



**Spatial Planning Working Group**  
**Scotland House, Brussels**  
**23<sup>rd</sup> March 2011**

**Rapporteurs: Tony Hawkins & Euan Dunn**

**Draft**

## **1. Introduction**

- 1.1 Euan Dunn welcomed participants to the meeting. The purpose was to capture and develop NSRAC views on proposals emerging from the FIMPAS process on fishery management measures to meet the conservation objectives for Dutch offshore Natura 2000 sites. Two representatives from the Commission were especially welcomed together with the representatives from Member States (Netherlands, UK, Germany; apologies for absence were later received from Denmark). The agenda was agreed.
- 1.2 There were three proposals for Dutch N2000 sites; the Frisian Front (designated under the Birds Directive), the Cleaver Bank, and the Dogger Bank (both of the latter designated under the Habitats and Species Directive). We were here to assemble responses from stakeholders to the emerging management proposals. We now had new proposals from the fisheries sector and from the environmental NGOs. However, we were not here to seek a negotiated settlement. The FIMPAS Steering Group would now take this feedback into their framework to assist the development of their own final proposals.

## **2 Presentations from the FIMPAS team**

- 2.1 Pieter Cornelis from the Dutch Ministry described the FIMPAS process. It had started in 2008. It was intended to be an open process, involving stakeholders, and was international in scope. It involved a number of workshops. FIMPAS 1 on “Data Gathering” had been held at Scheveningen in 2009; FIMPAS 2 on “Conflict Analysis” at Hardelot in 2010; and FIMPAS 3 on “Management Options” at Den Helder in January 2011. At FIMPAS 3 the suggested outcome had been that the management approach to be taken for the Dogger Bank was to:

“Ban Beam, otter trawls, demersal seines in specific areas; in other areas controlled fishing. The areas will include various benthic communities on the Dogger Bank.”

NB: Controlled fishing is fishing done under controlled circumstances – like fishing for scientific purposes.

A follow-up process had been agreed for the Dogger Bank to include German and UK interests and to achieve international coherence. It was intended to create a process that would lead to integrated ICES advice for fisheries measures in the entire Dogger Bank area encompassing the adjoining Dutch, UK and German Natura 2000 sites. There would be a fourth FIMPAS workshop in September to evaluate and agree on zoning proposals for Dogger Bank: in effect a shared fisheries management plan.

2.2 The main steps were now:

**May 16th:** Dogger Bank (whole area) inter-governmental workshop (NL, UK, GER, ICES + DK + EC), based on preparatory work by ICES and zoning proposals from Member States, the NGOs and the fishery sector.

**Summer:** inform relevant flag states

**September** (week of 26th): FIMPAS 4 (in cooperation with the North Sea RAC)

**October:** ACOM advice

**Nov/Dec:** Joint proposal to the Commission on fisheries measures by GER, NL, UK on fisheries measures to be taken under the CFP.

2.3 The next immediate step was to get the right data in place to underpin a zoning approach. The proposal was that ICES would take the lead in this work. The UK Government had asked ICES to produce advice on fisheries issues on the UK sector of the Dogger Bank, with a focus on:

- Gathering information on ecology-fisheries interaction
- Gathering information on fishing activities
- Best available science
- Advice on management options in conformity with EC guidance
- Advice on displacement
- Basis for UK management proposals to be made coherent with NL and GER approach

All of the above items were in conformity with the approach in the FIMPAS project, and it was expected that this request could be integrated into ICES' work, with important data made available to ICES by the UK Government.

2.4 Following the presentation a number of questions were then asked. Euan Dunn clarified that the flag states mentioned above were all those with fishing interests on the Dogger Bank, which included Denmark and Norway.

2.5 An important question was what happens to the proposals on management measures to come out of FIMPAS and to be implemented under the CFP. They would be sent to the Commission. What would happen then? Would they go to STECF for comment? Would only the Commission and Council consider them? Or would they need to go to co-decision-taking with the Parliament? Ton IJlstra replied that the procedure was not yet clear. It was for the Commission to arrange that process.

