



Demersal Working Group Record of Meeting CPMR Brussels 15th September 2010

Rapporteur: Tony Hawkins

Final

1. Welcome, Apologies & Agenda

- 1.1 Barrie Deas welcomed participants to the Demersal WG and especially guests including Zoë Crutchfield from Smart Wind, Edgars Goldmanis from the Commission, Charlotte Johnson and Johnny Murt from the JNCC, Ditte Degnbol from Aalborg University, Chris Darby from CEFAS, Eamon Mangan from the French Ministry and Bill Stewart from the CFCA. All the participants introduced themselves.
- 1.2 Apologies had been received from Paula den Hartog and Euan Dunn.
- 1.3 The agenda for the meeting was agreed.

2. Report & Matters Arising

- 2.1 The report of the previous meeting, in London in May was accepted as an accurate record.
- 2.2 Action points from the previous meeting were considered. We would discuss the issue of the Omega Gauge later in the meeting. The Secretary apologised for not raising concerns with the Control Group over the unsatisfactory introduction of the gauge. The NSRAC had supported the NWWRAC on its initiative aimed at rectifying data deficiencies and this needed to be followed up further later in the agenda. We had not received a calendar of meetings from STECF and this omission would be followed up. A NSRAC paper on cod recovery had been submitted and a response had been obtained from the Commission. A paper had also been submitted on whiting discards but no response had been received so far. The Nephrops LTMP Development Group had held meetings with fishers in Whitley Bay, Fraserburgh and Eyemouth and these would be discussed later. The management plan for plaice and sole was on the agenda for this meeting. A

response had been prepared on the Commission's Communication on TACs & Quotas and had been sent to the Commission. We had prepared a short summary of our position on future governance under the CFP and had sent this to the Commission. Michael Andersen had not yet provided text for a request to the Commission regarding progress with the Control Regulation but this would be discussed later on the agenda. Giles Bartlett and Barrie Deas had represented the NSRAC at a seminar on selectivity in Brussels on the 21st June.

- 2.3 Pim Visser reported that Dutch data had been sent to MRAG to assist them in their analysis of socio-economic aspects of the management plan for plaice and sole for STECF. He was not sure that they had used these data and would make further enquiries.
- 2.4 Peter Breckling mentioned the publication of the Real Time Closures Regulation in August and emphasised the need to discuss this. It was agreed that we would do this under the heading of Cod Recovery.

3. TACs & Quotas

- 3.1 ICES advice had been received in May, and a policy document had also been received from the Commission. We had responded to the latter. We had pointed out that MSY is best considered as a range rather than a fixed value and had queried the problems in applying it to mixed fisheries. We had also drawn attention to data deficiencies and the adverse impact this was having on TACs and quotas and on the livelihoods of fishers. We had now received a response from the Commission.
- 3.2 The Commission were arguing that the differences between the MSY and Precautionary Approaches were not as great as we had feared. Barrie Deas said that at a meeting yesterday in Brussels chaired by Mrs Damanaki (the Commissioner) she had stressed the need for a solid foundation – to be obtained through the science base. She had accepted, however, that there were data deficiencies. Mike Sissenwine had described the ICES process and had mentioned that although the fishing mortality (F) for cod had recently increased it was important to note that the overall trend was downwards. ICES had carried out a North Sea mixed stock assessment and had described a number of emerging options for managing mixed fisheries to achieve MSY. The two most extreme options were:
 - to stop fishing when the catch limit for any of the species was reached
 - to stop fishing when the catch limit for all of the species was reached
- 3.3 At the previous day's meeting John Casey of STECF had reviewed trends in the stocks and had concluded that whereas in 2002 only 10% of stocks were being fished sustainably we now had 40-50% of those stocks for which there were analytical assessments being fished sustainably. A number of stocks were already at MSY. Kenneth Patterson from the Commission had emphasised that more stocks were now being fished sustainably and were in a better state than they were in 2002 (for which he received a cheer). However, 60% were still outside safe biological limits. Both Ken Patterson and John Casey had then drawn the

inference that reductions in effort had led to a decrease in F. Barrie Deas thought we might wish to challenge that conclusion. Such judgements had serious implications.

