



**ExCom Meeting  
Edinburgh  
14<sup>th</sup> & 15<sup>th</sup> March 2011**

**Rapporteur: Tony Hawkins**

**1. Introduction and apologies**

- 1.1 Niels Wichmann welcomed to the meeting Carla Montesi, the new Director for the North Sea and Baltic, and Peter Hopkins from the European Commission. Apologies had been received from Caroline Gamblin, Christien Absil, Peter Breckling and Arnold Locker and Emiel Brouckhardt . The agenda was agreed.
- 1.2 The rapporteur summarised the action points from the previous meeting in October. On future membership of the CFCA board, it was now evident that this was by rotation and a member had now been appointed from another RAC. The Chair, Vice-Chairs and WG Chairs were still intending to meet to prioritise the NSRAC Work Plan; there had been delays because of the re-organisation of the NSRAC. The plan would look forward for a number of years. In relation to fisheries management options for the Dutch N2000 sites, Dutch fishers had now come forward with their own proposals. Member States had agreed to work together to discuss management arrangements for the Dogger Bank SACs. Fishers' representatives had contacted Forewind directly on their proposals for the first tranche of their wind farm development in the North Sea. Nigel Proctor would be liaising with Forewind to arrange a Spatial Planning Working Group meeting in May. The MPA Coalition had been in contact with the UK Minister, expressing concern at the consultation process and the speed of development for MPAs within the UK EEZ. Greater consideration was now being given to fishers' concerns. Comments had been submitted to the JNCC on the UK proposal for a SAC on the Dogger Bank. The Skagerrak and Kattegat Working Group would meet on the 7<sup>th</sup> April. The Cod Review Focus group would meet on the 8<sup>th</sup> of April. The Nephrops Development Group would now meet on the 18<sup>th</sup> April, and a meeting of the Whiting Development Group was planned for the 24<sup>th</sup> June. These dates will be presented on a new Calendar which will be placed on the NSRAC website.

**2 Presentation from the Commission**

- 2.1 Carla Montesi thanked the NSRAC for its hard work and constructive attitude. The RAC had been very effective and the Commission took its views seriously. Notable

successes had been achieved within the North Sea with respect to Real Time Closures and cod avoidance measures. Progress had also been achieved in developing Long Term Management Plans. The results of the Cod Recovery Plan had been disappointing, but circumstances would have been worse without the NSRAC's efforts.

- 2.2 There was now commitment by the Commission towards substantial reforms to the Common Fisheries Policy (CFP). By the middle of June a new basic regulation would be released. There were a number of issues to be resolved. The Commission wanted to stop micro managing at the EU political level. General principles would be laid down, targets set for reaching MSY, and harvesting guidance provided. Then Member States and the RACs could work together to achieve the objectives for each regional sea. Specific measures and tools would be decided at the regional seas level. Regionalisation was at the heart of the reforms and the RACs would play a key role. The Commission was looking at ways of giving the RACs more responsibility. Their composition might need to change. Market arrangements also needed to be revised through a new markets policy.
- 2.3 The Commission was considering allocating user rights to Producer Organisations, but transferability would be limited to the national level to avoid impact on relative stability. The Commission was still reflecting on what could be done for small-scale fleets, perhaps through changes to the European Fisheries Fund.
- 2.4 One major challenge was to deal with discards. The Commissioner had stated that she intends to deal with discards under the reforms. On the 1<sup>st</sup> March she had met Fishery Ministers to discuss how to move towards her aim of achieving a discard ban. However, she recognised that this aim could not be achieved overnight.
- 2.5 A number of management plans were now in place and four of them had been agreed with Norway. ICES had been asked to evaluate these plans. STECF was evaluating the Cod Recovery Plan and together with ICES was setting out a work plan for the evaluation. An important consideration is whether the Cod Recovery Plan needs to be revised. If it does, what are the options? An impact assessment would be required for each of these. It was hoped that evaluation of the plan would be completed by the Fourth Quarter. The RACs would be consulted and there would be a stakeholder conference to discuss the options.
- 2.6 STECF had now produced impact assessments for the plaice and sole management plan. The Commission was now thinking about the future for this plan. As plaice stocks are shared with Norway they will need to be consulted.
- 2.7 There is a dispute with the European Parliament over management plans. Following Lisbon, co-decision-taking is required. Currently, the Council alone decides TACs, but there is disagreement over who should decide the harvest control rules for management plans. Parliament wishes to comment on the rules and for the last 6 months there have been delays in approving plans for anchovy and horse mackerel and for salmon and pelagic fisheries in the Baltic. The Commission and Parliament are engaged in dialogue to develop a working model. In the meantime interim

arrangements were being sought and there would be a meeting to discuss these issues on the 7<sup>th</sup> April. The RACs could play an important role in this debate.