2.6 Barrie Deas wondered how far the process had gone in considering the effects of the scale of any zoning upon displacement of fishing to other areas. John Clorley said that the UK Government was asking ICES to look at the consequences of displacement. The Commission guidance specifically asks for information on the impact of displacement upon other areas. Martin Pastoors asked whether there were common objectives for the management measures across Member States. Ton IJlstra replied that we were striving for a common conservation goal. Ate Oostra asked about the integration of other activities on the Dogger Bank; wind-farm proposals in the UK sector for example. John Clorley said that in looking at measures, including restrictions on fishing, the UK would look to marry these developments together to limit the effects. Currently we needed more information on those developments – we would need to be adaptive. Ton IJlstra remarked that it was not in the remit of FIMPAS to consider other developments, but fishers and NGOs would need to take them into account in putting forward any management proposals. Martin Pastoors pointed out that the ICES advice would be required soon after the September Workshop – the time scale was rather short for the ICES advisory process. Ton said that only existing data would be considered, and that would be transmitted to ICES. He had been told that 6 weeks was reasonable. Hermina Busschbach asked whether the objectives being set related to wind-farms in a broader spatial planning sense. Ton IJlstra replied that we were starting a new process. Procedures do not operate at the same speed in all Member States - it would throw up problems.

### **3. General discussion**

3.1 Ton IJlstra said that Member States had not yet agreed that they would develop a common management plan. There were responsibilities placed directly on Member States and they had to develop their own management plans for their own sites. John Clorley agreed. There were differences in the conservation features between countries and only where there was agreement about the features would there be a possibility to agree to common measures. However, we would work together to find a commonality in the fisheries management proposals put forward. Other developments at the sites would have to be considered nationally, under the Article 6 provisions of the Directive. Such development proposals would also be subject to the Strategic Environmental Assessment Directive that foresees consultation with neighbouring countries. Euan Dunn remarked that this was the first time several Member States had agreed to work with one another on Natura 2000 proposals. The NSRAC had been calling for coordination on the management proposals. Essentially the process was now being extended by a cooperative process between the Netherlands, UK and Germany, with the possible participation of Denmark (which did not intend to designate a Natura 2000 site on the Dogger Bank within its EEZ).

3.2 Barrie Deas thought that the legal and procedural dimensions were quite complex. Currently the discussions were abstract. Once these became concrete, then legal issues would arise. He was concerned whether there was sufficient time allowed for these discussions. We did not want to rush this process at the end. Pim Visser agreed. Any benefits from the approach of the earlier stages would be annulled if we were now put under heavy pressure. Ton IJlstra was clear that the time starts today.

The NSRAC will have to look ahead. The industry would have to come forward with its own plans. John Clorley recognised the concerns raised; the proposals from Member States would not be the end of the procedure. Their submission would be the beginning of the end. The Commission process then starts and though there was still some uncertainty over that process and whether the NSRAC would be part of it. It would certainly be useful if the RACs could comment at this stage but they would also be able to comment directly to the Commission during the subsequent phase.

- 3.3 Euan Dunn wondered how the NSRAC might participate in the next steps of the programme set out for FIMPAS. The NSRAC could prepare a series of questions to put to the Inter-governmental Meeting in May. He asked if the NSRAC could be given observer status. Ton IJLstra said this would be considered. Euan added that the NSRAC would also commit to being actively involved in the September Workshop and providing detailed input on the operational issues.

#### **4. The Frisian Front proposals (Ton IJlstra)**

- 4.1 The Frisian Front site was being established under the Birds Directive and the proposal that emerged from FIMPAS 3 was relatively straightforward. The birds of concern, including the common guillemot, great skua, lesser black-backed gull, and great black-backed gull, were present seasonally, and the conservation objective was to maintain their populations at or above the threshold levels prescribed by the Directive. The initial proposal had been:

- Allow gillnetting in seasons when the birds do not occur (December-May), i.e. ban gillnetting in June – November
- All vessels (including below 15 m-length-overall vessels) need to register VMS data
- Freeze gillnetting, trawling and seining effort at 2006-08 level

- 4.2 The final proposal was now to:

- Limit effort
- Ban gillnetting from 1st June to 30th November
- Enhance monitoring

#### **5. The Cleaver Bank proposals (Ton IJlstra)**

- 5.1 The overall conservation objective for the Cleaver Bank was to maintain the surface area & improve quality for habitat type 1170 (reefs in the open sea). The initial proposals had been:

- Banning of beam and otter trawls in areas with H1170 (reefs) and allowing low impact fishing within the Botney Cut.
- Maintenance of seining and gillnetting effort at the 2006-2008 fishing effort level.

