



Demersal Working Group Record of Meeting December 1st 2009, Brussels

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 Norway House for providing the excellent meeting facilities.
- 1.2 Apologies had been received from Robert Stevenson, Caroline Gamblin, Jan Willem Wijnstroom, Nigel Proctor, Derk Jan Behrends, and Willem de Boer
- 1.3 The agenda for the meeting was agreed.
- 1.4 The report of the meeting held in Haarlem on October 14th 2009 was accepted as a true record.

2. Matters arising

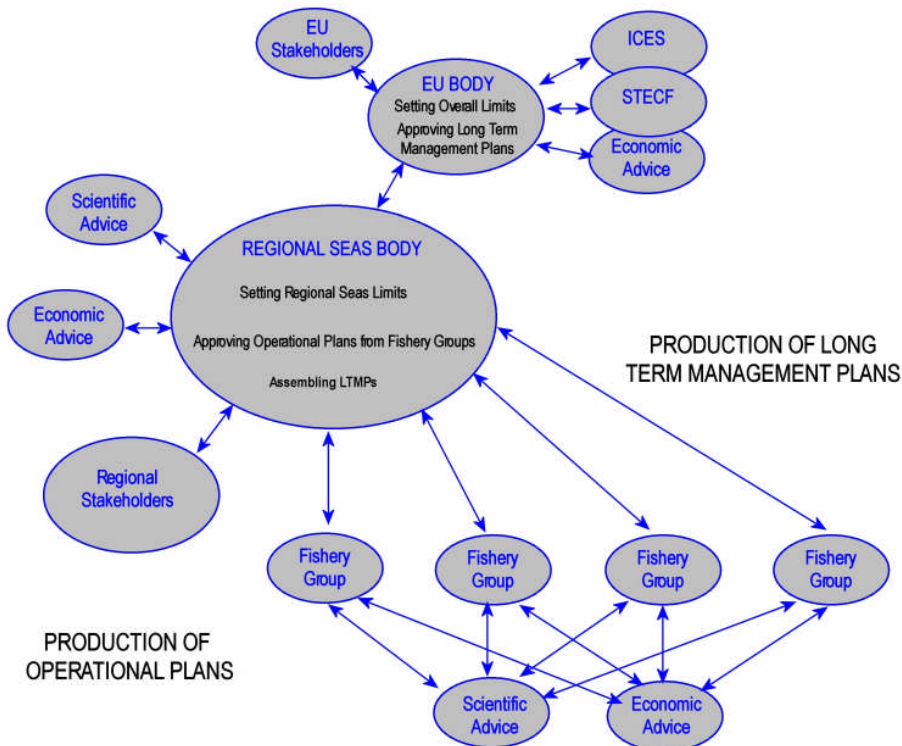
- 2.1 At the last meeting it had been agreed that a small industry group, led by Michael Park, would meet with officials from the Commission to discuss the problems arising over the implementation of the new Omega 3 net gauge. In practice, the officials contacted had resisted the call from the NSRAC for a meeting. Moreover, at the last Management Committee meeting only the UK had raised the issue of the new meters, perhaps suggesting to the Commission that there was little concern from Member States. In fact, the Netherlands government had been concerned. It had also asked to meet with Commission officials but had been referred to the Control Agency in Vigo.
- 2.2 The Dutch industry had commissioned an independent scientific agency (the National Institute for Applied Science) to report on measurements with the meter. Measurement specialists had suggested that the margin of tolerance for making the measurements should be 3-4mm rather than the 1mm provided by the meter settings.