- 2.8 Several issues were raised in the ensuing discussion. Doubt was expressed over the intention to change the composition of the RACs. NSRAC members were also concerned that delegation of powers to the regions would be limited. We would simply be asked to implement policies delivered from above. The NSRAC wished to play a role in deciding policy too. Carla Montesi replied that the Commission intended the RACs to play a key role, but there were differences between the RACs. In some regions different sectors were poorly represented and governance would need to be improved to enable RACs to play a more important role. Views would be sought from the RACs on how their governance and representation could be made more effective. Under the reforms the RACs would play an important role in terms of implementation but they would also be consulted on wider policy issues. There was continuing debate with lawyers over the delegation of powers to Member States and the RACs, as fisheries management is the exclusive competence of the Commission.
- 2.9 It was pointed out that the transferability of TACs was already within national competence – what was new about the reform proposals? Carla Montesi replied that the Commission recognised that this was so in many Member States, but not in all of them.
- 2.10 On discards, some participants pointed out that there was a need to look at prices and market considerations and to remove some of the inhibiting effects of competition policies in order to achieve more sustainable fisheries. Michael Andersen asked how landed discards were going to be dealt with on the quayside under a discard ban. Antoine le Garrec was concerned that fishing vessels would have to be modified to enable them to process, store and carry discards. They were not currently built to do so. Profitability would be affected. It was evident that in some instances the Commission's own measures were driving discards. The point was made, however, that in the North Sea much had already been achieved, fishery-by-fishery, to reduce discards. Providing incentives to fishers was at the heart of the problem and for some participants the proposal for a discard ban was simply gesture politics and posturing. The NSRAC is compiling a list of initiatives already taken in the North Sea to reduce discards. Carla Montesi recognised that a discard ban could not be achieved overnight. We would have to look at the diversity of fisheries and would have to develop a range of solutions. The Commissioner wanted to work jointly with governments and with industry. There would need to be a link with market rules and action will need to be taken on markets. The Commission wanted as much fish as possible to go for human consumption. Ate Oostra agreed that a discard ban could not be introduced overnight, but that fishers should be putting themselves under some time constraint to show real results in discard reduction. Others pointed out that the Technical Conservation Measures Regulation would need to be changed with respect to landing size measures to achieve a ban. Michael Park remarked that in considering discards we would need to reconcile any difference with Norway, and not just at the end of year negotiations. Niels Wichmann considered that if Catch Quotas were introduced more widely then many of the current control restrictions would no longer be needed. However, extra costs would be incurred in monitoring TV cameras. Carla Montesi said that with Catch Quotas additional quota was supplied as an incentive, but

with clear conditions laid down. We needed to evaluate the use of this additional quota. Some Member States were happy with Catch Quotas. Others were not. We needed to be sure we were not jeopardising the whole system by offering additional quotas. We also needed to look at the quality of control and enforcement of Catch Quotas.

- 2.11 It was emphasised that the Commission had sometimes failed to take on board comments from the NSRAC. It sometimes seemed that NSRAC position papers had not been read or understood. Our views had been misinterpreted and misrepresented. Carla Montesi expressed concern. She wished to listen to any criticisms we had. All our opinions should be considered and any proposals for improving communication would be taken seriously.
- 2.12 Fishers asked about the current position of the Technical Conservation Measures Regulation. Carla Montesi said that this was a difficult point. Council had failed to agree on the regulation and transitional measures had been adopted, which would carry through until 2012. Any new technical measures would be subject to co-decision-taking. The new basic regulation will take into account the need for technical measures and will link these measures to policy on discards. There was an ongoing debate on this subject and of course some of the issues would need to be resolved with Norway.
- 2.13 Fishers believed they had not been fully consulted on the options for the plaice and sole plan. They had provided input to the consultants, but had received no feedback. Fishers wanted to communicate with the Commission on the plan and were seeking to de-couple plaice from sole. So far fishers' views had not been taken into account. Carla Montesi replied that the Commission would be coming back to the NSRAC for its views when the impact assessment had been completed. She noted the suggestion for de-coupling plaice from sole. The Commission had already looked at this as one of the options. We now needed to look at the advantages and disadvantages. Peter Hopkins added that it was better to adopt a fishery-by-fishery approach to management plans, rather than deal with them stock by stock. The Commission would be seeking views once the impact assessment had been done. Pim Visser remarked that there were dedicated plaice fisheries now rather than simply a plaice/sole fishery.
- 2.14 Euan Dunn emphasised that the NSRAC was at the limit of its capacity to prepare sound advice and develop initiatives. With reform of the CFP how could we build more scientific rigour into the work of the RACs? We needed to be able to fast track scientific advice. We had been told we could, and should continue to, access that advice through STECF and ICES, not least because it had the advantage of being free – but the process was too cumbersome and we needed to do better, especially if we were expected to take on heavier responsibilities. Carla Montesi agreed that additional cooperation was required with scientists. The Commission wanted suggestions on how to achieve this and is already ready to take on board requests for scientific advice. It is too early to speak about increased budgets, as we are not sure how much money will be available.
- 2.15 Pim Visser said that we heard all the time from the Commission the expression “we are thinking...”. But that ‘we’ did not include the NSRAC! The Commission should be

speaking to us and seeking our advice. Imagine the complications of handling landed discards at the ports. People in Brussels had no clue about these things. In Boulogne we had been presented with arrangements for implementing MSY. It had seemed perfectly normal and logical at the time. In the event it had brought many complications. Carla Montesi replied that every aspect of the reforms would require dialogue with governments and with the RACs. The Commissioner also wanted an open debate on discards.

2.16 Eamon Mangan wondered whether there had been further reflection on future relations between Member States and the RACs. Carla Montesi replied that this was being discussed. The Commission wanted to see a regional body involving both Member States and stakeholders. It was not yet clear how this could best be achieved.

2.17 The Chairman thanked Carla and Peter for responding to the comments.

### **3. Other issues associated with Reform of the CFP.**

3.1 Many of the topics considered above had also been discussed at a meeting with the Commissioner to consider the future role of the RACs. A note of the meeting had been circulated. Although there was support for the RACs adopting a wider role there was concern that the Commissioner believed the RACs were currently not representative and that there should be a wider role for small-scale fishers, the workers, unions and citizens. The Commissioner had touched upon the role of the RACs relative to ACFA and it was agreed that their roles should not involve duplication. The NSRAC was already concerned at lack of contact with MEPs and the Parliament and those connections would need to be even stronger if the RACs were to adopt an enhanced role.

3.2 The chairman emphasised the difficulties the RACs were experiencing in obtaining scientific advice and assistance. With reform of the CFP there would be a stronger need for scientific advice. One possibility might be for the future EFF to allocate funding to projects intended to assist the RACs. It had become clear that the Commission's original reluctance to fund the provision of scientific advice had stemmed from a fear that it might have been intended to produce alternative advice.