5.2 The final proposal was:

- Ban beam and otter trawls
- Allow otter trawls within the Botney Cut

5.3 A proposal had now come forward from the Dutch fisheries sector (provided as a paper) and was described by Cora Seip. Those who fished the Cleaver Bank from the Dutch fleet and Dutch flag vessels had been consulted and the sediments had been mapped from fishers' knowledge with input from a benthic ecologist. The Bank is quite important for fishing and so is the Botney Cut, a channel with a muddy seabed which cuts through the Bank. The total annual value of the fishing (to Dutch ports) on Cleaver Bank is circa 2 million Euros. The industry proposal was for 6 areas to be closed. Two of these areas are outside the Natura 2000 area designated by the Dutch government, but they are areas of the appropriate habitat type. The areas are:

1. South-west of the Botney Cut
2. North-east of the Botney Cut
3. North-east of the Cleaver Bank
4. Near Wreck PD43
5. North of Area 3
6. Most Northern Area

5.4 Ton IJstra said there were differences of opinion between FIMPAS and the Industry over the definition and distribution of habitat type 1170. The ecologist who had worked with FIMPAS was now working with the Dutch industry. FIMPAS had now asked a geologist and a new benthic biologist to verify the information provided by the industry.

5.5 Vera Coelho described the NGO proposal. The zoning approach that had been adopted was seen as positive. The Botney Cut has a linking function between the two main reef areas. Protecting the whole area would implement buffer zones, a concept put forward in the Commission's guidance on fisheries measures in Natura 2000 areas, and included by the FIMPAS steering group in their report. The NGOs essentially wanted closure of the whole 1170 area to bottom contact trawls, with the addition of the Botney Cut; low impact, non-bottom contact gear could be used in the whole site, provided that effort levels be kept at 2006-2008 levels. The Greenpeace proposal contains some similarities, but advocates that the whole site be fully closed to any type of fishery.

5.6 John Clorley said that there were no proposals to close the UK part of the Cleaver Bank. In defining areas for closure it would be important to bear in mind the difficulties in enforcing the closure of small areas. A solution would have to be found to that. Pim Visser said that Dutch fishers were proposing the use of Automatic Identification Systems (AIS) to achieve that.

## **6. The Dogger Bank proposals (Ton IJlstra)**

6.1 The FIMPAS follow-up process for the Dogger Bank had been described earlier. The FIMPAS Steering Group would take decisions by April based on the Den Helder

Workshop. But progress may be delayed, as additional information may be required. Currently the proposals for the Dutch sector were:

- Ban beam, otter trawls, demersal seines in specific areas; in other areas controlled fishing\*.

The areas will include various benthic communities on the Dogger Bank.

\*Note: This is done with the purposes of conservation, understanding recovery and human impact.

- 6.2 Harbour porpoises had also to be considered. The porpoise had been included as an additional species for protection. There was no indication, however, that any one Natura 2000 site was especially important for this species. Instead it was proposed to protect them at population level in the North Sea through a Harbour Porpoise Species Protection Plan; marine mammal specialists were drafting that plan and ICES guidance had been sought. The plan would go to ASCOBANS for adoption for the whole North Sea. In terms of fishing, gill nets were the main problem and this would be addressed in the Plan. However there had been a ruling from the Dutch Court that a Species Protection Plan rather than protective measures within a site would not receive the full support of the Court. If a species is designated for a Natura 2000 site, then protective measures have to be developed for that site, i.e. they can't just have overarching measures for the whole of the North Sea. The arrangements for the harbour porpoise would therefore require further discussion.

## **7. General discussion of the proposals**

- 7.1 Martin Pastoors asked for clarification of the FIMPAS 'process'. What was that? Ton IJlstra replied that it is the output from the FIMPAS Steering Group. Martin pointed out that the conclusions would not therefore be those of all the participants. Ton agreed but said that this did not mean that the Steering Group proposals would lack support.