- 3.4 Christien Absil pointed out that John Casey had distinguished between fishing sustainably (to MSY) and fishing to ensure stocks were within safe biological limits (the Precautionary Approach). It was clear that MSY was the best definition and that it is the important new goal. Michael Andersen disagreed. MSY was not the only definition for fishing sustainably. For Barrie Deas there were two key issues. Are stocks moving in the right direction, and what is the actual destination for those stocks? He pointed out that MSY did not necessarily convey stability to the fishery. For saithe, which is at MSY but where there has been a reduction in recruitment, there is to be a reduction of 25% in F. Michael Andersen re-emphasised that MSY should not be the only destination. Stocks will still go up and down from natural causes as the saithe example shows. MSY is based on a single point and does not recognise that stocks will fluctuate. We cannot assign a single value of F_{MSY} to each stock. Michael Park thought the solution was to have Long Term Management Plans. Such plans could set a range of possible F values. It would be important not to adjust the TAC every year to match a magical figure set for MSY. MSY is simply an approach which sets an F lower than F_{PA} . The approach should not be too prescriptive.
- 3.5 Christien Absil said that we had to set a target that we could base the LTMP upon and then follow a policy of adaptive management with clear harvest control rules. Pim Visser said that a LTMP should not have too specific a target. Barrie Deas emphasised that a LTMP should be able to deal with fluctuating stocks and in setting rules for determining TACs should aim to iron out those fluctuations. Michael Park agreed and said that some fluctuations in TACs were inevitable but the plan should aim to keep them within manageable proportions.
- 3.6 Guus Pastoor remarked that the five options described for assessing mixed stock fisheries had not been fully developed and that would lead to uncertainty in the markets for fish. We needed to signal to the Commission that clarification is required on the issue of mixed fisheries. Chris Darby said that last year ICES had set up a mixed stock working group to look at mixed fishery options based on single species advice. How do we decide on appropriate effort levels for mixed fisheries? The worst option for fishers is to choose the weakest stock – cod – but this ignores any cod avoidance measures. It was important to realise that ICES has not yet started to give advice on this issue. Five different scenarios are being discussed but no choice has yet been made.
- 3.7 Further ICES advice on individual stocks will be presented in October. Recruitment results were now coming in and the assessments of cod, haddock, sole, plaice, whiting and saithe would be reviewed. A special request for advice on whiting would be dealt with.
- 3.8 There is also a meeting on 11th October where the Commission will review the position stock by stock. The broad Commission position is that effort control had successfully reduced F until 2007-8 when a range of cod avoidance measures had been adopted. F had then increased. The inference had been that the increase had resulted from a relaxation of effort controls. Fishers disagreed with this. The

initial decline in F had resulted from decommissioning and other major changes in the fleets. It was not simply because of effort controls.

- 3.9 Barrie Deas thought that we could now reply to the Commission's response to our letter on fishing opportunities for 2011 by stressing the positive trends reported for North Sea stocks. We should refer to the need to reconsider the assessments in the light of new ICES advice. The draft would be circulated and then an agreed document sent to the Commission.

4. Cod recovery

- 4.1 Edgars Goldmanis outlined the current position of the Commission on cod recovery. A plan is in place and is believed to be working. It is not intended that the plan be re-assessed this year. In accordance with Article 34 of the cod plan it has to be reviewed next year. The STECF will be involved and will contribute to the review process.
- 4.2 The NSRAC had recently collated the experience of its members with cod recovery plans and had sent these comments to the Commission. The comments emphasised that the cod recovery had been adversely affected by discarding of cod and that the cod recovery plan was failing to deal with this problem. The paper expressed support for a "land more and discard less" adjustment to the recovery plan and had stressed the need for a change of emphasis from effort control measures to incentives which would encourage fishers to reduce discards and avoid catching cod. The Commission had replied to this letter and the NSRAC was preparing a response.
- 4.3 One feature of recent management has been the introduction of Real Time Area Closures. Peter Breckling was concerned about the provisions of the Real Time Closures Regulation which had been published in August. His fishers were concerned at the rules imposed for closures of large areas, based on catches within a single haul; he was surprised that others had not raised this issue.
- 4.4 Michael Park pointed out that the need for rules had come up in EU/Norway negotiations. There had been a working review of the decision rules for closures and Norway had tried to gain acceptance by the EU of its own rules based on fish numbers rather than weight. In the event the EU had imposed its own rules on Member States but there had been problems initially over the legality of those rules. The new regulation provided a stronger legal position for the imposition of closure rules. It was not ideal but it was much better than the rules sought by Norway.
- 4.5 Peter Breckling was concerned that different rules now prevailed in Norwegian and European Union waters. Eamon Mangan confirmed that there had been a major divergence between Norway and the EU on the rules and this would come up for discussion again in the EU/Norway negotiations. The regulation had simply made the *status quo* legal. What Norway was proposing was far more stringent and the argument was not over yet.

- 4.6 Barrie Deas said that the measures had been agreed behind closed doors and there were certainly issues to be raised with respect to good governance. There should have been greater consultation. However, given that we agree with the need for RTCs what can we contribute to future discussions on this point? We could establish a small group to look at the issue. We could look at the Norwegian rules - which Peter pointed out had been presented at the Peterhead Compliance Conference. See: www.acsfilmfest.co.uk/nsrac/wp-content/uploads/2009/09/Report_sc20080221.pdf Peter thought the Norwegian provisions might offer greater flexibility in practice than the Commission's rules. Michael Park said that we should be careful what we asked for. The Norwegians had recently closed an area of 3,000 square miles in their own waters on the basis of only a small number of hauls. The issue is complicated by the fact that there are currently two systems of RTCs in place in the North Sea. Firstly there are Scottish and English measures, based on catches of all sizes of cod, which apply only to Scottish and English registered vessels. Then there are the European measures which are based on catches of juvenile fish. The closures based on all cod tend to alert fleets which do not have to comply with the closures to the presence of large numbers of cod in the area. Pim Visser pointed out that Dutch fishers could not understand why the closures applied to them when they were not catching cod but plaice.
- 4.7 Barrie Deas concluded that there was a need for greater clarity and coordination of the closure rules and for some fine tuning. He suggested that a focus group be established to address this problem, prepare a summary of the existing rules, consider how well they were working in practice, and provide suggestions for the future. This was agreed. Michael Andersen, Antoine le Garrec, Michael Park and Eamon Mangan signalled their willingness to attend. Michael Park agreed to write a short paper for the meeting which would bring some clarity to the issue.
- 4.8 Barrie Deas said that we had now received comments from the Commission on our paper on cod recovery and had prepared a response to this. A draft had been circulated and we should add to this a sentence on the importance of the ICES revision to the advice. We should also suggest a round table meeting with the Director General to discuss progress with cod recovery.
- 4.9 Michael Andersen was concerned at the very strong emphasis placed on discards in the draft. We should certainly query the ICES estimate of discarding. The high F value which had emerged from the uncertain ICES assessments for cod had been explained by ICES as discards. He did not accept that the level was as high as ICES claimed. Other explanations should be considered. He agreed that we needed to find ways of converting any real discards into landings. Arnold Locker agreed. Barrie Deas thought we should express our doubts about the magnitude of the discards but accept that they were significant. Fred Normandale added that many of these discards were actually marketable cod. Pim Visser agreed that ICES scientists were attributing the unaccountable part of F to discards and illegal landings when there might simply be a flaw in the model. The discrepancy between recorded discards and ICES estimates of discards was growing!
- 4.10 Chris Darby emphasised that discarding of cod was being recorded and that it would remain a problem as long as stocks recovered but TACs remained low. ICES had not issued a cod assessment in May and the working group had urged

