa Morrissey IFA - We would like to see it progress. Would like to see whether storm damage is something that could be looked at in the EMFAF programme.

Jerry Gallagher Northwest Shellfish – The aquaculture scheme is closed for the year – contingency isn't allowed for a couple of years – businesses would have got quotes. When the schemes open it is a prolonged period, would like to see contingency included to cover costs.

Catherine Morrisson BIM – to Teresa - There is a heavy emphasis on climate adaptation and resilience for the sector.

Reply to Jerry Gallagher– The scheme is closed and close to the edge with money - we don't propose to reinstate contingency in projects, if it's included it's considered committed meaning if unused it is not available for other projects.

Adrian Antonescu DGMARE - it will cover up to 2030 - we expect the programme to be fully in line with the plan.

Patrick Murphy IS&W - on behalf of the aquaculture industry, wanted to highlight that funding is needed to change our anchorage systems to combat worsening weather.

Chair – finishes meeting and thanks everyone.

Appendix A:

Attendees

ATTENDANCE SHEET	EMFF OPMC 7th December 2021
Monitoring Committee	Organisation
1. Antonescu, Adrian	DGMARE
2. Brennan, David	Marine Harvest
3. Byrne, Brendan	Irish Fish Producers and Exporters Association
4. Bonner, Seamus	Irish Islands Resource Organisation
5. Clarke, Damien	DAFM
6. Coppinger, Declan	Bord Bia
7. Dubsky, Karin	Env Pillar
8. Einniu, Maire	Udaras Na Gaeltachta

9. Flannery, Kevin	FLAG Rep/ North West Shellfish
10. Finnegan, Nicola	ESF
11. Galetti, Fabio	DGMARE
12. Gallagher, Cathal	Inland Fisheries Ireland
13. Gallagher, Jerry	North West Shellfish
14. Guckian, Barry	NWRA
15. Guildea, Richard	NIFF
16. Hayes, Paschal	DAFM
17. Hennessy, Breda	DAFM
18. Hall, Mary	DAFM
19. Healy, Kieran	NIFF
20. Kelleher, Keith	DAFM
21. Kelly, Fintan	Bird Watch Ireland
22. Lane, Cora	DPER
23. Lawler, Ian	BIM
24. Lyons, David	DHLGH
25. Lynch, John	Irish South & East
26. Sorcha Ní Longphuirt	Marine Environment, DHLGH
27. McCarthy, Aine	SFPA
28. Morrison, Catherine	BIM
29. Morrissey, Teresa	IFA
30. Murphy, Ann	DAFM
31. NiAonghusa, Catriona	Marine Institute
32. O'Brien, Cliona	DHLGH
33. O'Donoghue, Sean	KFO