- 7.2 Cora Seip thought that the gill net proposals for the Frisian Front were too comprehensive. There were different sorts of gill nets and some should be treated differently. Ton said that this had been considered and hopefully they will get more clarity. The problem was that no hard data were available. Large meshes might offer greater protection to birds but perhaps not for harbour porpoises. There is also a problem with enforcement of mesh sizes.

- 7.3 Barrie Deas said it was clear that there needed to be a dialogue on zoning. The industry favoured a tailored approach with respect to the features of the site. The NGOs wanted buffer zones and designation of larger areas. This tied in to the lack of certainty about the actual habitats in the area: how do we deal with uncertainty about data quality? There was a lack of knowledge of the extent of the 1170 habitat being protected or even how to define it. A debate on the pattern of zoning and the quality of evidence needed to take place. We also had to take displacement into account. What are the consequences of these proposals? Where would fishing go, and how would the 2 million Euros earned from fishing be recovered? The discussion needed to be

open, and along the lines of those engaged in by the JNCC and Scottish fishers over the Stanton Bank proposals. Euan Dunn asked where the issue of displacement sat within the FIMPAS process. Due diligence required that it be considered. However, perhaps Barrie was suggesting a more exhaustive process of dialogue before FIMPAS 4 took place. This might pose difficulties for the process.

- 7.4 Ton IJlstra agreed that there is information uncertainty but ICES were using the best available data. The EU legislation on Habitats did not require new information to be gathered. However, on the Cleaver Bank we were now faced with supposedly new information from the industry. He was proposing that fishers share their information with FIMPAS, so that it could be verified. There was no reason to start a “FIMPAS +”. FIMPAS has taken 2 years to reach this point and the process was ongoing. The FIMPAS team was not willing to re-open proceedings. If you wanted to make a proposal for the Dogger Bank then take it to the NSRAC and come to the September Workshop with an agreed plan. If the NGOs and Fishers agreed on measures it would be very difficult for the Steering Group to come to a different conclusion. Euan Dunn said that ideally proposals for the Cleaver Bank should have come forward sooner but they had now been produced by the different sectors and sent to the Steering Group, which now had to consider them in coming to its conclusions.
- 7.5 Ate Oostra was encouraged by fishers coming forward with proposals for the Cleaver Bank. If the management proposals are not agreed with fishers, then they are unlikely to be successful. Fishers had to be involved or there would be a control problem. The idea of selecting this area as a Natura 2000 site had come from mid-air; and the Dogger Bank had been chosen as the only sandbank in the North Sea, again from mid-air. The process should allow for discussion of fishers’ proposals. In addition, some fishing methods might be permissible in areas to be protected from bottom trawls – the pulse trawl was an example.
- 7.6 John Clorley pointed out that the sites are selected by procedures laid down in the Directive. That argument is over. The Dogger Bank has been chosen and that will not change. Management measures did not mean that all fishing would cease. Some areas within sites might need more protection than others. In a place the size of the Dogger Bank not all areas needed protection from fishing. There were choices to be made. If the RACs can reach agreement on these then fine, but they did not have to reach a consensus. We do lack some information but it’s not unique that we don’t know a lot. Member States can still change the boundaries to accommodate Area 6 in the Dutch fishers’ proposal. Management can also be adaptive to new proposals coming forward.
- 7.7 Vera Coelho said that Natura 2000 sites are designated to meet conservation criteria. If economic considerations were to come into play then that had to be very clear and transparent. The measures are put in place to meet conservation objectives. If a fishing gear is damaging to those objectives then it cannot be used.
- 7.8 Cora Seip replied that this was the way that Dutch fishers had gone forward in preparing their proposals. They had mapped the sediment types. The measures were designed to protect the 1170 features. In fact it is the sandy areas, rather than the reef areas, that yield the greatest economic benefits from fishing.

