



Demersal Working Group Record of Meeting October 14th 2009, Haarlem, the Netherlands

Rapporteur: Tony Hawkins

Draft

1. Welcome, Agenda, Apologies & Matters Arising

- 1.1 Barrie Deas welcomed participants to the Demersal WG. He expressed his thanks to the North Holland Province Board for hosting the meeting in Haarlem. He especially welcomed to the meeting Piotr Stachowiak of the Community Fisheries Control Agency in Vigo, Chris Darby from CEFAS, Kai Wieland from DTU Aqua, and Lisa Borges from the European Commission
- 1.2 Apologies had been received from Emiel Brouckaert, Bruno Hoffstadt, Michael Park, and Michael Andersen.
- 1.3 The agenda for the meeting was agreed with the addition of one item; a discussion of the ecosystem approach, which had been requested by Pim Visser. The subject of Marine Protected Areas (MPAs) would be deferred to the General Assembly.
- 1.4 The report of the Demersal WG meeting held in Aberdeen on July 14-15th 2009 was accepted as a true record.
- 1.5 There were a number of action points from the last meeting:
 - We were seeking adjustments by ICES to the Benchmark Workshops to make best use of RAC participants time (subsequently discussed at the ExCom)
 - A meeting of the *Nephrops* Development Group had taken place and would be discussed later
 - A document had been sent to the Commission reviewing the cod recovery plan and a reply had been received
 - A paper had been prepared on the Commission's Communication on fishing opportunities for 2010 and sent to the Commission

- A small drafting group had been convened after the WG meeting to prepare a further response on the Control Regulation. This had then been sent to Member States, the Presidency and the Commission
- There had been a number of meetings at which the need for coordination of proposals for SACs on the Dogger Bank had been discussed. The outcomes would be discussed at the ExCom
- A letter had been sent to the Commission expressing the NSRAC's strong views on discarding
- A paper on Self-Management, prepared at a Focus Group meeting, had been completed and sent to the Commission
- A Steering Group had been established with the other RACs to organise a conference on Decision-making within a Reformed CFP, to take place on November 3rd & 4th in Edinburgh
- The NSRAC Position Paper on the Technical Measures Regulation had been re-circulated, together with the Commission's response
- Preparation of the sustainability booklet would start in the new financial year

2. Long Term Management Plan for *Nephrops*

- 2.1 A further meeting to discuss an LTMP for *Nephrops* had been held in Edinburgh on September 25th and the draft plan had subsequently been revised. Tony Hawkins reviewed progress at the meeting. The objectives for the plan hinged around the need for management at a functional unit level. There needed to be further consideration of how fishing mortality on the vulnerable functional units might be limited, and how the transfer of effort into the North Sea *Nephrops* fishery might be controlled. Setting the economic objectives also required attention. However significant progress had been made. The next stage was to assemble additional information on the numbers and types of vessels and their capacity, from all nations, operating within the different functional units. There was a general lack of effort data, especially for the under-10m fleet. More information was also required on markets and on economic trends.
- 2.2 Nigel Proctor commended the Development Group on its work. The draft LTMP showed what the NSRAC could achieve and provided a template for other plans. The plan was an important initiative. The Commission had now produced a non-paper on the management of the stocks of *Nephrops* in areas IV, VI and VII. It also raised the issue of management of the separate functional units.
- 2.3 Chris Darby thought the draft plan put the NSRAC ahead of the game. ICES wanted to give advice on the separate functional units. Some of these units had shown increases in landings, but in others, and especially the Farn Deep, landings had declined. The assessment had led to a small reduction in the North

Sea TAC, but there was concern that fishing mortality on some of the functional units might be too high. Lisa Borges said that the Commission non-paper tried to set a balanced TAC. She welcomed the NSRAC draft LTMP as the Commission would like the NSRAC to take greater responsibility for managing the fishery. Tony Hawkins pointed out that one of the *Nephrops* fleets had applied for MSC accreditation, and one of the assessors' comments had been that the fishery should move towards TACs being set for each of the functional units. However, individual TACs would pose problems for the Member States in terms of quota allocations.

- 2.4 One area the LTMP had to address was how the plan might deal with effort controls. There might also be problems over fishing prospects in the long term if cod stocks recovered strongly as cod were predators on *Nephrops*.
- 2.5 Barrie Deas summed up by saying that the Development Group should continue its work. Specifically, it had to fill the gaps in information which existed. The final result must set out a clear set of recommendations on where we want to go. The next stage would then be presenting the plan to stakeholder meetings. We had decided that we had to have industry buy-in for the plan, but we did not have sufficient funding to allow a series of meetings to be held at the fishing ports.
- 2.6 Pim Visser emphasised the difficulties in obtaining EFF funding for such meetings. The scope for funding international initiatives from this fund was very poor. The Inter-RAC group should be asked to raise this point with the Commission. The EFF was not currently compatible with broader initiatives and the approach should change. It was agreed that the Secretariat would be asked to raise this point.