caution over the higher F that had emerged from its initial analysis. However ACOM had included the high F in its advice to the Commission and this had formed the basis for the Commission's position. Work is now going on to produce an assessment in October, using data from recent recruitment surveys. The revision will take a fresh look at the earlier and new data and may explain what is going on. Recruitment in recent years has been low and catch opportunities will not necessarily increase as a result of the re-appraisal. It is too early to predict the outcome

- 4.11 Arnold Locker said there was a need to look at ways of reducing discarding especially by the small mesh fishery in the North Sea. There had been a decrease in the average mesh size as a result of the movement of vessels from the whitefish fleet into other fleets - caused by the cod recovery plan. Jane Sandell thought that it was not necessarily the case that the move to smaller meshes had been the main cause of increasing discards. The origin of the discarding needed further investigation. Barrie Deas said that a prescriptive approach to reducing discards through technical measures had not been successful. We should emphasise the need for incentives for fishers to reduce discarding.
- 4.12 Michael Park thought that the approach of the Commission towards cod recovery was disingenuous. The plan was especially flawed with respect to the imposition of very low TACs at a time when the stock was increasing. Discarding was bound to increase. Christien Absil thought the current draft over-emphasised the scepticism of the Commission towards catch quotas. In practice the Commission was very interested in such measures and we should be outlining their benefits. Michael Andersen said, however, that there was not unanimous support within the NSRAC for catch quotas and although we should say we supported further evaluation of catch quotas we should also stress the voluntary nature of these pilot experiments. Luc Corbisier was disappointed that the Commission was critical of the various initiatives being taken by the fleets to deal with discarding. We should question them on this point. Concerns were also expressed over the Commission's notion that its effort reductions had led to a decrease in F and that the original achievements had now been weakened by the introduction of alternative measures. There is to be an STECF Working Group meeting in Edinburgh on the 27th September to look at the relationship between F and fishing effort. The NSRAC should ensure that it is represented at that meeting.
- 4.13 Barrie Deas concluded that we would revise the letter to the DG along the lines discussed. We would question the scepticism of the Commission over the measures adopted to reduce discards and avoid catching cod. We would include an additional paragraph on discarding and mention the assessment which would be coming from ICES in October. We would emphasise in the final list of bullet points that catch quotas were at present voluntary experiments which required evaluation. We would request a meeting to discuss cod recovery in greater detail. Carolyn Gamblin suggested that we should also mention our wish to participate fully in the 2011 review of the cod recovery plan. This was agreed. A further draft would be re-circulated and an agreed version sent to the Commission.

5. Catch quotas

- 5.1 We had discussed catch quotas, where all the catch is landed, at our last meeting. A North Sea pilot was operating from May to December 2010, on North Sea cod. England currently has 5 vessels in the scheme, and Scotland 19. Michael Park mentioned that a report evaluating Scottish pilot studies was now available. Once it had been signed off it would be distributed to NSRAC members. Most of the vessels involved had been whitefish vessels. *Nephrops* vessels had backed off from the scheme. The cameras onboard the vessels had proved adept at picking up any transgressions. Indeed, the scheme was working well. It clearly delineated the time spent fishing and it was capable of providing additional information for scientific analysis. The trials had given confidence for a move to the next stage, proof of concept, where the programme would be extended to include all vessels – on a voluntary basis. The report shows that catch quotas have potential to yield significant economic gains to fishers. Ideally, catch quotas should be introduced gradually and cautiously, but the advantages were so great that there may be a rapid mass-movement towards such systems. The adoption of catch quotas may have other advantages – for example it may enable us to dispense with some input controls – such as mesh sizes – as it was to the advantage of fishers themselves to adopt effective conservation measures.
- 5.2 Hansen Black said that it was difficult to argue with any concept that involved fishers making more money but there was still some scepticism within the fleet. There are also market issues to be resolved. A series of meetings were now being held with Scottish fishers to explain the results of the pilot.
- 5.3 Arnold Locker reported that one of his boats had adopted the catch quota system. It had been successful and had induced the skipper to voluntarily increase the cod end mesh size to 140mm. The scheme was a success story for cod. It was not clear, however, whether it would work for other species. He was not surprised that the *Nephrops* fleet had not taken catch quotas up as they would be unable to meet the requirements. However, the pilot had offered great opportunities for whitefish vessels.
- 5.4 Other fishers remained sceptical. Fred Normandale would not like to see a headlong rush into catch quotas, which would impose draconian monitoring upon the fleet. Antoine Le Garrec thought it would not work for saithe or haddock, although it might cause fishers to adopt new technical measures. A figure for discards has to be agreed with the Commission. If discards were only 2-3%, as they were in the saithe fishery, then there would be fewer economic benefits from adopting catch quotas. Adoption of catch quotas would also have implications for relative stability, and would affect other countries outside the scheme. Jane Sandell agreed that there were market outlets for small cod, and that was a positive feature of catch quotas, but the problem was with whiting.
- 5.5 Pim Visser reported that a project had now started in the Netherlands. The NSRAC could become a forum for exchanging information on catch quota schemes. We should make ourselves aware of the disadvantages as well as the advantages as we could become trapped within such schemes: obliged to continue the TV monitoring but with TACs tightly screwed down. Eamon Mangan thought that such schemes were perhaps better discussed under the proposals for CFP reform.

