



## Executive Committee Record of Meeting IJmuiden, October 15<sup>th</sup> & 16<sup>th</sup> 2009

Rapporteur: A D Hawkins

Draft Record

### 1. Welcome, Apologies & Elections

- 1.1 The past Chair of the ExCom, Hugo Andersson, welcomed participants to the meeting. Apologies had been received from Emiel Brouckaert, Bruno Hoffstadt, Hazel Curtis, Dominique Thomas, David Anderson, Colin Faulkner, Elisabeth Vallet and Pierre-Georges Dachicourt
- 1.2 It had become necessary as a result of intervention by the Commission to re-appoint the Chair of the ExCom by a different procedure. Only one nomination had been received from the General Assembly, Hugo Andersson. Mr Andersson was elected as Chair unanimously.
- 1.2 Two nominations had been received for the two Vice-Chairs to the ExCom, Christien Absil and Michael Park. Both were elected unanimously.

### 2. Relations with ICES

- 2.1 Henrik Sparholt informed the ExCom of two ICES initiatives. He gave an update on benchmark assessments, and described revisions to the format and form of advice from ICES.
- 2.2 The benchmark assessments began with data compilations workshops. These assembled all the relevant data, including existing data and considered new data and data collection schemes. Quality criteria were then applied which considered relevance, appropriateness, and objectivity. Reliability and quality assurance procedures were also important.
- 2.3 Benchmark meetings in 2009 of interest to the NSRAC had included:
  - North Sea whiting
  - Kattegat cod
  - North Sea cod

- North Sea plaice
- Eastern Channel sole
- Nephrops functional units

There would be several rounds of benchmark meetings in 2010.

2.4 Stocks to be considered in February included the roundfish (on 9-16 February):

- Saithe in Division Vb (Faroe )
- Saithe in Division Va (Icelandic)
- Saithe in Subareas I and II
- Haddock in Subareas I and II
- Hake in Division IIIa, Subareas IV, VI and VII, and Divisions VIIIabd (Northern stock)
- Hake in Divisions VIIc and IXa (Southern stock)

The deep sea species (17-24 February):

- Roundnose grenadier in Division Vb and Sub-areas VI and VII
- Greater Silver smelt in all areas
- Tusk in Division Va
- Red (blackspot) seabream in Sub-area X
- Deep-water squaliform sharks in all areas
- Greater forkbeard

And the flatfish (on 25 February to 4 March):

- Sole in Division IIIa (Skagerrak and Kattegat)
- Plaice in VIId
- Sole in Subarea IV

2.5 Stakeholders would be given the opportunity to contribute data to the standard assessment for a given fish stock. This would, however, require substantial preparation and should perhaps be done in cooperation with national fisheries research institute or consultants.

2.6 Two workshops were to be held on the future format of ICES advice. A meeting in December in Lisbon would review ICES policy for fisheries advice, identify an ICES policy for MSY, and identify a policy on how ICES would take account of the DG MARE model for constraining changes in the TAC from one year to the next – an EU-Norway issue.

2.7 A second meeting, also in Lisbon in December, would define the format of the advice in terms of a contents list for the advice, a proposal for a format that meets this content list and a proposal for which media that should be the primary delivery. Stakeholders were invited to attend both of these two meetings. Isabelle Viallon from the Commission added that the two workshops had been established following demand from the RACs for advice from ICES which was easier to read and understand.

2.8 Peter Breckling understood that MSY was to be a key feature of the approach. Would MSY be the main focus of ICES advice in the future instead of  $B_{LIM}$  &  $B_{PA}$ ? Fred Normandale thought that the assessments did not consider discard data sufficiently. The whiting TAC goes down year after year because the quota isn't

taken but there was colossal discarding of whiting by fleets which were not allocated sufficient quota, If ICES knew this the assessments would change. Henrik Sparholt acknowledged that more discard data were needed. The benchmark working groups were willing to incorporate any data that were available. Fishers were disappointed that the Lisbon meetings were taking place in the second week of the EU/Norway meetings, when their representatives would not be able to attend – especially since the meetings were meant to be a response to requests from fishers.

- 2.9 Barrie Deas said that fishers who had attended the benchmark meetings in 2009 thought that they had run on for too long. The meetings needed to be organised in a way which would make better use of fishers' time. What had struck him was that there had been question marks over a number of stocks – not because of changes in the stocks but because there had been changes in perception or methodology or new knowledge brought forward. Transitions needed to be more gradual. There was also a need to make explicit the degree of uncertainty over stocks – perhaps through a traffic light system. Progress had also been slow in incorporating new data into the assessments, including annual regional fisheries reports on changes in the fisheries and markets. We would lose faith in the process if progress was too slow. One of the most important features of fisheries management was how the industry responded to fisheries measures. Annual reports would be useful in evaluating those influences. Ate Oostra thought that improving the trust of fishers in the assessments was critical and accepting information from fishers was an important aspect of that. He agreed that a traffic light system indicating the degree of confidence in the assessments would be useful.
- 2.10 Henrik stressed that data from the fishing fleets would be welcomed, especially if it was provided through fisheries/science partnerships. Trust could be improved through such mechanisms. Data on discards was especially valuable and ICES did use it where it was available. The use of TV cameras to monitor discards was an important new development. With respect to traffic lights, one of the Lisbon workshops would be looking at evaluating the quality of the assessments. At the benchmark meetings, the intention was to spend the first two days going through the most relevant data. The meeting would become more technical after that. The point that there had been changes in the perception of stocks as a result of changes in methods was an important one which would be discussed within ICES.
- 2.11 Leslie Tait was concerned that the lack of communication came not from how the advice was delivered but from the very advice itself; which was often not credible. We must develop ways of feeding new information into the assessments. One of the fisheries/science partnerships he was associated with had provided new data on megrims but the response from ICES had been that 5 more years of data would have to be collected before it had any value. There was a burden of legitimacy about the assessments; scientists must use more up to date data. Antoine Le Garrec expressed similar concern. French fishers had provided data – for example on blue ling – since the 1990s, including data from log books. Ifremer, after initial scepticism, had accepted the data as realistic but despite that the assessment working group was still uncertain about the state of the stock. Why did fishers have to wait so long for their data to be accepted and used in the assessments? Many fishers no longer believed it was worthwhile to submit data.
- 2.12 Hugo Andersson thanked Henrik for taking part in the meeting. Much progress was being made on this subject, which was of vital interest to the NSRAC. He proposed that a small working group should meet with ICES to discuss the provision of data, including the North Sea Fishers' Survey, which the Demersal Working Group wished to look at in more detail and revise if necessary. It was agreed that Michael