- 2.3 It was agreed that the NSRAC would write to the Director General to question the refusal by Commission officials to meet with industry representatives to address this issue and to raise again the substantive issues surrounding the use of the meter. Having introduced the meter the Commission appeared to have washed its hands of the matter. This was not acceptable. The RACs had been set up to promote dialogue and yet officials were not prepared to engage with the NSRAC on this key issue. The costs to the industry of buying new nets to comply with the new meter was very high, at a time when the industry could least afford it.
- 2.4 It was agreed that the letter would be copied to Harm Koster of the CFCA and also copied to the Fisheries Committee of the European Parliament, which had acquired new responsibilities with the implementation of the Lisbon Treaty. The rapporteur would draft a letter on this subject for the Secretariat.
- 2.5 It was agreed that the next Demersal WG would focus on the Control Regulation and the consequences of its implementation. In particular, the margin of tolerance issue needed to be discussed further. We should raise with the Commission the general issue of lack of response by Commission officials to important advice coming from the RACs.
- 2.6 The Long Term Management Plan for *Nephrops* was being developed further. The draft plan had been applauded by scientists and Commission officials and it was clearly proceeding along the right track. New sections on the economics of the fleet had been prepared and Giles Bartlett and Nigel Proctor had prepared a draft section on ecosystem objectives. There was still a lack of information on the economics of *Nephrops* vessels from outside the UK but it was hoped this could be remedied. It was intended that the draft would be finalised in the first quarter of 2010.
- 2.7 The plan would need to set out a range of options for meeting the draft objectives. These options and the objectives themselves would need thorough discussion with fishing interests before they were finalised. The chair of the *Nephrops* Development Group Mike Park estimated that we would need around €8k Euro to take the plan round the fishing ports to present and discuss it fully with fishers. Member States and fishers associations could probably provide the venues but a group of three people would need to travel to present the plan. The plan would not contain proposals set in stone, but would present illustrative scenarios and alternatives based on where we wanted to go and how we might get there. The plan would not just be a series of harvest control rules (which was what the Commission's own management plans were built around). It would present a wide range of choices for dealing with the biological, economic and social issues being experienced by the fishery. A meeting of the *Nephrops* Development Group would be held early in the New Year. It would need to concentrate on setting the objectives and developing the range of management options. Funding would then be sought for taking the plan around the ports.
- 2.8 The NSRAC had been quite strong in its advice on the Technical Conservation Measures Regulation. In the event, member States had shared our view and had deferred acceptance of the regulation. It would now have to go forward against a background of co-decision making. The regulation would be placed high in our work-plan for the next year.

2.9 Progress in introducing electronic log books varied. The Netherlands had received a derogation until April. The log books would probable come into use in the UK in January, but might not meet the actual deadline. In Denmark they would be up and running on the 1st January. In France they would not be introduced until July.

3. Reform of the Common Fisheries Policy

3.1 Barrie Deas pointed out that the main purpose of this meeting was to develop a response from the NSRAC to the Commission’s Green Paper on reform of the CFP. We had done our homework. We had our original comment on reform which had preceded publication of the Green Paper. We had met in April to discuss self-regulation and had discussed the topic further in Aberdeen and Haarlem. We had the NFFO’s paper on sustainable fishing plans and David Symes comments on that; together with David’s paper on a regional approach. Then we also had the report of the Inter-RAC Conference on Decision-Making within a Reformed CFP held in Edinburgh. What had emerged was a proposal for a three tier structure for the CFP together with ideas on results-based management with responsibilities delegated to the fishing industry. A possible future structure discussed at the self-management meeting was as follows:



3.2 Discussion then followed under a series of headings:

- A new regional system of governance with strong representation of stakeholders

- The problems of over-capacity emphasised in the Green Paper
 - Relative stability and the allocation of fishing opportunities
 - Rights-based management
 - Differentiation between inshore and offshore fisheries
 - Widening the scope of the CFP to include an ecosystem approach and concerns for the environment.
 - The knowledge base
 - The importance of clear objectives
 - Relations with third countries including Norway
- 3.3 The group concluded that our response should be relatively short and clearly expressed. The Commission would have to go through a lot of written material before they produced their initial summary in mid-February. .
- 3.3 Michael Park pointed out that in relation to governance there was the issue of what could be achieved within the current legal framework. It was agreed that at this stage we did not wish to be constrained by that. We should set out what was required and then consider the constraints to achieving it later.
- 3.4 It was agreed that the NSRAC should be in the vanguard in seeking reform. Michael Andersen said that we were all well aware that “something is rotten in the state of Denmark¹”and we wished to take the lead in changing that. We wanted a new, adaptive, regional system of governance with built-in safeguards; something ambitious and radical but realistic. The North Sea RAC had established that there was a consensus view on the need for reform amongst fishermen from around the North Sea, and this had strong support from the e-NGOs.
- 3.5 One focus for discussion was the role the RAC should play with respect to a new Regional Management Organisation (RMO). Could and should the RAC be part of the RMO, or remain outside it? The group resolved this dilemma by proposing that we should first define the functions and characteristics of the RMO before going into any detail on its legal structure. Member State representatives would have to play a key role in the RMO as they would give it its legal standing. It was also clear, however, that fishing and other interests had to participate in the work of the RMO. Their full expertise and participation was essential for its management role to be effective. Stakeholders needed to be on the bridge by the side of Member State representatives, with support from scientists and economists in the engine room. The joint Baltic Sea Fisheries Committee had played this kind of role in the past.