5.6 Michael Park defended catch quota schemes. He agreed that they needed further discussion before application to a wider range of species. However we needed to make a start with catch quota initiatives and to begin discussions with Norway, as their approval would always be necessary. Michael Andersen, while pointing out that the concept of catch quotas had originated in Denmark, said that fishers were right to be sceptical of such schemes. There are benefits but there are also disadvantages. Problems will arise, especially in fisheries outside the whitefish fleet. Moreover, catch quotas did not have to involve camera systems. Barrie Deas summed up by saying that there were undoubted benefits for the cod fishery in adopting catch quotas. In May we had agreed to adopt an incremental approach and that was still true today. We must continue to exchange information which would begin with circulation of the report which Mike had referred to. There was in any case a move towards more fully documenting catches which fishers would have to live with.

6. Court of Auditors request

- 6.1 The European Court of Auditors is seeking views from the NSRAC on issues related to fleet overcapacity. The Court is not part of the Commission but is the external auditor of the EU budget and projects, and it had produced a very critical report on the CFP in 2007. It was now looking again at this subject and was seeking information on the balance between fishing fleets and fishing opportunities. The auditors were especially concerned about the effects of community level and Member State effort reduction schemes and decommissioning schemes in particular countries. They wanted to know whether the right vessels were being targeted. Is there a need to scrap vessels? Have modernisation schemes increased the capacity to catch fish? Are Member States sure that they have not?
- 6.2 The NSRAC has been asked to comment in writing. Barrie Deas pointed out that in the past we had agreed that there needs to be a match between the fleets and the resources they exploited. However there needed to be a fishery by fishery approach. It was not possible to generalise. There is a real issue over how capacity should be measured. Is it gross tonnage or power? It was even more difficult to define over-capacity. We could perhaps produce a short written response on this issue.
- 6.3 Michael Andersen stressed that the concern of the auditors was not so much with over-capacity *per se* but whether the EFF allocations to reduce over-capacity had made any difference. They were essentially auditing spending by the Commission. Barrie agreed that this translated into the question 'does publically funded decommissioning work?' It was pointed out that the pelagic fleet does not employ all its tonnage for all of the time but that did not mean there was over-capacity. We had to ask the wider question of what over-capacity leads to. Is it excess pressure on the stock?
- 6.4 Pim Visser said that the auditors had been very selective in choosing the countries they wished to investigate in detail. The Netherlands had taken 45% of its capacity out. Any negative trend in profitability would tend to indicate that this had been wasted. However, what would have happened to profitability if de-commissioning

had not taken place? We should tell the auditors what the true position is, and ensure that their terms of reference were steering them in the right direction. The positive trends for plaice and sole are due directly to de-commissioning. It was the same for cod. When vessels were de-commissioned then fishing mortality went down. Fred Normandale said that in Scarborough there had been massive reductions in capacity but fishing opportunities were still very limited. The quotas had followed the decline in the number of vessels.

- 6.5 It was agreed that in responding to the auditors we should emphasise the need for a fishery by fishery approach and emphasise the positive outcomes of de-commissioning in terms of higher profitability, more sustainable stocks and better compliance. There was a need to define over-capacity carefully.

7. Hornsea wind farm development

- 7.1 Zoë Crutchfield from Smart Wind gave a presentation on proposals for a wind farm off the English coast at Hornsea, awarded as a result of the third round of proposals to the Crown Estates. The site was 34-190 km from the coast, in waters of 30-40m depth and the projected capacity was 4gW. There were many gas platforms and pipelines already in the area, together with important fisheries. Zone appraisal and planning was currently taking place. The developers wish to drive down costs by building a series of modular blocks. The consortium is a developer rather than a utility and it might sell off the development in due course rather than sell the electricity.
- 7.2 It was inevitable that there would have to be compromise with other users of the site. Zone characterisations were currently being prepared and environmental impact scoping was taking place. A statement of community consultation would be required and liaison with stakeholders was taking place. An environmental impact assessment would be available in 2011 and an application for the first sub-zone would be made in 2012. Consent would be through the Infrastructure Planning Commission process (Rapporteur's note: the IPC has now been abolished by the UK government. In future planning permission will be granted by a new Major Infrastructure Planning Unit responsible to Ministers).
- 7.3 The developers were aware that there were potential impacts of the wind farm upon fisheries both in terms of impacts upon the fish themselves and upon fishing opportunities for fishers. They had listed the impacts as:
- displacement of activity
 - restriction of access
 - change of habitat type indirectly by effecting ecology/fish ecology
 - displacement of fish due to noise/vibration/disturbance
 - increased transit, vessel costs
 - increased competition for remaining available resource
 - loss of earnings / quota
 - potential creation of new fisheries
 - cumulative and in-combination impacts