- 7.9 Ton IJlstra said that although conservation criteria were used for the designation of sites, FIMPAS was clear about taking socio-economic criteria into account in considering management measures. We should try to reduce the societal costs but that did need to be done in a transparent way.
- 7.10 Barrie Deas returned to the displacement of fishing to other locations. He could understand why FIMPAS was reluctant to engage with this, but it was an important issue which would have to be resolved; effort displacement went beyond the site focus of FIMPAS and might have a negative effect on achieving good environmental status. Ton IJlstra agreed that it was a difficult discussion but displacement is only an issue if fishing moves to an area where there has previously been no fishing; there are no such areas in the North Sea. It was said by Han Lindeboom in the Leuven MPAs meeting the previous day that displacement is only an issue in an area where there is no bottom contact gear; the first trawl in a new area will disturb 60% of the seabed, the 2<sup>nd</sup> time 80%, so one pass does most of the damage. We were not only trying to protect Natura 2000 sites but also to promote sustainable fishing and less damaging fishing gears. If we use a pulse beam trawl, the displacement effects will be less. Barrie Deas thought that Ton's definition of the effects of fishing was too narrow and ignored unintended consequences. Closure of areas of the North Sea to protect cod had resulted in harm to other areas. A displaced beam trawl fishery might move from an area with low discards to one with high discards. Some of these impacts were difficult to predict as they resulted from commercial decisions taken by many individual vessel operators.
- 7.11 Euan Dunn raised additional points about the proposals we had heard from the industry. He said that the Cleaver Bank area proposed by Dutch fishers was only 30% of the original Natura 2000 area proposed, and it was also fragmented with some very small areas included, one of them (5kms<sup>2</sup>) a wreck site. Is there added value from making areas large from a biodiversity connectivity and a control standpoint? Henrik Lund saw no problem with a fragmented approach. The designated features would not deteriorate as a result of fishing in the sandy areas and the fact that an allegedly important area had been left out showed that the science was bad. He also saw no problems in extending the area further north to include the featured habitat. Vera Coelho did not like the fragmented approach. A whole area had been designated to protect a particular habitat and its associated species. The area would need to have good connectivity to meet the conservation objectives.
- 7.12 Barrie Deas concluded that we had two fundamentally different proposals. We would need to seek ICES advice on whether either proposal was consistent with meeting the conservation objectives. John Clorley added that Member States were only obliged to deliver the conservation objectives for that area. However we should design an approach to meet those objectives at minimal cost to economic activities.
- 7.13 The issue of using AIS to examine entry into restricted areas was returned to. Ton IJlstra had observed the use of AIS in another context, where entry into an area required the use of AIS. AIS had been heavily subsidised by the Netherlands Government. The systems were said to be out of action most of the time so Ton was not in favour of using AIS. They are not tamper-proof. He would prefer a black-box system which is fraud-proof (could not be switched off) and is reliable. Cora Seip said

lack of enforcement causes fishermen to switch off their AIS but the black box system is very expensive. John Clorley thought it would be useful to look at the use of the current VMS system to see whether it could be adapted. VMS is enforceable and can assist control of buffer zones.

- 7.14 It was pointed out that Botney Cut (Gut) is one of the functional units for *Nephrops* management. It was a muddy ground that went down to 60 m. It was not a beam trawl area and it did not conform to the 1170 habitat definition. Henrik Lund pointed out that to protect the 1170 reef habitat it was necessary only to restrict the use of gears designed for use in the presence of boulders. Ton IJlstra said that fishing is not intensive in those areas of habitat with large boulders. Vera Coelho thought that the NGOs would be happy for some fishing to take place in the Botney Cut provided bottom-damaging gears were not used. Barrie Deas said that *Nephrops* gears are light gears that are readily damaged by stones and boulders. Their use would not damage the features for which the site was designated. Henrik added that there were no stones in the muddy area.
- 7.15 There was some discussion of whether the period over which fishing activity was mapped and considered for the area should remain as it was or be extended to include more recent years. Euan Dunn queried the industry's extension of the FIMPAS reference period of 2006-08 to 2006-10. Ton said that the information for FIMPAS was based on a LEI report and we have to be consistent. Although he had no strong feelings about which reference period was best, he asked if effort in 2010 was significantly different, what was the reason for that? Cora Seip thought that any analysis ought to be up to date. The extension to 2010 was only to account for an extension of gear types (beam-trawling and fly-shooting) and there was little evidence of any increase in fishing intensity.