Andersen would liaise with the Secretariat and assemble a working group to meet with ICES.

### **3. Assistance with Management Plans – The REFRAANE Project**

3.1 Doug Wilson from the University of Aalborg and Clara Ulrich from DTU Aqua came forward with a proposition for assisting the NSRAC in the preparation of management plans. The Commission had recently issued a call for proposals on results-based management (a term which corresponded to self-management), which had been discussed in the Green Paper on the reform of the CFP. Self management would empower fishermen, but the process for achieving self-management was ill-defined. He would like the NSRAC to join with a consortium in exploring the concept within a new research project. Participation by the NSRAC would ensure that the project adopted a realistic approach.

3.2 With result-based (including self) management, fishing is allowed to take place according to the industry's own management plan which must show that the fishing stays within a set of limits on environmental impacts. In his view there were three institutional levels:

- The Outer Level: which involved scientists providing simple but broad models capable of limit setting
- The Middle Level: where stakeholders translated the broader public limits into operational limits for a particular fishery or areas
- The Inner Level (self-management): where a limited group of scientists and economists working with the industry developed an operational strategy.

3.3 The new project would look at discards. Although there are regulations and policies on discards, the reduction of discarding could only be achieved with the help of fishers. It could not be imposed from above. Self-management gets away from catch composition rules. Instead the management system simply sets limits to the level of discards. The industry decides how to stay within these limits, and demonstrates that it has done so. There is a burden of demonstrating that limits are being observed. However, many questions remained unanswered about self-management:

- How are overall limits on eco-system impacts to be set?
- How do you demonstrate compliance?
- What do you do with uncertainty?
- How do you identify the fishing group for self management?
- How do you organize self management itself?
- How can powers be legally delegated?
- What are the implications for existing fisheries management measures and rules?

- What costs are implied by a shift to self-management?
  - What steps would be involved if Europe moved toward self-management?
- 3.4 A research project was being put together to answer these and other questions. Seven case studies would be examined; each of them driven by stakeholders. Two of the case studies involved management plans under consideration by the North Sea RAC. One was the preparation of a long term management plan for *Nephrops*; the other was the preparation of a plan for the mixed whitefish fisheries of the North Sea. The emphasis with both would be on discards. The project would start in about one year's time.
- 3.5 Niels Wichmann thought the project dealt with a very important subject. The current rush by the Commission to put new rules and regulations in place was counter-productive. We should be aiming to remove the current layers and complexity of management. However, he was not sure how the Danish system could fit into a process of self-management. Doug Wilson said that self-management would result in the removal of regulations and their replacement by a system of limits. The question of how the Danish system would fit in was one which the project would aim to answer. Peter Breckling was also interested in the project, but thought that it ought to tackle some of the major problems, not concentrate on small ones. Doug replied that each small case study would be a window into the larger problems. Legal questions would arise and would have to be answered.
- 3.6 Other fishers' representatives also supported the project and wished it to go ahead with the blessing of the NSRAC. The NSRAC had already raised some of the questions which Doug had listed. In terms of scale, surely a fisheries group could opt to move out of micromanagement in favour of self management. It could opt out of the current regulations and work within limits. The rules would still be there for other fisheries which had not opted out. By this means we could develop in a stepwise fashion, incrementally, in a way which would give confidence to the member states and Commission. This project would help us take things forward.
- 3.7 Ate Oostra could envisage how waivers from the regulations could be given to those organisations able to demonstrate that stocks were faring well. When stocks were not, it might be necessary to restore the regulations. Doug Wilson hoped that top down management would eventually disappear, and that fisheries would not necessarily revert to the old system if stocks fluctuated. Management plans could include proposals for dealing with uncertainties or adverse conditions. Auditing of progress would be very important and here we might look at systems in place in Canada and elsewhere, where auditing was based in fishing communities.
- 3.8 Clara Ulrich put forward some ideas for results-based management for North Sea demersal mixed-fisheries. Currently, advice and TACs were still done on a stock-by-stock basis. Management plans were decided independently from mixed-fisheries interactions. Some progress had been made in evaluating the impact of mixed-fisheries on advice. However, the different fisheries in the North Sea were defined differently by different groups. Scientists defined fisheries on the basis of the fishing gear, target group and mesh size. The Commission defined them on the basis of the effort management regime, by gear and mesh size. The North Sea RAC had defined the 5 main fisheries, without reference to mesh size.
- 3.9 The NSRAC essentially operated at Doug's Middle Layer, where operational limits would be set for the fisheries at a regional seas scale. There had to be agreement on concepts, on the definition of fisheries, and on linkages with available data.