3.3 Euan Dunn had reported on the Inter-RAC meeting that had preceded the meeting with the Commission. Coordination of the RACs is not easy, as they are not really able to speak for all their members and Inter-RAC meetings have no political mandate to speak on behalf of all the RACs, given that their essential purpose is dialogue between the respective RAC Secretariats. Nevertheless the ensuing discussions with Lowri Evans and Ernesto Penas had been productive and we now had a clearer idea of the timetable for the process of reform. There had also been clarification of the position with respect to any modifications to the Technical Conservation Measures Regulations. Essentially modifications could be made but only if they were high priority and non-controversial. Euan commented on the fact that one RAC had complained that it had found it difficult to fill their one third 'other' membership, suggesting that this signalled less demand for better representation. The NGO

response to this at the meeting was that this did not necessarily indicate a lack of interest. Rather, some NGOs did not wish to take part for concern that their minority voice would not be heard and that they could advocate more effectively outside the RACs..

- 3.4 Ate Oostra returned to the lack of contact between the RACs and Parliament. We rarely spoke to MEPs and we needed to address that problem. We needed to involve members of the Fisheries Committee in our business.

#### **4. Discards**

- 4.1 Barrie Deas pointed out that there had recently been much discussion of discards. There had been a resurgence of interest by the Commission because of recent media attention. Discards had always concerned the NSRAC and we had forwarded advice to the Commission on this issue on a number of occasions but without response. The Commission had now responded to press controversy by holding a high level meeting. This had emphasised the aim of the Commissioner to achieve a discard ban, to be achieved through effort controls or through Catch Quotas. This was the same top-down approach, however. It was a knee-jerk reaction to press publicity. There had been no response to the papers we had submitted on discards. We had previously referred to the many discard initiatives taking place in the North Sea. We had always wished to take those initiatives forward. Our position was not too different from that taken by Ministers from France, the UK, Denmark and Germany in their recent public declaration, which had supported the idea of a 'tool-box' of measures to avoid discards. At the Demersal Working group in February we had decided that we should publicise those initiatives already taken by fishers.
- 4.2 Michael Andersen said that the Commission had already announced a discard ban for the Baltic Sea, to take effect by the 1<sup>st</sup> January 2013. The Baltic Sea RAC had produced a statement emphasising that a discard ban is not a tool that tackles the heart of the problem, which is catching the unwanted fish in the first place. To address this, other measures are needed, focused on increasing selectivity and reducing by-catch. There will need to be a combined approach and this will take time. The discard ban would not improve cod stocks at all.
- 4.3 Guus Pastoor emphasised how important public opinion was on the issue of discards. We need to explain the facts better. Buyers are now demanding a discard ban and figures for discarding are being bandied about which are hindering the discussion. We must provide more information. Niels Wichmann reminded members that the Demersal WG had asked for examples of discard initiatives to be sent to the Secretariat so that we could assemble and present information from different countries on what was being achieved. Pim Visser reminded the meeting that many discards result directly from the measures imposed by the Commission. Michael Andersen agreed. We should explain that fishers wanted to reduce discards but were forced to discard by the regulations.
- 4.4 Ate Oostra thought that the opposition to a discard ban expressed in our recent press release had been a mistake. Fish must be sold with a good story around them. We

have to be able to tell people that fishermen are aiming to discard as little as possible. If it is to be taken seriously the fishing community should be willing to accept a degree of time-pressure: if present discard-reducing practices did not show results within a reasonable period of time, then we should be open to a ban on discards. Collectively, fishers must ensure that they were all adopting a careful approach. Peer-pressure was important; fishers should be prepared to criticise other fishers who were discarding. Jan Willem Wijnstroom deplored regulatory discarding but suggested that we needed to find out more about the proposal for a discard ban, and how it might work in practice.

- 4.5 Eamon Mangan asked the Commission about point 6 on the joint Ministerial declaration<sup>1</sup>, which asked the Commission to undertake an impact assessment in order to determine the extent of discarding in the different fisheries, their different causes and the measures necessary for their eradication. Would the Commission be carrying out this impact assessment? Or do we just have to follow a principle laid down by the Commissioner? Catch composition rules are part of the problem. We need an assessment of the causes of discards.
- 4.6 Michael Park said that EU vessels did not find it difficult to observe a discard ban in the Norwegian sector. Even under the current regulations fishers could do more but there is no driver to do this. There is often no incentive to reduce discards. Fishers must make more money through reducing discards than through discarding. Catch Quotas provided a framework for that. Reducing un-retained species and by-catches is worth aiming for. But the business world must have incentives to respond. Michael Andersen agreed. The Norwegian fishers admitted to 7-15% discarding. It is a hidden TAC transgression. But it is not the right model to follow. Undersized fish are only undersized because there is a minimum landing size. Giles Bartlett disagreed. There is a biological basis to MLS, it is based on size at first maturity. Michael Andersen denied this. MLS was set for marketing reasons; it is not there to achieve sustainability. Barrie Deas thought that Norwegian fishers had adopted a model that worked for them. Their fisheries were targeted rather than mixed.
- 4.7 One of the problems identified with Catch Quotas is that vessels entering these schemes that were not previously discarding did not receive any incentives. In the Danish system the additional quota went mainly to those vessels that previously discarded. Antoine le Garrec said that the French saithe fishery discarded very few fish, and fishers were unlikely to get a quota increase for engaging with Catch Quotas. The Commission would have to consider other incentives like exemption from days at sea provisions. Peter Hopkins pointed out that the rule agreed with Norway was that the additional quota allocated to a vessel must be less than the quantity discarded. Initiatives like Catch Quotas must not result in any increase in fishing mortality. Barrie Deas thought this approach was backward looking. Vessels have choices. Some English saithe vessels also had haddock quota and therefore caught some cod. Vessels could engage in a targeted saithe fishery but they could also go for a mixed fishery. Some English Catch Quota vessels were currently using 130mm mesh (10cm above the required mesh size). They were now considering using 140mm meshes. There must be incentives to be more selective. Pim Visser summed up by saying that

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<sup>1</sup> [http://www.seafish.org/media/446591/jtdecdiscards\\_2011\\_0301\\_de\\_dk\\_fr\\_uk.pdf](http://www.seafish.org/media/446591/jtdecdiscards_2011_0301_de_dk_fr_uk.pdf)

consensus on the subject of discards was important. If we can communicate a common view on this subject it will be to our advantage. Let us unite to tell our story. This discussion will continue in the Demersal WG.