- 7.4 The developers were now seeking early engagement with the fishing industry and there had already been discussion with the English and Dutch industries. Smart Wind had recently appointed an offshore fisheries liaison officer, through the NFFO. There would be attempts to mitigate the impact of the development by taking into account commercial fisheries when designing the zone layout and in terms of turbine placement. There might also be opportunities for fishing vessels to be used as guard vessels, monitoring vessels, etc. during construction and for re-training or training of marine crews and vessels for servicing wind farms.
- 7.5 Michael Andersen opened the discussion by saying that there was a tradition in Denmark of compensating fishers for lost fishing opportunities. It was inevitable that there would be conflict with fishing activities and that fishing grounds might be destroyed. There would be losses on the part of fishers. Zoë Crutchfield replied that studies of fishing activity in the area were under way. Compensation will be discussed with the NFFO and fishers from other countries who would be affected.
- 7.6 Pim Visser said there would be overlap with the Net Gains proposals for Marine Protected Areas in the North Sea. The Dutch had information available on fishing activities by their fleet and wondered if the developers proposed to buy this. Zoë Crutchfield replied that the Crown Estates had appointed liaison officers who might answer these questions. With respect to Net Gains, we did not know what management measures might be imposed within the proposed MPAs and this was an issue for wind farm developers as well as fishers.
- 7.7 Carolyn Gamblin said that French fishers had sent some data on French fishing activities to the Crown Estates. Will that be passed on to the developers? Zoë thought that it would be but that the liaison officers would be contacting fishers outside the UK about such questions. This was only the beginning of engagement with the fleets operating in the area. VMS data and other information on vessels fishing in the area would be important. It was pointed out that the NFFO and SFF are discussing the establishment of a project to assemble fisheries data with the Crown Estates. This had been discussed at the last ExCom.

8. Long Term Management Plan for *Nephrops*

- 8.1 Having developed a draft LTMP for the *Nephrops* fisheries the NSRAC has now engaged in discussions with North Sea fishers to seek their inputs into the plan. Meetings in the UK have taken place at Whitley Bay, Fraserburgh and Eyemouth and reports on the first two of these are already available. Further meetings are planned at Pittenweem and again in Fraserburgh.
- 8.2 The chairman of the *Nephrops* LMP Development Group, Michael Park, said that it had become clear that it was not going to be easy to cope with the different views expressed by fishers. They were essentially seeking the same as at present but with greater security and stability. They did not want too many restrictions to be placed on their fishing activities or to be forced into a straitjacket. Each port was coming up with its own solutions. In Eyemouth it had become apparent that many were whitefish fishers who had been forced into the *Nephrops* fishery and who might wish to return to whitefish in the future.

- 8.3 A date has now been set for a similar meeting in Denmark. The standard slide presentation would be available for that. The Dutch were also planning a meeting.
- 8.4 Barrie Deas said that we were entering pioneer territory. No-one has done this before. The presentations to fishers have been appreciated and everyone is happy with the process and with the idea that fishers should have a say in preparing LTMPs. However, there is a wide range of views coming forward. The plan would need to be a multi-faceted one.

9. Management Plan for sole & plaice

- 9.1 Pim Visser reported on progress in evaluating the management plan for plaice and sole. There would be a further meeting of STECF on the 18th October in Lisbon to discuss evaluation of the management plan and Geert Meun would attend. Evaluation of the plan has to take place but everyone is agreed that it is too early to do so. The initial results seem to show that there has been very little influence of the plan on the long term changes which have taken place in the plaice and sole stocks. The panic in 2006 to introduce emergency measures for plaice had been ill-founded. The rebuilding plan had been based on false assumptions by scientists and had created problems itself. Fred Normandale agreed and said that Dutch fishers had now shown scientists how to catch plaice during their surveys. He wished that someone would now show CEFAS how to catch cod.
- 9.2 There is little that the NSRAC can do at the moment. We must await the result of deliberations by STECF.
- 9.3 A report on the economic and social impacts of multi-annual management plans upon North Sea sole and plaice was released in August and is currently being discussed by Member States. The draft report on the economics and social impacts of North Sea sole and plaice multiannual management plan had been sent to the NSRAC. The report will be finalised soon and the NSRAC will be asked to comment on it. The NSRAC was informed of an STECF SG/MOS working group meeting on evaluation of the fishing effort regimes which will take place in Edinburgh from 27 September - 1 October 2010. Barrie Deas remarked that under the new 'comitology' arrangements we do not seem to be involved ourselves in the discussion of quite important papers. We had been afraid that this might happen. We should raise this issue with the new Director General.

10. The Omega Gauge

- 10.1 The Commission had remained intransigent over the flawed introduction of the new Omega gauge, and had refused to change its course. It had been agreed that the NSRAC would raise its concerns through the Control Group. That remained a priority.
- 10.2 Pim Visser reported that an interim report evaluating the gauge had now been received from TNO, the Dutch standards institute. Laboratory tests had previously shown that increasing the force applied yielded results which were more in

accordance with measurements made using the former gauge. TNO had now shown that measurement made at sea yielded the same results. Meshes stretch following the first application of the gauge and show higher values with each succeeding measurement. It is necessary to test each mesh 3, 4 or more times before a constant reading is obtained. If the force applied is increased then constant measurements are obtained with fewer applications. The report recommends that measurements should be carried out several times on the same mesh, and that the force applied should be increased.