Discussion was needed on a robust management plan for the mixed demersal and other fisheries. At Level 3, industry would be responsible for the Identification and evaluation of possible actions; and for monitoring and documentation. In the case of North Sea whiting, quotas were based on landings not catches. That problem could be considered and dealt with. There were lots of possibilities.

- 3.10 Hugo Andersson invited the NSRAC to come to a view on the project proposal. It was agreed that the project would get the NSRAC's support and that the Secretariat would prepare a suitable letter with advice from Doug. We would put forward the *Nephrops* LTMP and the mixed whitefish fishery LTMP as our case studies.

#### **4. The application of CCTV on board fishing vessels**

- 4.1 Michael Park gave a presentation on the application of CCTV cameras on board Scottish fishing vessels under the ROAM (Remote Observation and Monitoring) project. With such systems it was possible to see the net being hauled, fish being gutted, and any fish being discarded over the side. The aims of the project were to ascertain:

- whether CCTV could be used as an effective supplemental tool to provide reliable catch/discard observation data;
- whether CCTV could incentivise fishermen to comply with fisheries management systems and stock conservation initiatives;
- whether CCTV could be used as an effective enhancement to current monitoring and control capabilities particularly with reference to misreporting area of capture and application of any grading or discarding bans in place.

The ROAM project would also supplement the work of the Scottish Conservation Credits Steering Group (CCSG) in finding further innovative ways in contributing and demonstrating contributions to a reduction in cod mortality by 25%. Some secondary aims of the project included:

- setting up a reference fleet covering various fishing methods to provide reliable discard data to feed into the scientific model;
- providing proof to fishers and the Commission that avoidance and behavioural changes were real and having an impact;
- providing proof to fishers and the Commission that technical cod avoidance measures work. (Comparing discard rates with differing gear types).

- 4.2 For the project to succeed, participating vessels had to buy into the principles. The system was not tamper proof and required a degree of discipline and cooperation from the master and crew. For the data to be meaningful all fish had to be recorded, on a haul by haul basis, including discards. An element of scientific participation in the analysis and dissemination of the data was crucial to give the project the kudos it deserved. Confidentiality regarding the data had to be guaranteed, so that vessels' commercial confidence could not be compromised. Vessels might be encouraged to take part through the following incentives:

- Additional effort could be secured for participating vessels,

- A scientific derogation could be secured for participating vessels allowing them to keep all catches,
- Scottish POs could be approached with a view to securing extra quota for participating vessels,
- Possible accreditation for vessels participating and adhering to the principles,
- Potential offer of keeping the equipment free of charge on completion of the trial.

#### 4.3 Possible benefits of the ROAM system might include:

- The reference fleet would provide unambiguous fisheries data on discard rates, catch rates, fish aggregation etc. Scientific models could be tweaked on the basis that data is robust to provide more accurate projections to feed into and inform decisions on fisheries management.
- Claims by industry on discard rates, fish aggregations/density could be believed or refuted depending on the data on the ROAM system.
- Fisheries Administrations could use the data to persuade and incentivise the industry to adopt more sustainable practices. An example could be the difference in discard rates between two fishing gears, say the eliminator trawl against a standard trawl.
- Installation might deliver (if we so choose) access to an otherwise restricted fishery e.g. at Faroe.
- The potential existed to look at alternative ways of monitoring fishing effort as in actual fishing time opposed to time at sea.

4.4 Niels Wichmann said that a proposal was going forward to the Commission for a reference fleet in the Baltic. It would be interesting to see what the reaction of the Commission would be. He agreed with the Danish Minister that trials should be carried out and the different issues considered. However, lots of questions remained. Fred Normandale thought that very few fishermen would be interested in participating in such a project. There was a risk that when the Commission saw the amount of discarding which took place there would be demands for the fleet to be tied up. Michael Park thought that such observations might be of value, for example, in resolving the problems over whiting. Pim Visser said that there was a risk of lobby groups becoming involved. However, it was clear that such projects were being endorsed by the Danish, Scottish and other Ministers, who were saying how sustainable this approach was. We needed to get back to an earlier stage of discussion and deliberation before endorsing such proposals. Peter Breckling shared this concern. Gaining a better knowledge of fishing mortality would not change the value of F being set or influence the TACs. Such systems were an affront to the dignity of fishermen. By all means gain experience in using them – but do not go too far with them. Michael Park emphasised that this was not a finished product. The ROAM project was a trial intended to convert discards into marketable fish.