¹ A quote from Marcellus in Shakespeare’s play ‘Hamlet’ inferring that the fish is rotting from the head down—all is not well at the top.

combining of TACs from different species where circumstances allowed. There must be recognition that if you catch a species you should ideally land it. Operating within a more sustainable framework, the approach would acknowledge that catches cannot be specified precisely in advance.

- 3.9 One issue of contention was the degree of primacy which should be given to environmental concerns. The e-NGOs would like to see it stated that the NSRAC considered good environmental status a prerequisite for fisheries management; the environment taking precedence over social and environmental factors. It was pointed out that the Brundtland Report had emphasised that there were four pillars for sustainability, and they all had equal importance. As an alternative, it was suggested that the NSRAC should endorse the idea that an ecosystem-based approach should be implemented in the form of regional ecosystem plans. There was no support from the fisheries sector for this proposal. If these suggestions were to be inserted it would have to be in the form of a minority report, which would greatly weaken the document. However, it was accepted that the adoption of an ecosystem approach, and the need to deal with the implications of the Marine Strategy Framework Directive should receive strong emphasis in the response to the Commission.
- 3.10 Fishers representatives endorsed the concept of results based management as proposed by the Commission and wished to see responsibility for the preparation of sustainable fishing plans given to self-defined industry groups like the POs. In some cases, small fishery-dependent areas might develop their own fishery plans. However, questions were raised about the sensibility of transferring responsibility to the fishing industry for the preparation of sustainable fishing plans. David Symes paper suggested that there might be problems in achieving this. The e-NGOs were not against the development of fishing plans by the industry. However, such plans should be comprehensive. And they should link in with long term management plans. There was agreement that this should be so.
- 3.11 In conclusion, Barrie Deas pointed out that whatever system was adopted there would be a need to provide additional funding to support stakeholders. There would be a need for enhanced capacity. The RACs did their best work when they had good support.
- 3.13 The rapporteur would now prepare a summary document, setting out the views of the NSRAC. This would be circulated and agreed by written procedure before it was sent to the Commission.

4. Sole and plaice management plans

- 4.1 Vèronique Angot from the Commission reported on a meeting in Lisbon to discuss the revision of the sole and plaice management plan. Revision of the plan required an impact assessment and appropriate preparations were being made for this. At the meeting, ICES advice on the stocks had been discussed. There had been much discussion of effort deployment in the context of the plan. Data on the different fleets were not strictly reliable. The main task now was to evaluate the social and economic impact of the plan. The latest data are from 2007, when the plan was first introduced. Therefore there are few data available for assessing

impact. NSRAC opinion would be sought on the assessment. The Commission could have been more precise in framing its original questions on the management plan, but would now discuss the issues fully with the NSRAC. STECF is to provide information on the implementation of the plan.

- 4.2 Pim Visser was dissatisfied with the *mea culpa* from the Commission. He thought it should be *mea maxima culpa*. The meeting had been called in Lisbon without ascertaining whether RAC representatives could attend. They had not been able to at this busy time of the year. With insufficient data and insufficient protocols for the evaluation it meant that the Commission had been engaging in 'mission impossible'. The whole process had to begin all over again. The industry had not been given the opportunity to bring data forward. Bruno Dachicourt also confirmed that data were available, aggregated region by region.
- 4.3 Barrie Deas thought the computer should be rebooted. A new meeting was required, with the date set well in advance so that fishers could attend and present the information they had. In reply, Vèronique Angot said that Lisbon was not a complete failure. Work had been done, but a further contribution of data was now required. Pim Visser pointed out that in 2006 it had taken three days to discuss the North Sea issues. A specific meeting would be needed to consider the impact evaluation for the North Sea

5. Plaice box

- 5.1 Geert Meun had offered to lead on this subject, but had been called to another meeting. An evaluation of the plaice box will be available in January and we should therefore place this subject on the agenda for our February meeting.