## 5. Reports from the Working Groups

- 5.1 The Skagerrak/Kattegat WG would meet in Copenhagen on the 7<sup>th</sup> April – a notice will be sent out next week. Items to be discussed included the cod box closure; the management plan for plaice, and improving the plaice assessment; the prawn assessment; and the non-assessment of cod in the Kattegat.
- 5.2 The Spatial Planning WG would meet on March 23<sup>rd</sup> in Brussels to discuss management arrangements within Dutch Offshore Natura 2000 sites. A special meeting of the WG with Forewind to discuss wind farm proposals was planned for May 3<sup>rd</sup> in London. It was possible that a meeting of the Demersal WG would take place the following day. Antoine le Garrec asked whether a letter had been sent to the UK Minister deploring the failure to involve fishers from other countries in the designation of UK Marine Protected Areas. A letter had not been sent but the Minister had been left in no doubt by the MPA Coalition that fishers had to be involved. A great change in attitude had now developed. Pim Visser said that the ‘Balanced Seas’ initiative had now extended the time period for consultation. An Offshore WG had been set up and it included French and Dutch fishers. It would meet on the 29<sup>th</sup> March. Fishers would also be invited to a meeting to discuss the ‘Net Gains’ initiative in April. Barrie Deas said English fishers had been upset by the rushed pace of the proposals. The critical stage would be discussions on management measures within the designated sites. Pim Visser thought that the major problems lay with the Natura 2000 sites. Clarity had been sought from the JNCC but had not been obtained. He supported the proposal of a letter to the UK administration to stress that fishers must be involved in these proposals. Eamon Mangan agreed. We should thank the Minister for taking account of previous representations but emphasise the need for continuing consultation. Barrie Deas agreed to prepare a draft for approval.
- 5.3 The Demersal WG had met in Edinburgh on the 18<sup>th</sup> February and a report was available. The meeting had covered a lot of ground. Several letters and Position Papers had stalled over the winter and now needed to be approved and sent out. A meeting had been held with ICES to discuss data deficiencies. ICES had given its full support. Now we had to involve the Member States. There would be a meeting in Copenhagen on the 31<sup>st</sup> March to establish data deficiency task forces.
- 5.4 Management plans for *Nephrops*, whiting, and plaice/sole had been discussed by the WG and a proposal had come forward for a Shrimp Focus Group, perhaps to prepare a management plan. The WG had also discussed discards. The WG had wanted further information on the Marine Strategy Framework Directive and as a result Poul Degnbol from ICES had been invited to attend this ExCom.
- 5.5 The *Nephrops* Long Term Management Plan had now reached a further stage of development. A new draft plan had been prepared for further discussion by the Development Group, which would meet on the 18<sup>th</sup> April. The plan would then be taken

out to the industry – probably through a single open meeting. In the meantime there was a need to submit a paper to the Commission asking them to reduce pressure to set TACs for the functional units. Our plan was proposing sustainable fishing plans for the vulnerable functional units. Discussions had taken place with Newcastle University over the preparation of a model sustainable fishing plan for the Farne Deeps prawn fishery.

- 5.6 An initial meeting had taken place to prepare a management plan for the whiting fisheries. As a first step we wished to collate information on all those fisheries which catch whiting, including information on discards. The hope was that members would ask their administrations to provide the necessary information for the next meeting of the whiting group. The Commission itself had asked ICES for advice on a whiting management plan. We could perhaps help with that plan.
- 5.7 Barrie Deas, Michael Park and Caroline Gamblin had attended the STECF/ICES joint scoping meeting on evaluation of the Cod Recovery Plan. A programme for the evaluation was being drawn up and the NSRAC would be given the opportunity to participate. The evaluation was backward looking and it would decide whether the plan should be changed. If it were decided that the plan should be revised then the process would be very long, as the new plan would have to go to the Parliament. Barrie Deas had prepared a report on the STECF/ICES meeting that listed some of the questions raised by scientists. They included issues like whether incentives to fishers had worked, and had effort controls worked. The meeting had been very open and stakeholders have been asked to provide text setting out their views. We can work on this through a meeting of a Cod Focus Group. STECF had said that they might be able to provide funding for experts to help us to undertake work on the Cod Recovery Plan. However, the timetable is very tight. We must have a paper posing our questions to STECF/ICES ready for the 11<sup>th</sup> April. Niels Wichmann asked members to forward any questions they had to Barrie. One of the key questions was whether effort control had reduced F – the scientists had already asked that. There was also the question of whether fleets had actually been constrained by the effort restrictions. Member States had interpreted the effort controls quite differently and in some cases effort had not been constrained.
- 5.8 Pim Visser had produced a short paper on the shrimp fishery in the North Sea. Shrimp fishers had engaged with the MSC accreditation process but had been told that there were problems. There was an absence of scientific and management information on the fishery and a lack of management controls – there were no anchor points for managing the fishery. Pim's paper proposed a way of addressing that problem through the preparation of a management plan by a Shrimp Focus Group. Currently, Dutch and German POs managed the fishery. Activity had increased and prices were now low as processing was in the hands of a few companies. There was competition from Chinese shrimps. Competition law prevented any self-management proposals for the fishery. The only way forward was to develop a LTMP with a range of objectives. Giles Bartlett wondered if Catch Share could be included in the plan. Pim replied that a number of management options could be considered. The important step would be to start the process with strong involvement from fishers. It was agreed that the NSRAC would establish a Shrimp Focus Group, to be chaired by Pim Visser.

