



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR MARITIME AFFAIRS AND FISHERIES

THE DIRECTOR-GENERAL

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North Sea Regional Advisory
Council
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland

Subject: NSRAC Position Paper on the Implementation of Real Time Closures

Dear Mr Wichmann,

Thank you for to your recent position paper on the implementation of Real-Time Closures in the North Sea and Skagerrak. The Commission supports the concept of real-time closures and would agree with the NSRAC that they can play an important role in fisheries management. The Commission sees the introduction of Commission Regulation (EU) No 724/2010 as an important step in elaborating on the key parameters in operating and evaluating the benefits of real-time closures.

The Commission also acknowledges the efforts made by some Member States and in particular the UK and France, in introducing real-time closures on a national basis. We await the results of the analysis being undertaken by STECF of the efficacy of these voluntary RTC systems but we note the preliminary findings of STECF indicating that the benefits accrued in terms of reduction in fishing mortality are not as large as anticipated. This raises some fundamental questions as to the relative benefits of RTCs.

On the specific issues raised in your Position Paper, the Commission has the following comments:

1. CONSULTATION

The Commission appreciates the active role of the NSRAC in the consultation process on RTCs and on other technical measures and remains committed to engaging in open and transparent dialogue with the NSRAC on such issues. We would fully concur for the need for dialogue between fishers in Member States on real-time closures to discuss the concept, operation and benefits and the NSRAC as having an important role in facilitating such consultations.

2. SCOPE

The emergence of a number of different schemes with different objectives and conditions clearly demonstrate that there is a need for a standardized approach to avoid confusion and duplication. While it seems reasonable that the objectives of real-time closures may be different i.e. to protect juveniles or aggregations of mature fish, it is not good practice that the operating procedures are different. The Commission would see Regulation (EU) No 724/2010 as a first step in trying to achieving this and also in harmonizing measures with Norway, although under current regulations there is nothing preventing Member States from implementing their own schemes, applicable to their own vessels. In such cases the RACs have a role to play in trying to ensure that concerns regarding perceived differences in rules being applied are raised at an early stage.

It is also perhaps worth noting that under the reform of the CFP, the Commission is considering proposals under the new basic regulation, to allow Member States to propose technical measures, including RTCs in waters under their jurisdiction. Such measures would be applied equally to vessels of all other Member States but would be subject to consultation between national administrations and stakeholders.

3. EVALUATION

The Commission agrees with the NSRAC that the evaluation of the impact of RTCs is inherently difficult given they displace rather than reduce fishing effort. It is therefore difficult to compare the outcome of any given closure in terms of catches foregone against a hypothetical situation where it was not deployed and vessels operated normally. This is a firm conclusion from the European Parliament paper you refer to in your correspondence.

In this regard the Commission notes that a number of separate assessments will be carried out in the next 12-18 months of different RTC systems as follows:

- (1) As part of the UK's Conservation Credit Scheme a considerable amount of work has been completed on an evaluation methodology and with further refinement this could form the basis for a standard methodology applicable to all RTCs in the future. This methodology has undergone an initial assessment by STECF, who made some suggestions for improvements and data requirements.
- (2) Following the initial introduction of the joint EU-Norway RTC system in 2009, it was agreed that an evaluation of the initial months of its operation would be carried out during 2010 specifically tasked to determine:
 - Whether the implementation of the RTC system had been carried out in an efficient and effective manner, between the Parties and the industry: and
 - Whether, and the extent to which, the RTC System had contributed towards the reduction in the mortality of juveniles of cod, saithe, haddock and whiting.

At the annual fisheries consultations for 2011, Norway concluded that it was not possible to agree upon a joint RTC system for 2011. Nevertheless, the EU considered that it was of great importance to follow up the implementation of the RTC system and agreed to share information with Norway on the operation of its system during 2011.

- (3) Finally an assessment is due to be carried out by an ICES Study Group considering RTCs due to meet in 2012; and this may provide an opportunity for consolidating the results of these separate evaluations.

4. DEROGATIONS

The Commission considers that ideally closed areas, whether permanent or temporary, should be closed to all fishing gears to have maximum effect. Even with large mesh sizes most demersal gears still have the ability to catch quantities of fish that the closed areas are trying to protect. For example for gears to catch no juvenile cod whatsoever, a codend mesh size in excess of ~140mm would have to be used, so allowing trawls even with large mesh sizes may not be appropriate. Equally, even with proven selectivity devices such as rigid sorting grid, as used in *Nephrops*, shrimp and industrial fisheries to sort gadoids from the target species, there are indications that small juvenile gadoids can still be caught albeit in small numbers even with such devices fitted. Therefore we are of the view that closures should be applied to all gears that have the potential to catch any of the species the closures are designed to protect. In this regard I would point to a number of seasonal closures in place in EU fisheries in which the effectiveness has been reduced by the introduction of multiple derogations and also the Norwegian RTC system, which our vessels have to comply with in Norwegian waters, which operates strictly with no derogations.

5. BENEFITS

On the question of providing incentives for vessels to observe RTC, it should be pointed out that under Regulation 724/2010, RTC observation is mandatory with no benefit accruing to individual vessels. This is the Commission's preferred method of operation.

However, the Commission recognizes that Member States can legally implement RTCs within the context of the Long Term Management Plan for cod under regulation (EC) No 1342/2008 and can reward vessels for "good behavior" through the allocation of extra effort after scientific evaluation. However, this Regulation does not provide for the possibility to extend the benefits of these closures to other Member States' vessels. No such mechanism currently exists but I would encourage the NSRAC to perhaps consider this further and elaborate on how the NSRAC see this could work in practice.

6. FUNDING FOR A SCIENTIFIC STUDY

While not ruling out funding for a directed research project looking at the benefits of RTCs, I would point out that much of this work has already being undertaken by Member States in implementing their own schemes and also will be the objective of the different evaluations outlined. A further large-scale research project could run the risk of duplicating work already carried out. I would therefore encourage the NSRAC to outline the objectives and structure of the project being proposed.

In conclusion it will only be through the various assessments being carried out, along with further debate with stakeholders that all the uncertainties associated with the operation, implementation and evaluation of RTCs can be resolved. The issue of administrative burden on national administrations clearly needs to be addressed given the current financial circumstances Europe-wide.

Yours sincerely,



Lowri EVANS