3. Cod Recovery

- 3.1 The NSRAC had submitted a mid-year review of the cod recovery plan highlighting the difficulties Member States and industry were having in managing effort. The paper had also drawn attention to the delays and obstructions placed in the way of obtaining exemptions from the effort arrangements. It had pointed out that hurried decisions had been taken at the EU/Norway negotiations, including a ban on high-grading. That decision was incompatible with the catch composition rules – which led directly to high-grading.
- 3.2 A response had now been obtained from the Commission, but it was evident that the Commission was not prepared to engage with the points that had been raised by the NSRAC. We were engaged in parallel monologues. The year 2010 would soon be with us with further reductions in effort but an increase in the TAC.
- 3.3 Willem de Boer said that Dutch fishers had been affected by the cuts in effort and were still trying to resolve the problem. Some parts of the fleet would gain effort from the decommissioning of beam trawlers but the beam trawlers themselves had terrible problems. Further cuts would make things worse. .
- 3.4 Leslie Tait pointed out that Scottish fishers had done their best to avoid catching cod. Some 117 real time closures had taken place, together with several seasonal closures. There had been total compliance with the closures. Nevertheless many

cod were still being caught. These fish did not appear in the research vessel surveys, but were being caught by commercial nets. However, the results of fishers own surveys could not be fed into the ICES assessments. The EU/Norway agreement required that if 90% of the cod quota had been taken then there had to be a change to the eliminator trawl. In Scotland a more stringent figure of 85% had been imposed as the cod utilisation target. The eliminator trawl was unworkable, however. His members were now discarding cod. The reduction in effort had also taken its toll. Only a small amount of effort could be bought back through real time closures and there were insufficient days at sea to catch the monkfish on which the fleet depended. Any additional cut in effort would cause major problems for the mixed fisheries.

- 3.5 Hansen Black said that these unworkable arrangements had resulted from the quick fixes which had been arrived at in last year's EU/Norway talks. The eliminator trawl had not been properly tested. It only worked for vessels targeting haddock. Antoine Le Garrec agreed. The eliminator trawl eliminates everything from the catch. He hoped that results from further trials with the gear would be announced before the end of the year. Antoine was also concerned that the Commission had been negative over applications for exemptions from the effort controls. There was a particular problem with the saithe fishery, where French vessels with effort limitations were fishing alongside Norwegian vessels which had no effort restrictions. Caroline Gamblin added that the French administration had encountered difficulties with effort management. Effort was being aggregated within groups. Selective devices were being developed to avoid cod but in reality exemptions were required for fleets which did not catch cod.
- 3.6 Fred Normandale said that cod recovery and the effort restrictions would eliminate the industry. Large quantities of cod and whiting – perfectly good food - were being dumped. The Commission seemed to be aiming to bankrupt the northern fleets. Svend-Erik Andersen said that effort reduction had not affected the Danish fleet this year as the size of the fleet had declined. However, in the Kattegat there would be problems with the further cuts in effort in 2010 and thereafter. Cod alone were deciding how much effort was allocated.
- 3.7 Pim Visser drew attention to the declaration by UK, Scottish, German and Danish fisheries ministers in Aalborg. The ministers *'want fishermen to take more responsibility for using their skills to fish more selectively and to take more responsibility for recording their total catches and not just the fish they choose to retain and land'*. Everyone was preaching that there should be no discards, but the regulations themselves led to discarding.
- 3.8 Christien Absil thought we were hearing too many negative stories about discards. There had been a number of worthwhile initiatives supported by the industry. It was for the industry and the RACs to come up with initiatives to reduce discards. Fishers should embrace having CCTV cameras on board as a way of demonstrating that discards can be prevented.
- 3.9 Luc Corbisier said that in Belgium a commission was responsible for allocating quotas and effort throughout the year. The system worked well but it did not enable the traditional pattern of fishing to be followed. Robert Stevenson said that the Scottish fleet were discarding cod now that the 85% cod utilisation target had

been reached. Small haddock were being targeted instead. However, the residual cod would have to be caught in December, when demand was less high.