## **6. Position papers & letters**

- 6.1 A draft Position Paper that set out the NSRAC position on Maximum Sustainable Yield (MSY) had been prepared and discussed at two previous meetings of the Demersal WG. It was now ready to send off. Giles Bartlett wondered whether the statement that the target values selected for F had been chosen 'arbitrarily' was correct and the rapporteur undertook to modify the text accordingly. The paper will be sent to the Commission, Member States, ICES and members of the Fisheries Committee.
- 6.2 A draft Position Paper on Real Time Closures had also been prepared and considered by the Demersal Working Group. Bruno Dachicourt asked that it be sent to Member States also. It was agreed that the paper would now be sent to the Commission, Member States, ICES, members of the Fisheries Committee and to Norway, subject to a small modification to paragraph 5.7 to bring it up to date.
- 6.3 A letter to Director General Lowri Evans on whiting had been seen by two Demersal Working Groups and sent to the Commission but had been returned. It was now agreed by the ExCom with no modifications and would be sent again to the Commission.
- 6.4 A letter had been drafted by Niels Wichmann which welcomed the increased transparency in EU- Norway negotiations. It noted that in recent years there had been a progression from these meetings being completely closed to the introduction of plenary sessions open to a wide range of stakeholders. It now sought a more central role for the NSRAC in future meetings. Michael Park thought the letter could give examples of how our participation might improve things. Niels Wichmann agreed that we could seek earlier consultation on the issues being discussed. Barrie Deas thought that it was important that the Commission officials dealing with the negotiations be made aware of the NSRACs interests. If consulted sufficiently in advance we could provide a summary of our views for them. It was agreed that the Secretariat would amend the letter to reflect these views and then send the letter to the Commission.
- 6.5 A draft letter had also been prepared for the Commission stressing that the fishing industry is strongly against the setting of individual Total Allowable Catches (TACs) for *Nephrops* Functional Units in the North Sea. The letter was agreed. It would state that the NSRAC was giving thought to alternatives that retained the benefits of management at the Functional Unit level, but involved the preparation of sustainable plans for vulnerable functional units. Bruno Dachicourt said that we should also inform the Commission and Member States that we were preparing a management plan for whiting.

## **7. Marine Strategy Framework Directive**

- 7.1 The Demersal WG had considered the impact of the MSFD. The Directive had the potential to determine the way fisheries would be managed in the future. It is a major challenge/threat. It is essentially a legislative framework to enable Member States to deliver an ecosystem approach. It requires them to take action to achieve Good Environmental Status for the regional seas by 2020. There is a timeline to achieve

targets and indicators for 11 environmental descriptors; four of which have a bearing upon fisheries.

7.2 The ExCom had invited Poul Degnbol, Head of the Advisory Programme at ICES, to provide a briefing on the Directive. Poul's presentation has been placed on the NSRAC website and only a short summary of his briefing will be given here.

7.3 There had been many problems in introducing an ecosystem approach to fisheries management. The Directive now aimed at an ecosystem approach to marine management, which was much more satisfactory. All sectors would now be involved.

7.4 The Directive aimed to achieve or maintain good environmental status ((GES) in the marine environment by the year 2020 at the latest. There were eleven descriptors of GES, at least four of which were relevant to fisheries; viz:

(1) Biological diversity is maintained. The quality and occurrence of habitats and the distribution and abundance of species are in line with prevailing physiographic, geographic and climatic conditions.

(3) Populations of all commercially exploited fish and shellfish are within safe biological limits, exhibiting a population age and size distribution that is indicative of a healthy stock.

(4) All elements of the marine food webs, to the extent that they are known, occur at normal abundance and diversity and levels capable of ensuring the long-term abundance of the species and the retention of their full reproductive capacity.

(6) Sea-floor integrity is at a level that ensures that the structure and functions of the ecosystems are safeguarded and benthic ecosystems, in particular, are not adversely affected.

□7.5 Eleven ICES/JRC task groups had developed criteria and methodological standards for these descriptors. Measurement of these indicators would now need to take place. Data would need to be collected from research vessels, commercial vessels, monitoring buoys and satellites. However, although fisheries data has its own data collection framework there is no similar framework for collecting other forms of data. There were tensions between fisheries and environmental issues. Whereas fisheries are the exclusive competence of the Commission, other issues are to be handled by Member States, on a regional seas basis. The CFP is well equipped to deal with matters on a regional seas basis but for each other descriptor each Member State will have to legislate for its own EEZ. OSPAR is coordinating the process for the North Sea with scientific advice from ICES.