- 10.3 The result of these flaws in applying the new gauge is that a net measured at 79mm with the gauge is probably over 80mm in size. Fishers have been unduly penalized through the precipitate introduction of the new gauge. The TNO report will be issued in 4-5 weeks time. It reveals that further tests should have been carried out before the gauge was introduced. The handbook on fibre ropes mentions the need to properly standardise tests and the industry had originally urged the application of a higher force with the new gauge. As a result of the failure to introduce the gauge properly a number of fishers were going to take their cases to court and they would use the TNO report as evidence.
- 10.4 The NSRAC had tried to raise this issue with Brussels but had been told that it was not a policy issue and that the CFCA should handle the problem. We now have a new platform to reopen contact with the CFCA and the Commission. Fishers have been forced into buying new nets with bigger meshes – in some cases this had placed them in a different category for the application of effort controls. Bill Stewart of the CFCA was asked to take the views of the NSRAC back to the agency in Vigo with the message that we would like to talk to the person responsible. We would also like the Commission to accept that there has been a problem over the introduction of the new gauge and that this has had an adverse effect upon the fishing industry.

11. CFP Reform

- 11.1 The NSRAC had made several submissions to the Commission on CFP Reform. Following the La Coruña conference concerns on the part of some of those attending over the attitude of some Commission representatives had resulted in the rapporteur being asked to draft a short note, summarising the views of the NSRAC. That paper had been discussed at the ExCom and then sent to the Commission together with a letter from the retiring chairman of the ExCom. Commissioner Damanaki had replied making several points. She seemed to think that Member States should decide on the degree of regionalisation for their own areas. But not all Member States needed to engage in a regional solution. She was strongly in favour of the small artisanal fisheries. She believed that effort controls had resulted in the reduction of F. Rights based management would be possible within member States but there would not be an adoption of transferable property rights across the EU. Swaps of quota between Member States might be made permanent giving a dynamic form of relative stability but the principle of relative stability itself would not be abandoned.
- 11.2 A meeting was planned on 16th November for stakeholders and on the 19th November there was to be a conference of improving fisheries science. The

Commission is now expected to come forward with firm proposals for reform in April 2011.

- 11.3 Eamon Mangan asked where the idea of dynamic relative stability had come from. Barrie Deas thought that voluntary acceptance of quota swaps becoming permanent was one thing but enforced permanence after every swap would not be appropriate. We could enquire about this suggestion at the next stakeholder meeting.
- 11.4 Pim Visser wondered whether the NSRAC should invite Member States to a meeting to discuss reform in the context of the North Sea. Barrie Deas mentioned that there was a North Sea Commission meeting at the end of the month which would be attended by some of the Ministers. He would ask the Secretariat whether a round table meeting between NSRAC representatives and the Ministers could be arranged.

12. Data deficiencies

- 12.1 The NSRAC had allied itself with the proposal of the NWWRAC to set up a task force to improve data collection. The number of stocks for which analytical assessments were available was shrinking, with adverse effects upon the setting of TACs and Quotas. There needed to be improvements in the data collected. The Commission supported the NWWRAC's proposals but did not wish to take the lead. At the recent conference in Galway, and again in Madrid, scientists had supported the initiative. There is a need to identify data deficiencies and to fast-track solutions.
- 12.2 It was suggested that the two RACs should hold a meeting with ICES to discuss the initiative further. The best forum for that might be the ICES Coordination Meetings attended by Committee Chairs. This possibility should be investigated by the Secretariats.

13. Marine Strategy Framework Directive

- 13.1 A meeting had been held with Commission representatives to discuss the criteria being used to measure Good Environmental Status, especially for fisheries, under the new Directive. A report of that meeting had been circulated. The level of interest shown by representatives of DG Environment in fisheries and in engaging with the RACs had been very low. They had emphasised that they were only at the start of a long process. Reform of the CFP might provide instruments through which GES for fisheries might be achieved. There had been much emphasis on considering the views of experts and none at all on consulting stakeholders and the meeting had raised many questions over the wisdom of the Commission's approach.
- 13.2 Pim Visser emphasised that the juggernaut of the MSFD was going its own way, without fishers being involved. Peter Breckling said that international agencies like OSPAR and HELCOM want to be involved in fisheries management, and that if

they did we would have to deal with new levels of bureaucracy. Carolyn Gamblin said that implementation of the Directive is for Member States. The Commission is to play a coordinating role. Perhaps we needed to get someone in DG Mare to tell us how they intended to implement the Directive and to outline the role stakeholders would play. Eamon Mangan confirmed that there was a great wish on the part of OSPAR and NEAFC to play a wider role in fisheries management. Giles Bartlett suggested that we could assess OSPAR's intentions by inviting David Johnstone to give a presentation to the NSRAC General Assembly.