- 3.10 Chris Darby said that the latest surveys confirmed that cod were widespread. However, the management plan which had been agreed in December required specific reduction in F. The plan required a further reduction in fishing mortality in 2010 and thereafter until F reached the target of 0.4. As the stock was increasing there would be an increase in the TAC next year. However, in terms of effort Chris did not know what the reduction would be – it would probably be around 10% in line with the decrease required in F. As the stocks were getting larger there should not be a need for so much effort to catch the fish.
- 3.11 Lisa Borges asked why we had needed the cod plan. It was because cod were not in a good state. In the longer term the restrictions would bring profits for the industry, but there would be short term consequences from the plan. Effort limitation was intended to reduce discarding. Discarding was taking place now, but that was because we were allowing the mixed fisheries to continue when the cod TAC had been exhausted. The high-grading ban should help to reduce unwanted catch through the adoption of technical measures. The Commission's information was that the eliminator trawl allowed fishers to catch haddock and whiting but not cod. If it did not work then alternative selective gears should be tried. The by-catch rules did not create discards. They were designed to make fishermen change areas to avoid discards. The use of CCTV cameras had many positive aspects. If fishers were avoiding discards it enabled them to prove they were behaving well. With respect to the Norwegian saithe fishers not having effort restrictions, that was because effort limitation is an EU solution and not a Norwegian one. Developing TACs for the mixed fisheries was a priority for the Commission and for ICES, but we were not there yet.
- 3.12 Several fishers pointed out that the use of the eliminator trawl had proved catastrophic. It was known as the terminator trawl. No fishermen wanted to discard fish, especially when they were fish of marketable size. Whiting quotas had been wildly out of line with catches on the ground and the cut in quota this year had resulted in large quantities of large whiting being discarded. Megrims were also very common now, but the TAC had not kept pace with their abundance.
- 3.13 Pim Visser reminded the meeting of Willem de Boer's suggestion that instead of fish being discarded they should be landed (though not for profit). That would provide additional scientific data and would take us forward.
- 3.14 Barrie Deas thought that the eliminator trawl worked well in some fisheries but not others. Regarding the lack of effort controls in Norway, the Norwegian government had made it plain that they saw effort controls as a substitute for lack of a policy on fleet structure.
- 3.15 There was now a wide gulf between the fishing industry and the Commission on cod recovery, with very divergent views held. There was no doubt that the cod recovery measures were having a devastating impact upon the industry. It also appeared to fishers that the measures were an impediment to recovery. Effort restrictions were creating an increase in discarding rather than a reduction. Cod avoidance measures had some impact but the support of industry for these

measures could not be taken for granted. There must be incentives for fishers to adopt them. The buy-back in terms of effort increase was not sufficient. Barrie Deas hoped that the Commission would pay attention to the points made in this discussion. A new vision of cod recovery was needed

4. TACs and Quotas

- 4.1 Chris Darby had summarised the ICES advice for the Demersal WG in July. The NSRAC had subsequently produced a paper for the Commission and several meetings had taken place with the Commission. A catch table was now available. In the past we have given advice on particular stocks, but the NGOs have abstained and such a detailed response may achieve very little.
- 4.2 Lisa Borges said there were a number of TAC and quotas issues likely to be raised by the possible implementation of the Lisbon Treaty in December. Normally, technical measures were included under Annex III of the TACs and quotas regulation. Now they could not be included there because of the introduction of the Treaty and agreement to co-decision-taking with the Parliament. Annex III measures will have to be transferred to the new technical conservation measures regulation.
- 4.3 Fishers emphasised that there was a particular problem with whiting. Whiting were now especially abundant on the western side of the North Sea. However on the eastern side the Norwegians and Danes do not take their quotas. This had led to an extraordinarily low quota for the North Sea as a whole, resulting in the dumping of marketable whiting. The increase in mesh size to 120mm had undoubtedly assisted this species, and large fish were now commonplace, but fishers did not have sufficient quota to land them. A similar situation prevailed for megrim. We would have to solve these perennial problems.
- 4.4 Chris Darby agreed that there was a problem of misallocation of the whiting TAC. The Danes and Norwegians took only a small proportion of their TACs. European fleets as a whole took only 80% of the whiting TAC. Willem de Boer confirmed that there was an unbelievable quantity of whiting to be found on the western side of the North Sea, where the fleets did not have sufficient quota to land them.
- 4.5 There were also problems with skates and rays, where a global TAC had been set but technical measures prohibited their being landed.
- 4.6 We were currently in a position where cuts in the TAC were being based on a lack of science for some stocks, and a lack of take up of quota for others. The rules which led to this were too simplistic. The NSRAC had already provided good advice to the Commission and we did not now need to provide detailed advice stock by stock. However, there were some specific issues we would like to raise – like North Sea whiting and megrim. Where there is under-utilisation of quota then there is the possibility of swaps between member states. Some kind of spatial approach to the whiting problem might yield results. It was clear that we needed a discard pilot project on whiting and perhaps also on megrim. The skates and rays issue also had to be dealt with. We should put our suggestions down on paper for

forwarding to the Commission and Council. Participants were asked to send suggestions for inclusion in the paper to the rapporteur.