## **8. Summing up on the development of management measures (Ton IJlstra)**

- 8.1 There are a number of key principles for the development of management measures that have been laid down by the Commission. They are:
- Measures must be proportional, enforceable
  - Direct link to conservation objectives
  - Spatial variability: zoning
  - Temporal variability: seasonality
  - Control/Enforcement
  - International coherence
  - Effort displacement
  - Promote low impact fishing
  - One principle should not be upheld at the expense of another
- 8.2 As part of the timetable for FIMPAS, the NSRAC now has the opportunity to send its comments on the FIMPAS process, and the proposal to develop a coordinated approach to management measures for the Dogger Bank, together with any immediate

proposals for management measures, to the Inter-governmental Workshop on the 16<sup>th</sup> May. The NSRAC will seek observer status at the Workshop.

- 8.3 In preparation for discussions on the Dogger Bank information will need to be collated and the NSRAC and its members should consider forwarding relevant data to FIMPAS.
- 8.4 Timing of the process in individual Member States will differ. Denmark is not proposing to designate any Natura 2000 sites within the part of the Dogger Bank that lies within its EEZ. On behalf of Danish fishers, however, Henrik Lund was concerned at the impact of management proposals upon their sandeel fishery – the biggest on the on the Dogger Bank. The fishery is said to be clean (without discards) and has a low impact on the seabed. In the case of the Netherlands, the National Conservation Act does not apply to the EEZ. Amendments are in progress but will take time to go through Parliament. Only then can the designation decrees be published in the OJ. In Germany, a working group is looking at a management plan for its site, and there is a specific scientific working group on fishery measures. Results will be available in the coming weeks that will have to go to the Länder but the government intends to consult fishers and the NGOs on proposals. Germany wishes to embed itself into the structure of international cooperation, but may have specific problems in some parts of its site. The UK site went out to consultation last year, new scientific advice has been received, and the intention is to submit the site to the Commission in June 2011. The UK will now try to integrate with the FIMPAS process to achieve a common approach. Advice has been sought from ICES. The UK would like management proposals for the Dogger Bank to go forward to the Commission from all countries at the same time and in a coherent manner. Nigel Proctor said it was unfortunate that all the data collected by The Crown Estate for their UK's Round 3 wind-farm development will not be fed into the process as it will only be published in December 2012. John Clorley replied that such information could be integrated later on as part of adaptive management.
- 8.5 Elizabeth Guttenstein, from DG Mare, pointed out that the Commission considers it important that the NSRAC is able to influence this process where fisheries measures are being discussed and proposed. When proposals are received from the Member States, the Commission wants to be sure that the NSRAC has been involved. The Commission will also want to consult the NSRAC as part of its process for deciding on management measures
- 8.6 Martin Pastoors said that he was involved in an 18-month, EU-funded project looking at the implementation of marine spatial planning across borders in the North Sea ('MASPNOSE'). There would be two case studies. One was the integration of wind energy proposals along the Dutch Belgian dividing line. The other was open and might be the development of a unified management plan for the Dogger Bank. It could be useful to link the MASPNOSE capacity to this FIMPAS process for Dogger Bank, linking fisheries with the other uses and their stakeholders. The key is how to bridge across the different stakeholder groups.

## 9. Detailed consideration of the way forward

9.1 Participants divided into 2 groups to consider the following questions:

What does the NSRAC need to do to generate an agreed proposal?

What would the substance of such a proposal be?