7.6 There is a clear timeline for implementation of the Directive:

1. The ICES/JRC task groups had to prepare material on the 11 descriptors in 2010

2.  The COM decision on GES descriptors had to be made by September 2010
  3.  Member States had to deliver by July 2012:
    - Assessments of environment and human impacts
    - Determination of GES
    - Environmental targets and indicators
  4.  MS had to deliver monitoring programmes by July 2014
  5.  MS had to deliver a programme of measures by 2016 (developed in 2015 at latest)
  6.  Good Environmental Status had to be achieved by 2020 at the latest
- 7.7 On fisheries, things would need to be kept simple. The focus would be on the main overall impact of fisheries and on reducing overall fishing pressure to MSY within precautionary limits. This would be supplemented where necessary with specific measures to protect biodiversity, food webs and bottom habitats. Regional cooperation would be necessary to develop and implement a coherent approach to the MSFD; develop a CFP implementation platform; and ensure that the fisheries measures required to meet MSFD objectives were decided and implemented through the CFP.
- 7.8 Michael Andersen thought the issue was conceptually difficult but it all boiled down to a few simple aims. Reaching some of the objectives might be difficult and there might be problems with the details. Pim Visser said that the Dutch Government wanted to guide other governments on implementation of this framework directive. It was being left to member States to implement most of it. However, in fisheries the implementation of the MSFD might allow OSPAR to play a stronger role. We needed to ensure that objectives were not set which we would be unable to achieve – German scientists had set a SSB for plaice that had never ever been achieved. Other fishers' representatives were concerned about seabed impacts. In some cases trawling seemed to make the seabed more productive. It was generally agreed that the prospect of implementing the Directive was rather daunting and there would be lots of specific consequences. We certainly did not want different actions or policies in different areas.
- 7.9 Poul Degnbol emphasised the importance of getting the descriptors right. Currently they were rather broad. Setting targets was the stage where specific issues would become the focus. We already had a lot of information on subjects like the impact of fishing on the seabed. Member States could, however, choose to protect all seabeds, or simply protect particular areas through the designation of marine parks. It would be important to ensure a regional seas approach. ICES was working with OSPAR on this.
- 7.10 Giles Bartlett said that the CFP had failed to deliver an ecosystem approach. This Directive might deliver that approach. Euan Dunn thought that the Directive defined the ecosystem approach more clearly. However, he was concerned that, contrary to the sector's fears that the MSFD would result in 'meltdown' of fisheries, his greater fear

was that nothing much would change. For example, little ecosystem data was currently being collected and there was no obligation under the Data Collection Framework for Member States to collect and report data on biodiversity (e.g. seabird bycatch) other than fish. He wanted to know if the Commissioner's recent announcement that she wanted to bring fisheries and environmental funding closer together under the Integrated Maritime Policy would help in this regard. Fishers' representatives were concerned that Member States would not work together. Ate Oostra thought we should tune into what was being done at the national level. The fisheries sector had only been brought into this at a late stage.

7.11 Poul Degnbol said that the CFP had failed. We must ensure that this MSFD policy did not fail. However, within Member States the fisheries and environmental ministries were often separate. This is an issue from an ICES standpoint. The Data Collection Framework relates only to fisheries and was not designed to cater for other ecosystem elements. A wider framework would require a wider funding line with DG Environment support.

7.12 Niels Wichmann thanked Poul Degnbol for participating in the ExCom.

## **8. Update on the MIRAC meeting**

8.1 The annual MIRAC meeting between the RACs and ICES scientists had taken place. There had been discussion of the new format for advice. Greater clarity of language was being sought. There had been only slow progress in devising a traffic light system for assessments. There had been some discussion of the implications of the MSFD.

8.2 A meeting on rectifying data deficiencies had then been held. This had been a NWWRAC initiative, but the NSRAC had joined in. Sixty per cent of stock assessments now lack analytical status. The Commission had been contacted to mount an initiative but had not shown any interest. In contrast ICES scientists had been enthusiastic. If the ExCom approved we would meet with ICES on March 31<sup>st</sup> to set up Task Forces to identify data deficiencies and attempt to rectify the problems. Member States will be encouraged to take part. It was hoped that this initiative would feed into the ICES Benchmark meetings.

8.3 The ExCom agreed to participate. We now needed to decide who would attend from the NSRAC. As the meetings brought RAC representatives into contact with managers from Member States and fisheries scientists they had potential for taking forward regional initiatives. Michael Andersen, Caroline Gamblin and Pim Visser wished to attend the meeting. Pim Visser was willing to act as co-chair.

## **9. Research projects**

9.1 There were a number of research projects and other initiatives that the NSRAC had been asked to support. It was now commonplace for project organisers to write to the Secretariat seeking support for project proposals, with or without participation. There was pressure by some funders to involve the RACs. The rapporteur summarised the

'rules' we had previously considered in approving such proposals. First, the proposer should get in touch at an early stage to present the project and seek feedback from the NSRAC. Secondly, the project had to bring some benefit in terms of advice or scientific support to the NSRAC. Thirdly, the project should include some funding to support RAC participation and if possible to assist the RAC in holding Focus Group and other meetings. JAKFISH had been an example of such a project and had helped to fund NSRAC meeting with fishermen.

- 9.2 The MYFISH project, which had recently been submitted to the EU for funding, met all these criteria. It had originally been presented to the NSRAC as the FISUMANI project but had recently been revised and given a new name. The project was concerned with developing the MSY concept in the context of mixed fisheries and the development of LTMPs. It involved regional sea sub-projects with one specifically aimed at the mixed fisheries of the North Sea. The people involved in that package had worked with the NSRAC before and included Martin Pastoors and Steve Mackinson. The NSRAC had a strong interest in the development of LTMPs and also needed funding to assist with the development of those plans. 50,000 Euros had been allocated to liaison with the NSRAC. The NSRAC agreed to participate in the project should it be successful in obtaining funding.
- 9.3 The rapporteur described a project that had been submitted to the English Ministry for funding following discussions at the Demersal WG in February. The project was led by Newcastle University and had been assembled with guidance from participants in the *Nephrops* LTMP Development Group. It was aimed at developing a sustainable fishing plan for the Farne Deeps *Nephrops* fishery, which would assist the Development Group in developing alternative measures to individual TACs for the Functional Units. It included funding for future meetings of the Development Group. Participation in the project was approved.
- 9.4 Martin Brebner introduced a letter from Dr Paul Pechan, of the Institute of Communication and Media Research, Ludwig Maximilians University seeking support for the COMFISH Project. The letter had been circulated. Only a brief description of the project was provided and the NSRAC had not been asked to play any part in the development of the project. The project did not match or support any of the NSRAC's current initiatives. Support was withheld.
- 9.5 Martin also introduced the North Sea Forum project, which was a project led by Ann Bell aimed at bringing together stakeholders from around the North Sea. Some NSRAC members had attended the meeting in Edinburgh that had come up with the idea of a North Sea stakeholder forum to bring together those with overlapping interests in development taking place in the North Sea, including the implementation of the MSFD. The project would be submitted under the Interreg programme but this had been delayed as not all the relevant Member States were yet on board. It was agreed that the NSRAC would ask for a presentation on the aims of this project at the next ExCom on the 29<sup>th</sup> June before taking a position on the project. It was also agreed that it would be the normal practice of the NSRAC to seek a presentation (written or in person) and the opportunity for feedback on any project for which NSRAC support was being sought.