6. The GAP project

- 6.1 Steve Mackinson of CEFAS mentioned that the earlier GAP project, which had involved the NSRAC, was now finished. It had been established to set up partnerships to discuss particular fisheries problems. A new GAP2 proposal was going to be submitted in January, and he would welcome the participation of the NSRAC. It would be a four year project and would be aimed at providing advice on policy issues in the context of a reformed CFP. Input was required in two areas: the steering of the project; and participation in a case study on the development of a long term management plan for the mixed roundfish fishery in the North Sea with a multi-species approach. Other RACs would also be involved together with Oceans 2012 and Birdlife International. The project would be submitted under the Science and Society part of FP7 which was concerned with governance.
- 6.2 Isobel Viallon said that the RACs would need to clarify their involvement in projects such as this. We had heard in Berlin about other similar projects seeking RAC involvement. Barrie Deas pointed out that there were advantages in involvement. However the RACs did have a capacity issue. We were now often being asked to become involved in projects, simply to enable the box of stakeholder involvement

to be ticked. We had decided that we should only engage in a meaningful way in projects which had particular relevance to our work and would not endorse projects we had not been fully consulted on. Leslie Tait remarked that we were frequently asked to take part in scientific projects to ensure industry buy-in, but fishermen were not really being listened to. Science had not yet moved on to the point where it recognised that fishermen had to be involved in data gathering. That is where the GAP is!

- 6.3 Steve Mackinson recognised that these projects were often fragmented in the contribution they could make, but that was a consequence of the interrupted nature of the funding. There was discussion of potential overlap between GAP2 and REFRAANE. Both aimed to use LTMP for the mixed roundfish fishery as a case study. Barrie Deas concluded that we could see the value of involvement as we were interested in cod/haddock/whiting interactions. We looked forward to learning more at our next meeting. In the meantime there was a need for greater coordination between the GAP2 and REFRAANE projects.

7. Work plan for 2010

- 7.1 All the items we had discussed would be included in the workplan for the Demersal Working Group. The topics would include:

- CFP Reform
- Discards
- Flatfish management plan
- Plaice box evaluation
- TACs 2010
- LTMP for *Nephrops*
- LTMP for cod/haddock/whiting
- Cod recovery plan/effort regime
- Science
- Norway
- Technical conservation measures
- Control regulation

In terms of priorities, technical conservation measures should be close to the top of the list.

- 7.2 In February, the Commission will give its first communication on the consultation on CFP reform. A conference was then going to be held in Spain on the 13th and 14th May on the same subject. The Commission would present its first ideas and summarise the results of the consultation on the Green Paper.
- 7.3 Michael Park was concerned at the overlap now taking place between working groups and between the working groups and the ExCom. The quality of our work was often being compromised by fire-fighting. If we could delegate some of our work it would allow these groups to do the long term planning that was necessary. Barrie Deas said that one of the problems was that everyone wanted to be involved in fire-fighting. Pim Visser said that we had begun to address this problem in Gothenburg and now needed to take our thoughts on planning further

forward. It was agreed that the next ExCom in February should focus on streamlining the functioning of the NSRAC.

8. Next meeting

- 8.1 The next meeting will take place in Ostend on February 17th, immediately prior to the ExCom.

9. Action Points

1. It was agreed that the NSRAC will write to the Director General of DG Mare to question the refusal by Commission officials to meet with the industry to address the issues arising from the use of the new Omega 3 meter and to raise the substantive issues surrounding the use of the meter. The letter will be copied to the Parliament and to the head of the Control Agency (2.3).	Rapporteur Secretariat
2. A meeting of the <i>Nephrops</i> Development Group will be held early in the New Year. It will concentrate on setting objectives for the LTMP and developing a wide range of management options. Funding will then be sought for taking the plan around the ports (2.7).	Michael Park Rapporteur Secretariat
3. The rapporteur will prepare a summary document, setting out the views of the NSRAC on reform of the CFP. This paper will be circulated and agreed by written procedure before it is sent to the Commission (3.13).	Rapporteur Members Secretariat
4. The Commission will set a new date, well in advance, for discussions with the NSRAC of the evaluation of the sole and plaice management plan (4.3).	Commission Secretariat
5. Evaluation of the plaice box will be placed on the agenda for the February meeting (5.1).	Secretariat
6. A list of activities for 2010 has been prepared for entry into the Work Plan (7.1).	Secretariat
7. The next meeting of the Demersal WG will be in Ostend, Belgium, on the 17th February (8.1).	Secretariat Members

10. Participants

Barrie Deas – Chair
 Tony Hawkins – Rapporteur
 Hugo Andersson
 Antoine le Garrec
 Bruno Dachicourt
 Hazel Curtis
 Colin Brodie
 Steve Mackinson

Michael Andersen
Svend-Erik Andersen
Carl Jesper Hermansen
Jan Hansen
Giles Bartlett
Leslie Tait
Christine Absil
Mike Park
Arnold Locker
Pim Visser
Geert Meun
Isobel Viallon
Veronique Angot