## 5. Report of the Demersal WG

- 5.1 Barrie Deas reported on the work of the Demersal WG which had met in Haarlem. There had been extensive discussion of cod recovery, and the problems that had arisen from the cod recovery plan, including the lack of exemptions being granted to fisheries which did not catch cod. Real Time Closures had been very successful but there was concern that only limited buy-back of days at sea had been provided. There had been particular concern over the requirement to use the eliminator trawl once a substantial part of the quota had been taken. There were also worries over the ban on high-grading which in practice was unenforceable. Fishers had done their best to comply with the plan but vessels were being forced to discard. What had actually been achieved by the plan?
- 5.2 We did not intend to comment in detail on TACs and quotas this year. However members were concerned on several issues, including that of whiting where the TAC was underutilised but discarding was rife within the fleets which did not possess quota. There were also concerns about megrim and skates and rays.
- 5.3 The Control Regulation and the Technical Conservation Measures Regulation had both been discussed. The first regulation might be adopted next week. The second would be considered at the November Council. There was frustration with the whole process. Drafts have been changed without the opportunity for comment in order to beat the co-decision-taking which would follow adoption of the Lisbon Treaty. Inevitably the regulations would be flawed and anomalies would result. The RACs had effectively been by-passed, and the WG wished to raise this with the Commission.
- 5.4 The WG had also discussed the introduction of the new Omega meter for measuring mesh size and its flaws. There had been a communication failure on the part of the Commission. Nets which were legal have now become illegal and there were piles of netting in stores which were now redundant. There were cost issues if fishermen had to change their nets. We would seek a meeting of a small group with the Commission to see what could be done. In terms of the introduction of electronic logbooks, there were concerns that some member states were further ahead than others. On discards, it was evident that the Commission's policy had stalled. Much publicity had been given to proposals from the Commissioner which would not work. Progress in dealing with discards was far too slow.
- 5.5 Kai Wieland had described Danish surveys conducted with the industry which supplemented the information available on cod. The WG was concerned over the difficulties in having these new data considered by the assessment working groups. There had been a presentation to the WG on the ecosystem approach which had come up with a list of ecosystem considerations to be taken into account when the NSRAC was preparing advice. The WG had also discussed the reform of the CFP. More would be said on this topic at the forthcoming conference on Decision-taking within a Reformed CFP. We would harvest ideas from the conference and then a drafting group would meet to prepare a response to the Green Paper.
- 5.6 Niels Wichmann stressed that we needed to engage with the Commission and member states over the two new regulations. Our views have not been taken seriously. We had received polite replies but our objections had been ignored. Pim Visser said that the Control Regulation would cause problems for the processing industry as well as the catching side. We needed to push the Commission and Swedish Presidency over this issue. Christien Absil said that decisions were now in the hands of the member states. It might be better to contact them with suggestions

for amendments. Michael Andersen said that it was the whole procedure that we objected to. There had been complete disregard of the RAC's views. There had been only limited dialogue over two important regulations. Ate Oostra sympathised with the frustration but thought that commenting on the process would not achieve much in terms of clawing back the proposals within the regulations. If we could suggest the improvements we would like to see in the regulations then we might get somewhere. Niels Wichmann thought we could send all the letters we liked but the Council would meet on Monday. We should get out a press release today, to let fishers know we were working on their behalf. It was agreed that a short press release would be drafted for sending out. It would need to include real points of comment, and should be aimed at the member states.

## **6. Report of the Spatial Planning WG**

6.1 Euan Dunn, the Chair of the Spatial Planning WG, said that there had been no meetings of the WG since the last ExCom, but several other meetings had taken place on spatial planning issues:

- The 3rd European Commission workshop on MSP principles, Azores, July
- Wageningen UR, Centre for Marine Policy workshop on Dogger Bank MSP project, Leeuwarden, September
- The 4th (and final) Commission workshop, Stockholm, October

6.2 The Commission meetings had been intended to integrate N2000 sites in the North Sea. From a NSRAC standpoint the 3 proposals (from the UK, Germany and the Netherlands) for the Dogger Bank were perhaps the most important. Denmark had still to decide what to do. There were huge issues over the conservation objectives and management measures for these areas. In general, the process for putting forward the N2000 areas had been dysfunctional. As Pim had said at a previous meeting *‘The NSRAC is like a small herring shoal, encircled by the four predatory dolphins of Germany, the Netherlands, Denmark and the UK. They are coming at us but we have no idea when they are going to strike and in what sequence. The only certainty is that we will be eaten’*. The fishing sector was extremely concerned about the socio-economic implications of designation and potential management measures. The NGOs were frustrated over the slow progress of Dogger Bank SACs and of offshore Natura 2000 generally. The NSRAC had tried to engage with the process through the JNCC pre-consultation on the UK proposals, participation in the Lot 7 project (UK, Netherlands, (Denmark) and by commenting on the UK Round 3 wind-farm proposals (with responses from the UK & France). In particular, the Lot 7 project had consisted of spatial and temporal analysis of VMS data to provide standardized estimates of fishing effort in consultation with the fishing industry. A case study had been carried out on fishing activity within the proposed UK Natura 2000 area on the Dogger Bank. It had analysed UK and Dutch vessel activity, based on logbook and VMS data, 2006-07 and had indicated the scale of economic loss if fishing was displaced from 4 key ICES rectangles. The project had effectively put fishers' cards on the table. The next step was for fishers to validate the content of the Lot 7 report (which is on the NSRAC website [www.nsrac.org/](http://www.nsrac.org/)). UK and French fishers had also responded on the UK Round 3 wind-farm proposals and had provided VMS data which showed that developments would have a negative social and economic impact.

6.3 There had been some cross-border consultation on the Dogger Bank proposals between member states. However, not all the Individual member states which had proposed SACs had consulted the NSRAC. Stakeholder confidence on all sides was low. At the Leeuwarden conference there had been discussion of a project proposal in response to the Commission's call for tenders 'Preparatory action on Maritime Spatial Planning in the North Sea/NE Atlantic'. There had been a commitment to prepare a spatial plan for the Dogger Bank by a consortium of 9 partners and 14 observers (including the North Sea RAC and North Sea Commission). The plan comprised 5 phases:

- Initial assessment/data gathering (trans-boundary)
- Planning (formulate objectives/process, set out scenarios to achieve objectives, re-align national efforts)
- Evaluation (against the 10 EC Principles and UNESCO-IOC spatial planning guidelines)
- Stakeholder engagement (2 conferences)
- Review (gap analysis to identify where more work needed, to gauge success and learn lessons)

Unfortunately the consortium had been unable to submit a proposal because of time constraints but crucially, the relevant member state governments were not ready for it and could not sign up to it. However, the consortium survives and remains committed to undertake a preparatory action on maritime spatial planning on the Dogger Bank. The consortium would welcome additional funding opportunities to take this forward. The Dogger Bank is a classic microcosm of the issues that maritime spatial planning faces throughout EU waters. We should be looking to the Commission to build on their 4 workshops to help make this and other pilot studies happen.