**Group 1: main recommendations/reflections:**

- The NSRAC should prepare a list of questions for the inter-governmental meeting in May to address, with a view to the meeting giving the NSRAC clear Terms of Reference for the NSRAC's response The NSRAC would then respond by producing a position paper (not a comprehensive proposal but mentioning key points of concern)
- Given the complications of wind-farm developments etc (magnifying the displacement of fishing effort) the timeframe for developing a NSRAC proposal for a Dogger Bank management plan is too ambitious
- Questions to the May meeting:
  - What is the timeframe for merging the 3 proposals into an integrated management plan?
  - What common objectives will the meeting set and what kind of measures could meet these objectives?
  - How do we achieve consistency between this process and the rest of the CFP (i.e. how do these measures link to the CFP)?
  - How do these measures link to the Marine Strategy Framework Directive (to achieve Good Environmental Status of the wider sea area)?
  - How do you enforce these measures (without the compliance of fishers)?
  - How will the Dogger Bank plan be reconciled with ongoing wind energy and other developments?
  - How do we deal with new types of gear emerging? (adaptive management)?
  - What resources will the NSRAC have to meet its ToRs from the May meeting?
- The NSRAC will have to develop these and further questions by written procedure between now and May

**Other points raised by Group 1:**

- Given the wind-farm development on Dogger Bank, the NSRAC may have to provide a management plan of broader scope, not just delineated by Natura 2000 (however, the wind-farm EIA is not expected until Dec 2012) – this is very challenging.

- Could we go beyond September (FIMPAS 4) if the NSRAC was not ready until, say, November? (it is not just about data gathering but bringing stakeholders together to reach agreement)
- What does Favourable Conservation Status for the Dogger Bank look like in the absence of fishing? Need full scale experimental zoning approach addressing closed areas – where, how big, what shape? (Henrik Lund)

## **Group 2: main recommendations/reflections:**

### *1. What does the NSRAC need to do to generate an agreed proposal?*

- It was agreed that it was a good idea for the NSRAC to prepare a proposal
- It would be useful to consider the other activities on the Dogger Bank, especially wind farms
- In particular might even be worth asking Forewind to be involved in discussions of the NSRAC proposals
- It must be a NSRAC proposal not just a separate fishing industry proposal
- We need to ask RAC members what their views are – including on the national level – go back to their sectors for views – how do they use the site?
- Collect data
  - It would be very useful to have access to good data on which to base the proposal
  - The starting point would be to obtain data from Member States who should have good data to support their respective designation proposals including information on impacts and activities; the data should therefore be easy to get.
  - Fishing data are also required – what activities, what gears, how regularly fished, where do what types of fishing take place in the Dogger Bank SACs, value of industry, impacts of those gears (limit to those that impact on the SAC features/habitat types, i.e. bottom contacting gears)
  - Review the sector data in the Member State proposals and verify; do they have any new or more detailed information to add? Likewise verify any data from new sources
- Who drafts? Spatial Planning WG? A preparatory sub-group or a focus group? An individual – who? The group favoured a small focus group to prepare a position paper. A small number of volunteers should be sought for this focus group, representative of the NSRAC interests
- How do we generate agreement? Meetings and/or by e-mail, or both?
- Observers would want to engage in the process too – how? Participation needs to be determined by NSRAC under normal NSRAC engagement procedures

### *2. What would be in the proposal?*

- Member States to provide conservation objectives – so that there is a clear view of the objectives
- What needs to be restricted and how – to achieve the conservation objectives?
- Gather national views from the sector and NGOs

- Should zoning be considered or not?
- Make a request for a research programme to fill data gaps and feed back into the adaptive management programme

## 10. Discussion of feedback from the two groups

10.1 John Clorley said it was all very well to wait and consider integration with other initiatives, but there is a timetable for Natura 2000 and legal obligations that have to be met irrespective of other initiatives.

10.2 Vera Coelho asked if the NSRAC was going to produce a *proposal* or, alternatively, a *position paper*, as the two groups differed in their opinion on that. Euan Dunn suggested that a high level position paper was more likely than a full-blown proposal. Ton IJlstra, in reply to John Clorley, said that they considered Natura 2000 as a first step in delivering the MSFD, so there shouldn't be any discontinuity between them. He was surprised that the NSRAC considered it too big a burden to produce a proposal (rather than a position paper) in the next six months. He thought it would be a missed opportunity not to produce a proposal but he understood the practical limitations. The NSRAC should be proactive rather than reactive.