- 13.3 Michael Andersen did not believe that the Commission was taking the issue seriously enough. HELCOM was already taking liberties with the fisheries in the Baltic. We should invite DG Mare to discuss this issue with us. Pim Visser reminded the meeting that the new Director General had issued an open invitation to the RACs to discuss issues with her. We could raise the implications of this new Directive with her. Barrie Deas agreed that we should ask for a meeting with the new DG and put this item on the list of issues we wished to raise with her. A short position paper should be prepared on this topic.
- 13.4 Edgars Goldmanis said he would take a note back to the Commission on this and will draw the attention of DG Mare to the NSRAC's wish to become engaged with the process of defining GES under the Directive.

14 The Control Regulation

- 14.1 The Control Regulation was adopted in 2009 rather precipitously, as it had been rushed through by the Commission and Member States to avoid co-decision taking with the Parliament under the new provisions of the Lisbon Treaty. The regulation would have a significant impact on fisheries. Officials were to meet next week to discuss the implementation of the regulation. The Commission had set a deadline of the end of 2010 for its adoption.
- 14.2 There may be no role for the NSRAC at this stage. Later there will need to be tough negotiations with the Commission. A number of things had been added to the regulation which had not been anticipated. Barrie Deas asked whether a short written paper could be obtained from the Commission on this topic. Edgars Goldmanis would report this request to his colleagues within the Commission.

15. Consultation by JNCC on UK proposals for MPAs in the North Sea

- 15.1 Johnny Murt of the Joint Nature Conservation Committee of the UK gave a presentation on proposals for new Marine Protected Areas by the UK. There is already a European commitment to establish offshore networks of MPAs under Natura 2000 by 2012. The UK Government aims to establish an "ecologically coherent network of Marine Protected Areas" by 2012 including these Natura 2000 sites plus new sites under the UK Marine and Coastal Access Act 2009 and the Scottish Marine Act 2010.
- 15.2 The proposed Natura 2000 sites include both SPA (under the Birds Directive) and SACs (under the Habitats Directive). Stakeholders and other countries including

the Netherlands are being consulted on North Sea proposals including the large Dogger Bank SAC. This consultation ends on November 12th 2010. A scientific case must be made for the designation. There is an assessment of the likely economic and social impact of the designation of the site, but this assessment does not affect the location of the site boundary. Then, later on, management objectives will be put in place.

- 15.3 The UK MPAs are separate from the Natura 2000 sites. The English initiative in the North Sea has been christened 'Net Gain'. In this case stakeholder consultation is a key part of the process of designation. The JNCC is disseminating information on the UK MPA projects, expressed in clear and understandable language. The aim is to identify regions of importance, validate information on commercial activities in the prospective areas and interview fishers (particularly from the <15m fleet). The process will provide fishers with the ability to engage with the proposals. No fisheries data have been incorporated into this project yet. VMS data have been collected, but are limited and are deficient with respect to fishing by foreign vessels. There has been some engagement with the Dutch.
- 15.4 The areas for designation have not yet been made available to everyone. They are only available to members of the regional stakeholder group. Fishers can gain access to the first iteration by applying to become a Named Consultative Stakeholder or by participating through the RAC, or by seeking a place on Stakeholder Groups or by attending Country Specific Meetings. Contact can be made via:
Johnny.Murt@jncc.gov.uk or MPAengagement@jncc.gov.uk
- 15.5 Data collection options are being looked at using a web GIS system. It is hoped that those areas important to fishing will be identified. Michael Park pointed out that simple VMS maps just give a snapshot of fishing activity. They do not deal with economic dependency and other key features. Nigel Proctor pointed out that stakeholder involvement in the process for Natura 2000 sites has been minimal. The timescale is too foreshortened and the economic data is largely being ignored. Fred Normandale said that the whole process is flawed. Pim Visser said that we had heard about these proposals early in March but otherwise had heard nothing until our June meeting in Boulogne. Now we were being asked to react on a very short time scale to proposals – although there had been no input from fishers into the various maps yet. We are overwhelmed with meetings and cannot attend them all. The process is not going well.
- 15.6 Barrie Deas concluded that comments around the table confirmed that there had been too little time for consultation and in particular to provide valid data on fishing activities. Fishing data cannot be collated quickly. There is also concern in the UK about the quality of the science being applied in the designation of sites. The issue of displacement to other areas has not even begun to be considered. There will be loss of livelihood; threats to communities; and consequences for other, adjacent areas.
- 15.7 Peter Breckling was concerned over the legality of the UK designating its own MPAs. Natura 2000 was the mechanism for conserving areas in European waters. These additional areas would have implications for fishers from other Member

States and any management of fisheries would have to be imposed through the CFP. Effectively the UK is trying to re-nationalise fishing opportunities in North Sea waters. We must ask DG Mare to look at this in terms of whether it is appropriate to modify the CFP in order to control fishing in new MPAs established under national laws. German fishers were not prepared to participate in a UK process which by-passed mechanisms at the European level. However, Pim Visser remarked that this had been put before the European Court of Justice and it was ruled that there are legal procedures for dealing with this. We might regret not participating in this process. Zoë Crutchfield said that wind farm developers were treating these MPA proposals seriously and were engaging in the process. If they were not happy with the responses from the conservation agencies then they wrote a letter immediately expressing their dissatisfaction. Management measures for these sites were not being considered now. That would come later.

- 15.8 Charlotte Johnstone summarised by saying that the main purpose of collecting information was to avoid the selection of areas where the impact on maritime industries would be high. The information was needed. She would take these comments back to the UK agencies responsible.