5. The Control Regulation and the Technical Conservation Measures Regulation

- 5.1 It was clear that the Commission intended both the new Control Regulation and the Technical Conservation Regulation to beat the Lisbon deadline and pass through Council before December. The NSRAC had commented extensively on the Control regulation, which would be considered at the October Council meeting. The regulation diverged greatly from the NSRAC advice. Moreover, it had proved difficult to apply proper scrutiny to the regulation because of the speed with which amendments were being made. Interventions by the NSRAC on issues like the margin of tolerance on the weighing offish had been ignored and the regulation as it stood was unworkable. Perhaps our only option now was to ask that the margin of tolerance provisions be removed from the regulation and replaced by a statement of intent that the member states and RACs work together towards achieving a margin of tolerance for individual fisheries.
- 5.2 In the meantime the Omega meter for measuring mesh sizes had become an issue of contention. Problems had been experienced in the Netherlands in measuring standard 80mm netting used extensively in the past. Netting was now failing tests with the Omega meter. Similar problems had been encountered in Scotland where nets measuring 124-5mm on the old meter were now registering as 117mm on the Omega meter. Net stores were now full of netting which would fail if measured by the Omega meter. Netting manufacturers had been working to a standard which had now changed significantly. Yet the meter had been trialled for 3 years, and it was known that it produced discrepancies if the tension was not set to an appropriate value. Attempts should have been made to reconcile the differences encountered.
- 5.3 Christien Absil asked if this was a problem of nets shrinking when they were wet. Shouldn't the industry have anticipated that this would be a problem?
- 5.4 Fishers retorted that allowance had always been made for shrinkage taking place. There were also problems with the absorption of sand by the twine. The new gauge was simply not being calibrated properly against the old gauge. Millions of Euros had been invested in nets which were legal last week but illegal this week. It was accepted that the new gauge was here to stay but there needed to be a transition period. Unfortunately the measurement has a zero margin of tolerance. It has been known for some time that the new meter has to be set appropriately to give the same measurements as the old gauge
- 5.5 Piotr Stachowiak of the CFCA said that this was a known problem and that some action had been taken this summer by North Sea member states. They were seeking a harmonised approach. They have decided that from the 1st September they will allow a 3-4 month period to apply a specific procedure or protocol. If a measurement was on the edge they will take a case by case decision on whether the meshes breach the regulation or not. Information on this approach had been offered to the NSRAC.

- 5.6 Willem de Boer had been involved in this initiative and had attended many meetings on the subject. It had been agreed that the new measurements should agree with the old ones. The industry and net-makers had argued for a 25 kg load setting as this gave the most comparable results, but the inspectors had refused to accept this and had gone for 12 kg. The issue was still not satisfactorily resolved.
- 5.7 Barrie Deas said that there had been a major communications failure. Although it was generally known that the new gauge was coming into use there had been no effective information campaign to ensure that the fishing industry were aware of this change and the implications which arose from it. In particular the calibration problem had caught everyone by surprise, with the consequence that hundreds of thousands of Euros worth of netting would now be condemned as illegal. A transition period was required with sensitive policing applied. We should set up a small industry group to discuss the protocols being used, to meet the appropriate people from the Commission and CFCA and report back to the NSRAC. He asked Mike Park to lead a delegation to Brussels to discuss the Omega Meter. This delegation should be as small as possible - probably 4 persons. Those interested in participating should contact the Secretariat.
- 5.8 Returning to the Control regulation itself, Pim Visser pointed out that it seemed likely that it would go through despite its shortcomings. The technical measures regulation would be considered at the November Council and it might also go through without adequate scrutiny and attention to detail. We should express our regrets to the Commission, the Presidency and the Council on the way these two regulations had been handled. The Commission had ignored the NSRACs comments on both regulations. Both were ill-conceived and ill considered. Barrie Deas thought there was a major governance issue. We would have to live with these regulation for many years and it was not right to push them through in a hurried way. Fishers agreed that there were so many things wrong with the Control regulation including:

- the reduction in the number of landing ports
- the impossibility of complying with the margin of tolerance
- the inclusion of policy issues like real time area closures

The Technical Conservation Measures regulation also gave rise to problems:

- the catch composition rules were incompatible with a high-grading ban
- the increase in mesh size to 120 mm for Danish seiners was going too far
- the one net rule would have adverse impact on vessels working away from port for long periods of time or changing from one area to another

There is also new material in the Technical Conservation regulation which there has been no time to discuss. These regulations would create major problems in the future. We must plead with the authorities not to accept them as they stand.