6.4 Leslie Tait was concerned that any closure proposals should have clear and understandable goals. There were already a large number of closures, including RTC and seasonal closures. Fishermen were experiencing large losses in the areas available to them. Fred Normandale opined that lots of sand was being saved. The combined size of the Dogger Bank SACs was far beyond what was necessary. The scope of the SAC could be greatly reduced, leaving some fishing areas unaffected. Paula den Hartog said that 2 wind-farm areas had now been granted approval in the Dutch sector, outside the 12 nm zone. Dutch fishers were appealing. Did other fishers know about these developments? Had their activities been considered? Michael Andersen confirmed that Danish fishers had not been consulted, although this was an area of interest to them for fishing.

## **7. Report of the Skagerrak and Kattegat WG**

7.1 Fredrik Lindberg gave a report on the meeting of the WG which had taken place in September. Carl-Jesper Hermansen had been elected as the new chair. The meeting had finalised proposals for a technical regulation in the Skagerrak/Kattegat which was now submitted to the ExCom. It had also examined the legality of the Kattegat closures by Denmark and Sweden. A general presentation had been given on the relevant ICES advice for TAC's for 2010. It had been agreed that the ExCom

would be informed of the fact that the ICES advice on plaice was of such poor quality that there was a problem in achieving MSC certification. It had been announced that Norway had cancelled the Skagerrak agreement of 1996.

- 7.2 Christien Absil was concerned about the mesh size proposals put forward in the technical regulation. The proposal was for a 120mm mesh size, but with an option for 80mm in the Nephrops fishery. She was concerned that an 80mm mesh would lead to a discard problem. She could not sign up to a decrease in mesh size. Michael Andersen thought that this problem could be resolved. The WG wanted to apply the existing rules from the North Sea to the Skagerrak/Kattegat fishery. There was no intention to decrease the mesh size and fishers would be happy to continue with the current 90mm mesh. However, they did not want the mesh size in the Nephrops fishery to increase to 120mm. The mesh size of 80mm had only been mentioned for harmonisation purposes. It was agreed that new wording would be inserted and the proposal adopted by the ExCom.
- 7.3 Jan Willem Wijnstroom asked whether there was scope for RTCs. Michael Andersen said that this had been discussed in York but rejected by the NGOs. It had now been withdrawn as a result of the permanent closure which member states had introduced. The NGOs again raised the point that they had not been able to attend the meeting as a result of errors in the arrangements. Michael Andersen apologised.

## **8. The Socio-Economic Focus Group**

- 8.1 Nicki Holmyard described the work of the Socio-economic Focus Group. A workshop had been held in Ijmuiden to consider the addition of social indicators to the Data Collection Regulation. It had followed on from discussions with the DCR unit. The unit had requested that such indicators should be simple and complement existing data. The group had considered what data would measure the social impact of fisheries management measures; how it could be collected; who would collect it; and whether 4-5 indicators would suffice. There had been much discussion of the options, including discussion of what constituted a fisheries dependent community. A list had been prepared, and included:

- Wellbeing
  - Cohesion of community
  - Community relations and identity
  - Health
- Economics
  - Employment
  - Viability and profitability
- Safety statistics – accidents
- Type of fishery
- Work conditions
- Ethnic constituency of the employed, family fishing units
- Fishing community participation in management

Indicators had been picked out and included:

- Economic health of ports and fishing communities
- Employment demographic
- Level of education within fisheries
- CPUE and CPCE

More work was now needed. The suggestions would be emailed around and feedback sought from the DCR unit. A second workshop would be held in the spring of 2010.

8.2 Progress had taken place within ICES. The annual science conference had introduced a session on social and economic factors and it was proposed that ICES develop options in respect to the possibility of having capacity for socio-economic advice in respect to bio-economic management strategy evaluation, economic impact assessment and socio-cultural impact assessment; including a description of what specific kinds of capacity would be needed and various models of how that capacity could be developed and supported. The ICES science plan for 2009 – 2013 included: contributions to socio-economic understanding of ecosystem goods and services, and forecasting of the impact of human activities. There had also been a discussion session to determine recommendations for reform of the CFP in relation to social issues. Points discussed included:

- How can overall fleet capacity be adapted whilst addressing the social concerns faced by coastal communities, taking into account the particular situation of small- and medium-sized enterprises in this sector?
- How could a differentiated regime work in practice?
- How should small-scale fisheries be defined in terms of their links to coastal communities?
- What level of guidance and level-playing field would be required at EU level?

Nicki Holmyard noted that the Dutch government wanted socio-economic activity kept out of the CFP and undertaken within regional and national policy. However, balance was needed. The ExCom might wish to contribute to this debate and to continue discussions at Inter-RAC meetings.

8.3 The Commission had commissioned a socio-economic study to up-date current statistical data and socio-economic indicators for EU fisheries regions and support discussion about the future CFP, particularly in relation to future financial support for the purpose of coastal development. The Pelagic RAC had sought involvement in these studies and perhaps the ExCom should do the same. Hugo Andersson asked whether there was support for the NSRAC writing a letter, seeking to be involved in the study, and this was agreed.