## 10. Financial position

- 10.1 Details of the financial position of the NSRAC, which included a financial deficit, had been circulated to members. Aberdeenshire had guaranteed the NSRAC bank account in the past, but Councillors had decided in October that they no longer wished to do so. We needed a mandate from the ExCom to resolve this problem and pay off the deficit. We could then go back to Aberdeenshire Council and ask them to restore the guarantee. However, savings on our expenditure could not be used to settle the deficit because of Commission rules. The only mechanism we had for paying off a deficit was to take a proportion of members' fees for this purpose. The Directors of the NSRAC had proposed taking 50% of the fees each year. This would take 5 years to pay off the deficit. The Commission had agreed in the past, with the NWWRAC, to use a proportion of the fees for this purpose.
- 10.2 We had now heard from the Commission that they considered the rate of 50% to be too high. They proposed a rate of 25%, which would take 9-10 years to pay off the deficit. That was the rate that had applied to the NWWRAC.
- 10.3 It is in our interests and the Commission's to resolve this problem. The chairman proposed that we should now go back to the Commission to try to raise the 25% figure. We would also need the permission of Member States to proceed to reduce the deficit in this way. The auditors had set a deadline of the end of March for receiving proposals. The importance of restoring the guarantee from Aberdeenshire Council was that it enabled the NSRAC to draw down a greater proportion of the funding from the Commission in advance and allow the auditors to class NSRAC as a going concern.
- 10.4 It was agreed that the chairman should go back to the Commission to raise the proportion of fees to be allocated to reducing the deficit. We should learn from this experience and place financial matters on the agenda for all future meetings of the NSRAC.
- 10.5 The problem had largely arisen because the Commission had deemed some of the expenditure during the first two years by the NSRAC ineligible. As the first of the RACs we had been feeling our way at the start. The NWWRAC had experienced the same problems.
- 10.6 Most current budget lines were on track. Legal fees had risen steeply as a result of the need to put contracts for the rapporteur and chairman out to tender. A note on the rules governing travel and subsistence expenditure had been circulated. We should consider moving to a flat rate, a *per diem*, rather than actual expenses. That was how the Commission itself operated. There was agreement that a move to a *per diem* would bring advantages and that this change should be investigated.
- 10.7 There was some concern about the implications for people attending working groups. Payment of expenses was currently limited to 10 representatives. It was proposed that the payment of expenses should be allocated to members *pro rata* with the number of seats held and that only 50% of the rate should be paid per seat on the ExCom. Thus,

if the Dutch or French wished to send just one representative, because they had two seats on the ExCom they would receive full expenses for that representative. A representative of a member having only one seat would receive only half. Alternatively we could simply allocate a fixed sum to each meeting and then divide it up *pro rata*. The problem with the latter solution was that members could then send many representatives, reducing the sums paid to individuals. The issue of whether someone who was not a member of the ExCom could attend a working group and receive expenses. The answer was yes, but they had to be nominated by an ExCom member to receive expenses. Allocation was to organisations not specific names.

- 10.8 It was pointed out that the current system was unsatisfactory from the chairman's standpoint. Currently, the chairman had to decide who was to receive expenses. Money also had to be allocated to independent experts to cover their costs, although there was a separate budget for that. It was agreed that we consider moving to a system where 12 representatives will receive their expenses for attending working groups (half the number of seats on the ExCom) to be allocated *pro rata* to the representatives nominated by those members. Where member had two seats they would effectively receive expenses for one representative. We would follow the existing rules until the new rules had been set out and formally agreed. The payment of a *per diem* and the new arrangements for working groups would be discussed at a meeting of the chairs and vice-chairs planned for the 15<sup>th</sup> April. Their proposals could then go back to the ExCom or be settled by written procedure.

## **11. Other Administrative matters**

- 11.1 We were now faced with a number of new meetings. Martin Brebner would revise the Calendar and send it out to members and place it on the website.
- 11.2 Consideration was being given to meeting at a single location, chosen for its convenience. The General Assembly and the ExCom associated with it would continue to rotate between countries. The November Demersal WG would continue to take place in Brussels. Some Focus groups might meet at appropriate locations. However, other meetings would be organised at a single location. The Secretariat had looked at different locations for ease and costs of travel. Amsterdam and London (Heathrow and Gatwick) were the most convenient options, with flights to London generally cheaper than those to Amsterdam. Stansted was suggested as an alternative to London because of the number of cheap flights there. Pim Visser pointed out that many of the people attending NSRAC meetings were Dutch and that their costs would be reduced if Amsterdam were chosen. We should talk to the Pelagic RAC as they had taken advantage of low cost venues close to Schiphol. Antoine le Garrec pointed out that the French might travel by Eurostar and that an airport location might not be the best. It was agreed that we would choose a fixed location in principle, but the Secretariat would re-analyse information on locations and take account of the local cost of hiring venues, taking advice from the Pelagic RAC.