- 5.9 Lisa Borges said that the Commission was considering comments from the member states. There had been a real dilemma about how to deal with real time closures. The technical measures regulation now mentioned RTCs and the subject was still under discussion. The Commission wanted both regulations to be accepted before the Lisbon Treaty was implemented. There were advantages and disadvantages to co-decision-taking. Provisions like the technical measures previously included under Annex III could not be handled through a long drawn out procedure.
- 5.10 It was agreed that the NSRAC would register its extreme alarm at the rushed process for adopting the two regulations. Both regulations would throw up many problems and generate perverse, unforeseen consequences. We needed to highlight a few examples but point out that we had not compiled an exhaustive list. More attention should have been paid to comments from the NSRAC. There was a lack of coherence on the contents and more dialogue was needed on the provisions within the two regulations. Participants were invited to pass any particular points to the rapporteur who would prepare a draft letter for the Swedish Presidency, Commission and Council.

6. Electronic Log-books

- 6.1 A deadline of 1st January had been set for vessels of less than 24m to comply with electronic log-books. The French industry will find this difficult to comply with, and asked whether fishers from other member states were in a similar position. In the UK there is supposed to be a choice of software systems available by the deadline, and this appeared to be on track. Development also seems to be well under way in Denmark. In Holland, four suppliers may be available, although it is not clear whether equipment will be installed on vessels by the date set.

7. Discards

- 7.1 The original approach of the Commission towards reducing discards had been sensible and results-based. However, Commissioner Borg now appeared to have adopted a higher profile approach, perhaps as a result of the Court of Auditors Report. The Commission was considering prohibiting discards and maintaining a ban on high-grading. The NSRAC had written in support of the earlier approach, pointing out that discarding took place for a variety of reasons and was often forced upon fishers by the regulations.
- 7.2 Lisa Borges said that the Commission believed that the earlier approach had been sound but was too slow and complicated. It would have taken 10-15 years to implement. The Commission had therefore decided on a different and more ambitious approach. The ban on high grading in the North Sea and Skagerrak was not the end point. There would be a concerted attempt to make fisheries more selective. The Commission also believed that controls on effort would help to reduce discarding

- 7.3 The Commission is considering other measures such as pilot studies to test practical discard reduction. It is also considering the abolition of minimum landing size, but some member states are opposed to this. The Commission would be happy to consider results-based proposals from the NSRAC to reduce discards.

8. Ecosystem Approach to Fisheries Management

- 8.1 Pim Visser had asked for an explanation of what was meant by the Ecosystem Approach, as it occurred in many documents issued by the Commission. Tony Hawkins gave a short presentation on the subject.
- 8.2 The adoption of an ecosystem approach had been proposed at many meetings and in many conventions and documents since the 1970s. Initially, the approach had been poorly defined and there had been confusion with a call for ecosystem management – which was beyond our ability or powers. However, the approach had been endorsed by the basic regulation of the CFP which aimed at a progressive implementation of an eco-system-based approach to fisheries management. There was still some confusion about what this meant, and uncertainty about how to implement it. In practice the ecosystem approach was just a simple framework for the management of natural resources. It aimed to manage all those human activities that have an impact on the environment and considered the ecosystem as a whole, rather than focussing on one part of it. The approach recognised that humans are a part of the ecosystem and it aimed to make both economic activities and the environment more sustainable in terms of their capacity to absorb stress without fundamental change.
- 8.3 Specific ecosystem objectives included:
- Identify and protect vulnerable habitats
 - Identify and conserve key species and communities
 - Promote biological diversity
 - Identify trophic links & adopt a balanced fishing strategy
 - Consider the implications of climate change
 - Consider life-history characteristics in managing species
 - Assess the impact of new fisheries in advance

Thus, a simple and pragmatic set of ecosystem objectives had emerged. They should be applied on a regional or local basis, and they must involve consideration of the impact upon people as well as on wildlife. Fishers and other stakeholders should be involved in setting the objectives.

- 8.4 Euan Dunn agreed that we did not need to wrestle with definitions any more. The concept had been around for a long time. We now needed to make it operational. The theoretical framework for the ecosystem approach was being implemented through the Marine Strategy Framework Directive, and from that there would be pressure to make the CFP compatible with 'good environmental status'. The role of the NSRAC was to produce advice which was in touch with an ecosystem approach. We could use the above objectives as a check-list whenever we gave advice, and could refine the list further if we wished.