## **9. Commission Update**

- 9.1 Ernesto Penas said it was a pleasure to be attending this meeting of the NSRAC. He now had a regional responsibility and welcomed the opportunity to talk to the ExCom.
- 9.2 Ernesto dealt first with immediate issues. On the Control Regulation; some member states were unhappy with the financial sanctions within the regulation and that might put agreement on Monday in doubt. Nevertheless the Commission thought the financial sanctions were important and wished to retain them. Some member states had raised other more detailed items and it was not clear what would be agreed.
- 9.3 The Technical Conservation Measures Regulation was also in a difficult position. The overall aim had been to obtain simplification and a degree of regionalisation. So far, member states had not accepted the structure proposed. They were not happy with 'comitology' being used to deal with regional issues and wished to continue to discuss such issues in Council. However, the Commission wanted to fast-track regional decisions – this was a point of principle. Suggestions from the RACs should not have to go through co-decision taking under the Lisbon treaty. If the Commission concedes on this point then future procedures will be very heavy, even for small technical adjustments. A compromise proposal was now being developed with mesh sizes specified in the body of the regulation but allowing the Commission to modify these rules as a result of requests from the member states or RACs, or indeed the Commission itself. The balance of power under comitology would be very different, and the Commission was trying to avoid setting precedents. It looked as if it might be increasingly difficult to get the regulation adopted. The arguments were not about technical measures but institutional structures. However we still had the old regulation 850/98 to fall back on.
- 9.4 There was a further problem over TACs and Quotas. Problems had been raised by member states over the mismatch between effort and catch quotas. This would be a major issue at the December Council. Last year the Commission had committed itself to investigating examples of mismatch but often data were not available. Effort limitations had a commercial value of their own, and TACs were no longer the only mechanism for limiting F. Effort limitation was no less valuable than TACs. If fishers ran out of effort they had to stop fishing. However, if there was an acute mismatch (for example, running out of effort with hardly any catch taken for seasonal or other reasons) then the Commission would look at the problem. It was talking to national administrations seeking examples of this.
- 9.5 On the results of EU/Norway negotiations, there had been debate in Council on several points. As far as the North Sea is concerned there was limited scope for manoeuvre. Seven out of eight stocks in the North Sea were subject to management plans. This year, mackerel, cod and blue whiting would be key issues.
- 9.6 On mid-term issues; revision of the flatfish management plan required an impact assessment. This was not done last time, but the revision would require it and appropriate preparations were being made. Interaction between the flatfish and cod management plans was likely to be an issue. Part of the problem of matching effort to quotas came from a lack of integration between the cod and flatfish plans. NSRAC opinion would be sought on this point.
- 9.7 A consultation was under way on CFP reform. Over and above the submission of formal opinions reform would not develop overnight. Lots of ideas needed further development. Ideas should be sent in before the end of the year. Those ideas would need to be subject to impact assessment. There are issues where everyone agrees on the direction of change, but ideas are not yet specific enough. For example, regionalisation: many Ministers want it but how can it take place. Lawyers say that

powers cannot be devolved to regional bodies. Should the RACs develop into regional management organisations with the member states? The lawyers say no; power can be devolved to member states but reform will have to be done in a coherent way. Should the RACs stay as stakeholder advisory bodies, or should they integrate with managers and scientists? What powers can be conveyed? We might still be testing ideas during 2010 and considering how they might work in practice. The Baltic RAC was willing to join with member states and scientists in forming an informal body for test purposes. These experiences might influence deliberations on reform.

- 9.8 Implementation of the Marine Strategy Framework Directive was another element. By 2010 the member states had to turn this into national legislation. However, the Directive invited member states to coordinate their approach. This might lead to regionalisation. Establishing the requirements of environmental directives would have an impact upon fisheries and on the CFP. The UK Marine Bill recognises this. What is 'good environmental status' and what is the impact on fisheries? There were two challenges. Firstly, how do we define good environmental status with respect to fisheries? The NSRAC should give its opinion on this. Secondly, how will regional cooperation take place? Should OSPAR coordinate this? Shouldn't the NSRAC play an important role? Certainly the NSRAC should not allow itself to be overtaken by events.
- 9.9 The NSRAC should also think about long term issues. Integration with other policies would become increasingly important. There was great complexity of issues in the North Sea – illustrated by the clash between different management plans. Could we get away from this and adopt an ecosystem approach to fisheries management in the North Sea? Can we devise a new management system for the mixed fisheries by getting rid of complexity and seeking innovative solutions?
- 9.10 Another issue was marine spatial planning. A clear view was expressed at the Stockholm meeting that progress was needed on this. Fishing activities were being pressed upon by other activities, especially in the North Sea. If things continue as they were going then other users will dominate the planning process and fisheries would be forced into a corner. Marine spatial planning should allow all interests to express their opinion. Fishers must engage with it.
- 9.11 Hugo Andersson thanked Ernesto for his willingness to be open with the NSRAC. Peter Breckling then raised the question of exemptions for fisheries which did not take cod. It had been the will of Council that some fisheries be exempted. But the Commission had not acted upon this. It had introduced 2 preconditions. Firstly that the net should be constructed so that it did not catch cod. Secondly that the gear must only be used in areas where there are no cod. This was impossible for fishers to comply with. Ernesto replied that the Commission was not creating too many obstacles. However, it did want to ensure that derogations did not undermine the system and frustrate the objectives of cod recovery.
- 9.12 Peter Breckling was also critical of statements from the Commissioner himself in favour of effort management. What did the Commission have in mind? Ernesto replied that he did not want to contradict the Commissioner, who had wanted to be provocative and had merely been raising the possibility of effort control as a means of reducing discards. The system was still under discussion. However, before effort controls had been introduced there had been massive discarding. Now, cod stocks were improving – would that have been possible without effort controls? TACs and quotas had not been enough. If effort control hasn't worked it may be because of the mass of derogations.