16. Any other business

- 16.1 Christien Absil drew attention to a study carried out for Seas at Risk by McAllister Elliott and Partners on moving towards low impact fisheries in Europe and is holding a seminar on Low Impact Fisheries and the Reform of the CFP in Brussels, on 28th October 2010.
- 16.2 Pim Visser asked how we intended to proceed in future in separating spatial planning issues from the work of the Demersal WG. Barrie Deas replied that on this occasion because of pressure of time we had agreed to deal with MCZs and wind-farms in the Demersal WG, however the proper place for them remained the Spatial Planning WG.. Christien Absil preferred that we should handle these issues through the Spatial Planning WG. Pim, on the other hand, thought that we could simply treat the Demersal WG as a Preparatory WG for the ExCom.
- 16.3 Barrie Deas concluded by thanking CPMR for the use of their conference room, and members and guests for taking part in the WG. The next meeting of the Demersal WG would be in Brussels on Wednesday November 17th, to coincide with the EU/Norway round of meetings.

17. Action Points

1. Pim Visser would enquire whether MRAG had made full use of the data provided to them by Dutch fishers to assist with their analysis of the management plan for plaice and sole (2.3).	Pim Visser
2. The NSRAC will reply to the Commission's response to its letter on fishing opportunities for 2011 by stressing the positive trends reported for North Sea stocks and will refer to	Rapporteur Secretariat,

the need to reconsider the assessments in the light on new ICES advice. The draft will be circulated and then an agreed document sent to the Commission (3.9).	
3. A focus group will be established to address RTC issues, prepare a summary of the existing rules, consider how well they were working in practice, and provide suggestions for the future (4.7).	Barrie Deas Michael Park Secretariat Members
4. The NSRAC will ensure that it is represented at an STECF Working Group meeting in Edinburgh on the 27 th September to look at the relationship between F and fishing effort. (4.12).	Secretariat Members
5. The draft letter to the DG on cod recovery will be revised. It will question the scepticism of the Commission over the measures adopted to reduce discards and avoid catching cod. It will include an additional paragraph on discarding and mention the assessment which will be coming from ICES in October. It will emphasise in the final list of bullet points that catch quotas are at present voluntary experiments which require evaluation. The NSRAC will request a meeting with the DG to discuss cod recovery in greater detail and will mention the NSRAC's wish to participate fully in the 2011 review of the cod recovery plan. A new draft will be circulated and an agreed version sent to the Commission (4.13).	Rapporteur Secretariat
6. Under the new 'comitology' arrangements the NSRAC does not seem to be involved in the discussion of quite important papers. This issue will be raised with the new Director General (9.3).	Secretariat Rapporteur
7. Bill Stewart of the CFCA was asked to take the views of the NSRAC on the introduction of the Omega Gauge back to the agency in Vigo with the message that the NSRAC would like a meeting with the person responsible (10.4).	Bill Stewart Secretariat
8. Barrie Deas will ask the Secretariat whether a round table meeting between NSRAC representatives and the Ministers could be arranged to discuss CFP Reform in a North Sea context. Such a meeting might be arranged in the margins of the meeting of the North Sea Commission in Aberdeen later this month (11.4).	Barrie Deas Secretariat
9. The NWWRAC and the NSRAC should hold a meeting with ICES to discuss the data collection initiative further. The best forum might be the ICES Coordination Meetings attended by Committee Chairs (12.2).	Secretariats of the NWWRAC & NSRAC
10. A short position paper will be prepared on topics to be discussed by the NSRAC with the new Director General and one of the items on that list will be the implications of the MSFD (13.3). Edgars Goldmanis will take a note back to the Commission on the NSRAC's wish to become engaged with the process of defining GES under the Directive (13.4).	Rapporteur Secretariat Edgars Goldmanis
11. The NSRAC request a short written paper from the Commission on the implications of the new Control Regulation. Edgars Goldmanis will report this request to his colleagues within the Commission (14.2).	Edgars Goldmanis Secretariat

12. The next meeting of the Demersal WG will be in Brussels on Wednesday November 17 th , to coincide with the EU/Norway round of meetings (16.3).	Secretariat Members
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18. Participants

Barrie Deas	Chair
Tony Hawkins	Rapporteur
Ann Bell	Secretariat
Martin Brebner	Aberdeenshire Council
Caroline Gaudin	CNPMEM
Luc Corbisier	SDVO
Guus Pastoor	AIPCE/CEP
Bruno Dachicourt	CFTC
Jane Sandell	SFO Ltd
Caroline Gamblin	CNPMEM
Antoine le Garrec	UAPF/Euronor
Annemiek Bais	North Sea Womans' Network
Zoë Crutchfield	Smart Wind
Edgars Goldmanis	DG Mare
Michael Park	SFF
Leslie Tait	SFF
Giles Bartlett	WWF
Pim Visser	VisNed
Willem de Boer	VisNed
William Stewart	CFCA
Eamon Mangan	French Ministry of Fisheries
Svend-Erik Andersen	Danish Fishermen's Association
Michael Andersen	Danish Fishermen's Association
Peter Breckling	DFV
Arnold Locker	NFFO
Fred Normandale	NFFO
Nigel Proctor	EAA
Hansen Black	Shetland Fishermen's Association
Robert Stevenson	NESPO Ltd
Chris Darby	CEFAS
Ditte Degnbol	Aalborg University
Johnny Murt	JNCC
Charlotte Johnstone	JNCC
Derk Jan Berends	Vissersbond