- 8.5 Tony Hawkins pointed out that ecosystem considerations were important in the preparation of long term management plans, and the *Nephrops* Development group were already considering ecosystem objectives for that fishery.
- 8.6 Troels Hegland of the Institute of Fisheries Management at the University of Aalborg presented to the meeting a North Sea Ecosystem Atlas, prepared by the MEFEPO project.

9. Cod abundance

- 9.1 Kai Wieland gave a presentation on the abundance and biomass of cod in the North East Central North Sea based on surveys with commercial fishing vessels. The project involved fisher-scientist collaboration on the abundance and distribution of cod at different spatial scales. Three different vessels/fishing methods had been applied: fly-shooter, trawler and gillnetter. Ten surveys had been performed with different main tasks, area coverage, fishing gear and sampling design. Essentially fishers and scientists wanted to know the numbers of cod available, both in areas where the IBTS was performed and in other areas.
- 9.2 The main finding was that there was significantly higher catch per unit effort (CPUE) of cod on rough ground than on a smooth ground in both the 1st and the 3rd quarter surveys for all three vessels. It appeared that large cod in this area rested during the day on rough bottoms and then moved to sandy areas to feed at night. Fishing during the day on a smooth bottom, as in the IBTS, leads to an underestimation of large cod abundance. Thus, commercial vessels took their highest catches from areas where the IBTS caught no fish. Moreover, whereas the IBTS caught mainly small cod, the commercial vessels showed significant catches of much larger cod. That would imply that spawning stock biomass might be considerably higher than estimated. An attempt has been made to extrapolate the results to the wider North Sea. This study shows the same 'trend' for fish aged 2 and 3 as in the ICES assessment, but shows a large increase for older ages of fish from 2006 to 2008 than in the assessment.
- 9.3 In conclusion, the commercial survey data indicate that cod abundance and biomass in the north-eastern central North Sea were increasing. The commercial survey data suggest further that the increase in cod spawning stock biomass has been faster than indicated by the ICES assessment. It now appears highly desirable to establish tuning time-series from the commercial fishery or from surveys with commercial fishing vessels as alternative or supplement to the IBTS. A continuation of the REX project can provide such time series, but the surveys need funding for 2010 and beyond.
- 9.4 Paula den Hartog asked whether the IBTS had always caught only small cod. It appeared that it did see large fish in some years. Fred Normandale was delighted at seeing these results from a collaborative study between scientists and fishers. He was already convinced that the IBTS survey was poor at catching cod. The research vessel surveys were virtually using an eliminator trawl. Kai Wieland remarked that the actual catch of the IBTS trawl was not as important as the fact that it was consistent over time.

- 9.5 There was concern from fishers that these results and other results from fishery/science partnerships were not being fed into the ICES assessments. Christien Absil wondered whether these surveys could replace the IBTS surveys, and how more of this collaboration could be promoted. Kai replied that these surveys supplemented the IBTS surveys rather than replacing them. However, more secure funding was required to ensure that such work continued.
- 9.6 The discussion concluded with a plea from the chair for more work of this kind. More participative science was required, and funding of these projects was important for improving the quality of the scientific advice. There were other similar studies taking place on other grounds in the North Sea. Chris Darby added that it should be possible to come up with an index based on fishery/science partnerships using commercial vessels.

10. CFP Reform

- 10.1 The NSRAC had submitted a paper on CFP reform before the Green Paper on this subject had been issued. It had also produced a paper on self-management/self-regulation setting out the kind of institutional arrangement which would be required. Positive replies had been received from the Commission on both papers.
- 10.2 Now, an Inter-RAC conference was planned for the 3rd and 4th November in Edinburgh on the subject of 'Decision-Making in the Reform of the Common Fisheries Policy'. World class experts and stakeholders would gather together and we would be able to harvest their ideas in preparing a formal response to the Green Paper.
- 10.3 The main topics we would want to comment on in our response might include:
- Overcapacity in the fleets
 - Governance of the CFP
 - Offshore/inshore issues
 - TACs, effort and relative stability

How would we go about preparing our advice? Did we need a drafting group?

- 10.4 Giles Bartlett spoke on the issue of inshore fisheries. The UK government was currently looking at reform of the inshore management regime. Moreover, regional meetings within the UK on reform of the CFP had focused on inshore issues. Did we need a different regime for the inshore fisheries? The general feeling was that the small scale fisheries needed to be treated differently. There were several issues over defining those fisheries however. Was it the size of the vessel that was important; or whether it operated within the 12 or 6 mile limit; or whether the fishery had a low impact? The Sustainable Access Group, which was looking at quota allocation in the UK, had pointed out that 75% of UK vessels held only 3% of

the quotas. Many of these vessels targeted non-pressure stocks. There was an absence of effort control in the inshore fleet. Should these small scale fisheries be treated differently?