- 9.13 Michael Andersen was concerned at all the changes introduced by the Commission and member states to the Technical Conservation Measures Regulation. These did not need to be done now. Many of the changes would be impossible to comply with. Ernesto replied that the objective of the new regulation was to change the approach. In general terms the Commission did not wish to change the substance. Regulation 850/98 was too complex and difficult to enforce and simplification had been sought. However, there was recognition that with simplification local circumstances might be forgotten. The Kattegat had a special arrangement for mesh sizes, which had been removed. Now some people objected to that. Please let the Commission know if there were problem areas. The percentage by-catch in the industrial fisheries was one of those issues. The Commission had already given way on the one net rule. It was important to present your case if you had one.
- 9.14 Paula den Hartog wondered whether Norway would be involved in evaluation of the Flatfish management plan. Fishers would discourage this. They had no TAC for sole and routinely swapped their TAC for plaice. They did not welcome effort control. Norway should not participate in preparation of the plan. Ernesto replied that the procedure for adopting the management plan for plaice will be a Community process, but Norway will have to be informed as the plaice stock was shared. Any change in the harvest control rule has to be discussed with Norway. Sole were not shared with Norway.
- 9.15 Antoine Le Garrec said that although the Technical Measures Regulation achieved simplification the Control Regulation did not. It made things more complicated. The French wondered why so many decisions had been taken hastily. It was likely that there would be regret over some of them. In terms of seeking exemptions for fisheries which were not taking cod, the procedures had been very complicated, for example for the saithe fishery. French vessels were fishing alongside Norwegians which were not subject to any restrictions in effort. They fished in our waters as they pleased. Fred Normandale said that nothing was improving for working fishers. The measures for cod were causing men to go bankrupt. They were being forced to dump fish. The Commission had no idea how much harm it was causing. Michael Andersen asked where was the simplification in going from 90 to 100mm in mesh size. His industry hoped to come forward with more sensible proposals for the Kattegat.
- 9.16 Ernesto replied that in relation to the Control Regulation what was being established was a level playing field. The Commission could not adopt a regional approach with respect to control and compliance. The new amended regulation was much better than the old one and it set out horizontal rules applying to all. On saithe; in considering cases put forward by member states there were no problems if no cod were being caught. For the cases submitted, there were a number of suggestions for fleets which have fished less than 1.5% cod. However, in some cases a number of vessels caught less than 1.5% but others caught more than this. How could the Commission deal with that? They were trying to define objective criteria for distinguishing between vessels.
- 9.17 Euan Dunn pointed out that the North Sea Conference final declaration had called for a fisheries ecosystem plan for the North Sea, but that has never been done. He was pleased that Ernesto had emphasised the need for an ecosystem approach. On marine spatial planning, the NSRAC had done a lot to provide data on fishing activities. Fishing is highly dispersed and of low economic value which made it vulnerable in terms of marine spatial planning. The Commission must be supportive in helping to provide a stakeholder platform to take MSP forward. Ernesto accepted

that much had been done but he urged the NSRAC to remain active in this area. Cross-boundary cooperation was not working well, especially for the Dogger Bank.

- 9.18 Christien Absil said that the RACs were concerned about the unworkable nature of some of the new technical measures, and some were suggesting that we should not adopt the new regulation at all. Was the Commission really looking for structural changes that would allow suggestions from the RACs to be dealt with? If so the NSRAC should reconsider its position on this point. Ernesto replied that fast track procedures were needed for considering proposals from the RACs. If the proposed regulation was not adopted then co-decision taking would kick in. Parliament should take strategic decisions. They should not be involved in the discussion of detailed measures such as twine thickness. The number of CFP regulations was such that the Parliament and Council could not possibly cope with them. The Commission and comitology should be used to resolve micromanagement issues.
- 9.19 Hugo Andersson thanked Ernesto Penas for the important contribution he had made to the meeting. He welcomed Ernesto to attend the next ExCom, where we could continue discussion of these issues.

## **10. Marine Spatial Planning**

- 10.1 David Goldsborough gave a summary of the Stockholm meeting on MSP. This had been the 4<sup>th</sup> and last workshop organised by the Commission. It had arisen from the EU Roadmap on MSP, and had been aimed at bringing MSP to wider audience. It aimed to promote cross-border collaboration and foster stakeholder participation. There had been 120 participants from 15 member states.
- 10.2 There had been a number of presentations, including one from Commissioner Joe Borg. There had also been a panel discussion covering wind farms and shipping; stakeholder participation and goal setting; shipping safety; the need to link MSP needs with Strategic Environmental Assessment; and the role of tourism and sea-angling in MSP.
- 10.3 Haitze Siemers had summarized by saying that MSP was established and developing. A regional approach with joint regional governance was an option, but there was a need for support on cross-border cooperation from the EU. Many lessons could be learned on participatory approaches to MSP. However, there were few practical examples of cross-border cooperation on MSP.
- 10.4 Hugo Andersson thanked David for his presentation. The NSRAC had offered its services to bring about better planning in the North Sea, especially in relation to the Dogger Bank. However, that offer had not yet been taken up.

## **11. Other matters**

- 11.1 Ann Bell reported that the budget and work plan had been discussed at the General Assembly, and documents would be circulated. Chairs of working groups should submit their plans for meetings over the forthcoming year.
- 11.2 The conference on Decision Taking within a Reformed CFP was taking place on November 3<sup>rd</sup> and 4<sup>th</sup> in November. Demand for places was likely to be high and

RAC members were asked to apply quickly for the remaining places. The RACs were not reimbursing members who attended, as funds were limited.