## **12. Any other business?**

- 12.1 Martin Brebner said that an independent report had been received which evaluated the performance of the RACs. It had been circulated. It puts forward a number of proposals and recommendations and concluded that the RACs are generally perceived as serving a useful purpose on a number of levels, and that all relevant actors – Parliament, Council, Member States, regional organisations and members - are firmly committed to the RACs. The number of recommendations issued by the RACs has increased continually, and their relevance in the context of the CFP is not being questioned. However, a significant number of RAC members do not feel that the recommendations of the RACs are being taken into consideration to a sufficient extent by the Commission. It suggested that the maximum amount of EU funding should at least be adjusted to take into account inflation. It also remarked that the European Parliament, the Member States and the Executive Secretaries share a vision that the RACs become more proactive and fulfil their tasks in more strategic ways, so there is clearly an argument for increasing their capacity, particularly in medium term planning and scientific expertise in order to contribute to long term fisheries management plans and specific technical issues. This would almost certainly have to imply an increase in EU funding, as it would be difficult for the other components to be increased significantly.
- 12.2 At the Inter-RAC meeting it had been suggested that each RAC should write to the Commission in support of the principles set out in the report. This was agreed.
- 12.3 Giles Bartlett thought the NSRAC should develop a position over 'regionalisation'. We needed to take a position in preparation for the Commission issuing its proposals on reform of the CFP in the summer. Euan Dunn agreed. It was difficult to speak on behalf of the NSRAC on this subject because it had not prepared a position. Barrie Deas disagreed. The NSRAC had made it clear in many of its Position Papers that it sought a regional seas approach. This was also a strange time to be making such a suggestion as the time for consultation was now over. Results-based-management was a more relevant subject, as we had not adopted a clear position on that. Niels Wichmann suggested that we leave the subject for now and await the proposals from the Commission.

### 13. Action Points

1. The Chair, Vice-Chairs and WG Chairs will meet to prioritise the NSRAC Work Plan. The plan will look forward for a number of years. (1.2).	Chairman
2. A new calendar of meetings will be placed on the NSRAC website (1.2; 11.1).	Secretary
3. There is a lack of contact between the NSRACs and Parliament. We need to address that problem and involve members of the Fisheries Committee in our business (3.1; 3.4).	Chairman Members
4. We will publicise those initiatives already taken by	Members

fishers to reduce discards by preparing a report for publication. At the Demersal WG it had been agreed that members would forward material to the Secretariat (4.1; 4.3; 4.7).	Secretariat
5. We will write to the UK Minister thanking him for taking account of previous representations over lack of consultation over MPAs but emphasising the need for continuing consultation. Barrie will prepare a draft for approval. (5.2).	Barrie Deas
6. Members are reminded to ask their administrations to provide information on the whiting fisheries for the next meeting of the Whiting Development Group in May (5.6).	Members
7. Members are reminded to forward any questions they have relating to the Cod Recovery Plan to Barrie Deas for consideration by STECF/ICES on the 11 <sup>th</sup> April. (5.7).	Members
8. The NSRAC will establish a Shrimp Focus Group, to be chaired by Pim Visser (5.8).	Secretariat Members Pim Visser
9. A Position Paper setting out the NSRAC position on Maximum Sustainable Yield will be sent to the Commission, Member States, ICES and members of the Fisheries Committee (6.1).	Rapporteur Secretariat
10. A Position Paper on Real Time Closures will be sent to the Commission, Member States, ICES, members of the Fisheries Committee and to Norway (6.2).	Rapporteur Secretariat
11. A letter will be sent again to Lowri Evans on whiting and scientific issues (6.3).	Rapporteur Secretary
12. The Secretariat will amend the letter on increased transparency in EU/Norway negotiations to reflect the views of ExCom and then send it to the Commission (6.4).	Secretariat Chairman
13. A letter will be sent to the Commission stressing that the fishing industry is strongly against the setting of individual Total Allowable Catches (TACs) for <i>Nephrops</i> Functional Units in the North Sea (6.5).	Secretariat Chairman
14. NSRAC representatives will meet with ICES on March 31 <sup>st</sup> to set up Task Forces to identify data deficiencies (8.3).	Members Pim Visser

15. The NSRAC agreed to participate in the MYFISH project should it be successful in obtaining funding (9.2).	
16. The NSRAC agreed to participate in a project aimed at developing a sustainable fishing plan for the Farne Deeps <i>Nephrops</i> fishery, should it be funded (9.3).	
17. The NSRAC will invite a presentation from Ann Bell on the aims of North Sea Forum at the next ExCom on the 29 <sup>th</sup> June (9.5).	Secretariat
18. The Chairman will go back to the Commission to seek to raise the proportion of members' fees to be allocated to reducing the NSRAC deficit (10.4).	Chairman Secretariat
19. Financial matters will be placed on the agenda for all future meetings of the NSRAC (10.4).	Secretariat
20. A move to a <i>per diem</i> for the payment of expenses will be investigated and new arrangements for funding participation in working groups considered (10.8).	Secretariat
21. The Secretariat will re-analyse information on locations for future meetings (11.2).	Secretariat
22. The NSRAC will write to the Commission in support of the principles set out in report evaluating the performance of the RACs (12.1).	Secretariat

#### 14. Attendance

Forename	Surname	Organisation
Michael	Andersen	Danish Fishermen's Association
Svend Erik	Anderssen	Danish Fishermen's Association
Giles	Bartlett	WWF
Martin	Brebner	NSRAC - Secretariat
Kara	Brydson	Birdlife International
Luc	Corbisier	REDERSCENTRALE CV
Bruno	Dachicourt	Comité National des Pêches Maritimes et des Elevages Marins
Barrie	Deas	NFFO
Euan	Dunn	Birdlife International
Paula	Den Hartog	Stichting van de Nederlandse Visserij
Tony	Hawkins	NSRAC – Rapporteur
Peter	Hopkins	European Commission

Karsten	Kristensen	European Transport Workers Federation
Antoine	Le Garrec	UAPF
Eamon	Mangan	France – Member State
Carla	Montesi	European commission
Mike	Park	SFF
Guus	Pastoor	AIPCE
Peter	Olsson	Swedish Fishermens Federation
Ate	Oostra	EUCC - The Coastal union
Kenn	Skau Fischer	Danish Fishermens Association
Henrik	Svenberg	Swedish Fishermens Federation
Pim	Visser	Stichting van de Nederlandse Visserij
Niels	Wichmann	NSRAC - Chairman
Jan Willem	Wijnstroom	EUROPEAN ANGLERS' ALLIANCE