- 10.5 One of the problems was the allocation of historic rights within the inshore zone. The Sea Fisheries Committees in England & Wales operated only out to 6 miles, and the CFP did not allow member states exclusive jurisdiction out to 12 miles. Those arrangements made management of the inshore fisheries very difficult.
- 10.6 Should the NSRAC argue for strict differentiation between waters within 12 miles of the coast and the rest of the North Sea? Christien Absil thought we should. She would like to see gill netting better regulated within the inshore zone; at present the Dutch ministry has tried to regulate gillnetting by setting a limit of 25 km of nets, inside or outside 12 nm. The argument was that the ministry could not discriminate between the inshore and offshore zones, whereas it would make sense to have a different regulation inshore. Derk Jan Berends was not sure he was happy for member states to have full control of the inshore zone. Paula den Hartog also thought that all vessels ought to be subject to the same controls. Leslie Tait questioned the use of the term low-impact fisheries as scallop fishing – one of the main fisheries in inshore waters – was not a low impact fishery. Barrie Deas pointed out that the Commission's advocacy of a differentiated regime arose from its suggestion that the offshore fishery should be subject to international ITQs. In these circumstances there would be a need to provide safeguards for protection of communities dependent on inshore waters. But should European agencies decide what happens in coastal waters? How do we deal with historic rights? Any regime dependent on more or less arbitrary lines drawn through the fleet would generate different types of 'rule-beater'. Perhaps our starting point should be that European level decisions are not appropriate where local decision-taking would be better.
- 10.7 Pim Visser thought there was often a false assumption that a one-man small boat with no quota was the most sustainable form of fishery. In practice they caught a lot of fish. Hansen Black said that inshore/offshore arguments were often the most divisive within fishermen's organisations. Inshore at Shetland – where some pelagic vessels fished - was not comparable with inshore at other locations. There should be scope for local or regional variation on this issue. Christien Absil added that if such issues were to be decided locally then member states would play the main role. However, Barrie Deas thought that new regional management organisations might be more appropriate.
- 10.8 Attention then turned to over-capacity within the fleet. The North West Waters RAC had accepted that over-capacity existed. However, the Commission's oft repeated characterisation of *'too many boats chasing too few fish'* was an over-simplification. Also, we had to distinguish between economic over-capacity and over-capacity in exploiting the resource. Pelagic vessels were like combine harvesters. They were 'kept in the shed' until the right season came around. However, in some fisheries there were too many vessels for the quota.
- 10.9 Christien Absil said that pelagic vessels might not be a good example as many pelagic vessels were not put away in the shed. To be economically viable they fish in other parts of the world as well. Hansen Black disagreed. That only applied to

the largest freezer-trawlers. In Shetland the pelagic boats tied up and the owners played golf.

10.10 It was pointed out that there were problems with too much fishing capacity. Cod recovery measures had resulted in a great transfer of effort into the *Nephrops* fishery, as had been discussed in preparing the *Nephrops* LTMP. We needed an area by area analysis of the state of the fleet in relation to resources. We also needed to look at over-capacity in a qualitative way; in terms of CO₂ production and ecological footprint. We had to set targets to obtain the fleets which were most acceptable. We also had to ensure that member states acted in accordance with the law.

10.11 Barrie Deas asked what could be done to reduce over-capacity. The options included:

- Subsidised decommissioning
- Co-financed decommissioning
- Market-linked decommissioning
- Multi-annual guidance programmes

These issues were perhaps best decided by regional management organisations.

10.12 Others thought we should not get sucked into a discussion of over-capacity. The CFP should not interfere where there is no problem. Stronger control and compliance in some areas would rectify the problem. Some fishers thought that 'technology creep' had also been exaggerated.

10.13 Barrie Deas thought there were problems in deciding on the scope of the NSRAC's comments on CFP reform. What could we add to the comments from ACFA and national responses? We had already commented on governance; should we stick to that? Others thought we should go further. There was some concern over the Commission's enthusiasm for ITQs and abandonment of relative stability. There was also concern over the support for effort controls within the Green Paper and over a recent statement on effort by Commissioner Borg. Effort control had not been a success in the USA, where it had led to 'capital stuffing' to maximise income. In addition, millions of Euros had now been invested in buying TACs. The easiest solution to an inappropriate distribution of quotas was to make quota swapping easier. Direct PO to PO trading of quotas would work very well, but would provide much needed re-assurance, as the quotas would be reset every year.