- 11.3 Expenses claims from NSRAC members for the past year should be submitted within one month, or they could not be reimbursed.
- 11.4 A press release had been agreed during this meeting and would be released shortly.
- 11.5 There was some urgency in organising the next meeting of the Development Group to prepare a long term management plan for *Nephrops*. Michael Park was asked to arrange the meeting.
- 11.6 An internal working group would be established to prepare a response to the internal review of the NSRAC and take the RAC forward. Gus Pastoor was asked to expedite that process. A paper would be prepared for the next ExCom. A response would be sought from Aberdeenshire Council on whether it wished to continue to host the NSRAC. If it intended to withdraw this would be a major change and there would be several issues to resolve. If any other bodies were interested in hosting the NSRAC they should come forward before the next ExCom.
- 11.7 Michael Park would organise a small ad hoc group to meet the Commission to discuss concerns over the new Omega meter.
- 11.8 The meeting concluded with Hugo Andersson thanking Paula den Hartog and Pim Visser for the excellent arrangements for the meeting, the authorities in Haarlem and Ijmuiden, and the interpreters.

## 12. Next meeting of the ExCom

- 12.1 The next meeting of the ExCom would be on the 18<sup>th</sup> and 19<sup>th</sup> February, with the venue to be decided. The mid-summer meeting would be on June 28<sup>th</sup> and 29<sup>th</sup> in Boulogne, and the final meeting would be on the 21<sup>st</sup> and 22<sup>nd</sup> October in Scotland.

## 13. Action Points

1. Michael Andersen will liaise with the Secretariat and assemble a working group to meet with ICES to discuss the Fishers' Survey and the provision of information which would assist the assessments (2.12).	Michael Andersen Secretariat
2. The Secretariat will prepare a letter of support for the REFRAANE project. The NSRAC will put forward the <i>Nephrops</i> LTMP and the mixed whitefish fishery LTMP as case studies (3.10).	Secretariat
3. A short press release will be drafted for immediate release regarding the two new regulations being considered by Council. It will include real points of comment, and will be aimed at the member states (5.6).	Members & Secretariat
4. Fishers might wish to validate the content of the Lot 7 report (which is on the NSRAC website) (6.2).	Members
5. The Excom agreed proposals for a technical regulation in the Skagerrak/Kattegat, with amendments, to go forward to the Commission (section 7).	Secretariat

6. The NSRAC will write a letter, seeking to be involved in a socio-economic study, commissioned by the Commission (8.6).	Secretariat & Chair of Socio-Economic Focus Group
7. NSRAC opinion will be sought during the year on the review of the flatfish management plan, and on meshing the flatfish plan with the cod management plan. This issue will be reflected both in the strategic plan and the work plan for the NSRAC (9.6).	Secretariat & Chair Demersal WG
8. Implementation of the Marine Strategy Framework Directive will pose problems for the NSRAC. The NSRAC will need to give its opinion on the definition of 'good environmental status' for fisheries. Should the NSRAC play a role in regional coordination? (9.8).	Chair, Members & Secretariat to consider
9. Expenses claims from NSRAC members for the past year should be submitted within one month (11.3).	Members
10. Michael Park will arrange the next meeting of the <i>Nephrops</i> LTMP Development Group (11.5).	Michael Park Secretariat
11. Guus Pastoor will organise an internal working group to prepare a response to the internal review of the NSRAC and take the RAC forward. A paper will be prepared for the next ExCom (11.6).	Guus Pastoor Secretariat
12. Michael Park will organise a small <i>ad hoc</i> group to meet the Commission to discuss concerns over the new Omega meter (11.7).	Michael Park Secretariat

## 20. In Attendance

Luc Corbisier	SDVO
Lindy Gronkjaer	ETWF
Helene Syndique	French Ministry
Antoine le Garrec	UAPF
Caroline Gamblin	CNPMEM
Ate Oostra	EUCC –The Coastal Union
Leslie Tait	SFF
Willem de Boer	Dutch Fisheries Organisation
Paula den Hartog	Dutch Fisheries Organisation
Konstantinos Kalamantis	EBCD
Fredrik Lindberg	Swedish Fishermen's Federation
Svend Erik Andersen	Danish Fishermen's Association
Michael Andersen	Danish Fishermen's Association
Guus Pastoor	AIPCE
Nicki Holmyard	NSWN
Jan Willem Wijnstroom	EAA
Euan Dunn	Birdlife International
Giles Bartlett	WWF
Barrie Deas	NFFO
Ursula Possett	German Ministry
Christine Absil	Seas at Risk
Peter Breckling	Deutscher Fischerei Verband
Pim Visser	EAFPA
Hugo Andersson	NSRAC Chair
Tony Hawkins	NSRAC Rapporteur

Ann Bell  
Joyce Walker  
Bruno Dachicourt  
Doug Wilson  
Clara Ulrich  
Bengt-Olof Eliasson  
Carl J Hermansen  
Niels Wichmann  
Isabelle Viallon  
Henrik Sparholt  
Fred Normandale  
Derk Jan Berends  
Ben Daalder  
Hideo Kojimoto  
David Goldsborough  
Lenneke Joosen  
Ernesto Penas-Lado

NSRAC Executive Secretary  
NSRAC Secretariat  
UNSMP - CFE  
IFM  
DTU Aqua  
Swedish Fishermen's Federation  
Danish Fishermen's Association  
Danish Fishermen's Association  
DG Mare  
ICES  
NFFO  
Nederlandse Vissersbond  
Federatie van Visserij  
Hirosaki University  
WUR Centre for Marine Policy  
Province of Zuid-Holland  
Director, European Commission