10.3 Given the resource constraints, Euan Dunn wondered if it might be possible to engage with MASPNOSE and the wind farm developers to help with resources to map fishing effort and provide data? Elizabeth Guttenstein (Commission) said it would be good to have coordinated views, so felt it was important for the NSRAC to be involved, but the Commission will not be 'demanding' a proposal from the RAC. Martin Pastoors said that the RAC didn't really have 6 months since it could only really start work after mid-May when the RAC had seen the governments' rules of engagement. John Clorley said that all the Member State data is already out there and publically available, apart from new information from ICES that UK and others have requested, so the governments are in the same position (and have the same data) as everyone else. Harald Oestensjoe said that the NSRAC should do what its name indicates and 'advise'. Ton IJlstra asked what the key barrier was to the NSRAC making a proposal? Was it resources (funds) for expertise or time for meetings and doing the work? Ate Oostra said it would be good to see the joint/combined proposal from the various Member States covering the whole Dogger Bank – the NSRAC's constraints were mainly finance and timing, and we just about had enough money to convene the regular meetings we already have. Cora Seip referred to how the Cleaver Bank industry proposal had been produced. It required two fishermen full time, with expert help. However, the Dogger Bank was a much bigger area, involving cross-border issues, so a NSRAC response needed to be wider than just industry and engage the rest of NSRAC.

10.4 Euan Dunn agreed that what was needed was essentially part of Marine Spatial Planning; the NSRAC will get something together – a proposal or position paper - ready for FIMPAS 4 but it will need NSRAC ExCom sign off – and to be taken forward by written procedure.

## 11. Ton Ijlstra – Summing up FIMPAS perspective:

11.1 This meeting had exceeded his expectations and FIMPAS had captured all the points they were after. Transparency is the main goal of the FIMPAS process, it is stakeholder driven and this gives it legitimacy. The inter-governmental workshop, however, is of a different nature and Member States need to be able to talk freely because there are important socio-economic interests at stake. So Ton did not think there could be a NSRAC observer present but they will discuss this request in the FIMPAS Steering Group.

11.2 As to how the NSRAC is going to respond, he has had some guidance from this meeting but he hadn't realised how challenging it was going to be for the NSRAC to prepare a proposal. It would be great if the NSRAC could provide substantial input to the FIMPAS process and the Steering Group will see if it is possible to support the RAC in providing resources to achieve this. Harald Oestensjoe said they (in Norway) could also see if they could provide some resources to help – but this would need a project scope and a figure.

## 9. Action Points

The NSRAC now has the opportunity to send its comments on the FIMPAS process, and the proposal to develop a coordinated approach to management measures for the Dogger Bank, together with any immediate proposals for management measures, to the Inter-governmental Workshop on the 16 <sup>th</sup> May. The NSRAC will seek observer status at the Workshop.	Euan Dunn Secretariat
ExCom to decide if it can deliver a proposal on a joined-up Dogger Bank management plan in time for FIMPAS 4 (Sep 2011) and how to achieve this.	Euan Dunn Secretariat

## 10. Attendance

Forename	Surname	Organisation
Ate	Oostra	EUCC - The Coastal Union
Martin	Pastors	Centre for Marine Policy, Wageningen
Arianna	Broggiato	EBCD
Vera	Coelho	Seas at Risk
Sharon	Thompson	Birdlife International
Lothar	Fiedler	Federal Ministry for the Environment, Germany
John	Clorley	Department of the Environment, Food and Rural Affairs, UK
Hermina	Busschbach	DG Mare

Barrie	Deas	NFFO
Nikolaus	Prolost	Institute of Fisheries, Hamburg
Nigel	Proctor	EUROPEAN ANGLERS' ALLIANCE
Cora	Seip	Stichting van de Nederlandse Visserij
Pim	Visser	Stichting van de Nederlandse Visserij
Harald	Oestensjoe	NFVOU - Norway
Henrik	Lund	Danish Fishermen's Association
Hilda	Toonen	WUR - the Netherlands
Lars	van Garderen	Environment Ministry – the Netherlands
Ton	IJlstra	Environment Ministry – the Netherlands
Pieter	Cornelis	Environment Ministry – the Netherlands
Euan	Dunn	Birdlife International (Chairman)
Tony	Hawkins	NSRAC – Rapporteur
Caroline	Gamblin	French Fishing Industry
Elizabeth	Guttenstein	DG Mare