10.14 Pim Visser was concerned about the impact of the Marine Strategy Framework Directive. Environmental interests within the Commission and the Regional Directorate were seeking greater influence on fisheries policy. We needed to give thought to the implications of that. Euan Dunn could not understand that viewpoint. We had to deal with the Commission as a whole. Pim replied that the Framework Directive is all inclusive. Although CFP reform was the focus of our

attention the other DGs had little regard for the CFP. Economic studies of areas like the Dogger Bank had led to conclusions that fisheries, which were widely distributed, were less important than wind farms and aggregate extraction. We had to defend fisheries policy, although he had no problems with our adopting an ecosystem approach.

10.15 Barrier Deas concluded that we should continue to work on the governance issues and should be aiming at a CFP with 3 tiers: European institutions laying down policies and setting limits; regional management organisations taking management decisions for the regional seas; and bespoke fisheries plans put forward by self-defining groups of fishermen. The formulation of long term management plans would change the role of management. Those plans would define the measures to apply to the fishery, in line with an ecosystem approach. The plans would have to be audited to ensure that fishers were doing what they said they would do. Involvement of the fisheries groups could take place incrementally, progressively removing the micro-management that currently prevailed. The big problem was defining what would happen at the regional seas level. There was currently no example of such a body, with devolved powers, within the EU. There would be resistance to it from Commission lawyers and from some member states. There are a number of models for regional management organisations, however, which we should be investigating.

10.16 Christien Absil said that the Pelagic RAC had also identified this issue and had raised it at the Inter-RAC meeting. David Symes had presented a paper at the Nordic Council of Ministers, considering what would be possible within the confines of the Treaties. Ann Bell pointed out that we had asked a marine lawyer to address these issues at the November conference. The Secretariat would try to obtain a copy of the Symes paper and would circulate it.

10.17 It was agreed that a small drafting group would meet after the November conference to follow up the ideas which had been discussed both within the NSRAC and at the conference. A paper giving our response to the CFP Reform Green Paper would then be distributed for comment.

11. Any Other Business

11.1 Ann Bell reminded participants to sign up for the November conference via the website.

11.2 The date for the next meeting would be discussed at the ExCom.

12. Action Points

1. The <i>Nephrops</i> Development group should take the LTMP further forward, initially by filling in some of the gaps in information (2.5).	Michael Park Members
2. The scope for funding international initiatives through the EFF was very poor. The Inter-RAC group would be	Secretariat

asked to raise this point with the Commission. The EFF was not currently compatible with broader initiatives and that approach should change. (2.6).	
3. Participants were asked to send to the rapporteur any suggestions for inclusion in a short paper to the Commission on TACs and quotas. Comments will not deal with all the stocks but will make key points on whiting, megrim, skates and rays and other stocks (4.6).	Members Rapporteur Secretariat
4. A small industry group will be set up to discuss the protocols being used with the new Omega 3 net gauge, to meet the appropriate people from the Commission and CFCA and report back to the NSRAC. Mike Park will lead the delegation to Brussels. The delegation should be as small as possible - perhaps 4 persons. Those interested should contact the Secretariat. (5.7).	Members Secretariat Michael Park
5. The NSRAC will register its concern at the rushed process for adopting the Control regulation and the Technical Conservation Measures regulation. Participants were invited to pass any particular points to the rapporteur who would prepare a draft letter for the Swedish Presidency, Commission and Council (5.10).	Members Rapporteur Secretariat
6. A small drafting group will meet after the November conference to follow up ideas discussed within the NSRAC and at the conference. A paper giving our response to the CFP Reform Green Paper would then be distributed for comment (10.17).	Chairman Secretariat

13. Participants

Barrie Deas	Chair
Tony Hawkins	Rapporteur
Willem de Boer	Dutch Fisheries Organisation
Pim Visser	EAFPA
Bruno Dachicourt	CFTC
Antoine Le Garrec	UAPF
Chris Darby	CEFAS
Giles Bartlett	WWF
Euan Dunn	Birdlife International
Caroline Gamblin	CNPEN
Fred Normandale	NFFO
Lisa Borges	European Commission
Leslie Tait	SFF
Hansen Black	Shetland Fishermen's Association
Paula den Hartog	Dutch Fisheries Organisation
Ann Bell	Secretariat
Joyce Walker	Secretariat
Robert Stevenson	NESFO Ltd
James Thain	NESFO Ltd

Derk Jan Berends
Nicole Westerwaal
Hélène Syndique
Kai Wieland
Svend-Erik Andersen
Nigel Proctor
Piotr Stachowiak
Luc Corbisier
Hugo Andersson
Troels Hegland
Marieke Verweij

Dutch Fishermen's Association
Dutch Directorate of Fisheries
French Ministry of Food, Agriculture & Fisheries
DTU Aqua
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