

The North Sea Regional Advisory Council

NSRAC Secretariat
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland



NSRAC

30 May 2011

Lowri Evans
Director General - DG Mare
European Commission
B-1049
Brussels
Belgium

Dear Director General Evans,

Real Time Closures

Thank you for your letter of 29th April in response to our Position Paper on the Implementation of Real time Closures. We are pleased that you agree with us that properly implemented RTCs can play an important role in fisheries management.

You emphasise that the preliminary findings of STECF indicate that the benefits to be accrued through RTCs in terms of reductions in fishing mortality are not as large as anticipated. We would suggest that a reduction in fishing mortality should not be the only criterion by which RTCs should be judged. Protection of nursery areas can prevent the large scale discarding of juvenile fish, which so often occurs with recovering stocks, and which may go unrecorded. Reducing such detrimental effects is not registered under the current system of assessment and yet may have a major effect in sustaining recruitment to vulnerable stocks.

We also suggest that protection afforded to aggregations of fish in the act of spawning may also yield major benefits, without being registered as a reduction in fishing mortality.

The Commission needs to adopt a wider perspective in looking at the benefits that can be achieved through RTCs.

As we emphasised in our position paper on RTCs, NSRAC participants are especially concerned that vessels from member states may currently fish in RTCs declared by another member state. Indeed, in some circumstances it is evident that not all vessels observe closures even when these are made under the Commission's regulation 724/2010. Any fishing taking place within an RTC defeats the whole object of establishing the RTC as a conservation measure. We note that under the reform of the CFP the Commission is considering proposals to allow technical measures, including RTCs, which would apply equally to vessels of all member states, subject to consultation between national administrations and stakeholders. It is the latter point that we wish to emphasise. RTCs will not achieve the objective of conserving fish stocks unless all

Chairman – **Niels Wichmann**, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 1224 664 754, email nsrac@aberdeenshire.gov.uk

NSRAC is a company limited by guarantee, registered in Scotland No 273169
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA

The North Sea Regional Advisory Council

NSRAC Secretariat
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland



NSRAC

vessels observe them. Currently, those declared by member states are not meeting their conservation objectives if others do not observe them.

At the same time good governance requires that the views of all fleets potentially affected by RTCs should have an opportunity to have their voices heard on the design of the RTCs and the criteria used to implement them. Striking the right balance between the autonomy of member states to initiate RTCs and the need for full observation of closed areas requires transparency, coordination and cooperation between member states. We would therefore urge the Commission to encourage member states to consult with one another and with affected fishers in other member states whenever an RTC scheme is to be put into operation. We appreciate that this cannot be done for each individual closure, but agreement could be reached in advance on the procedures for identifying and declaring closures. Management could and should be carried out in a way that would enable the measures to be observed by all member states.

We are especially surprised at the lack of interest by the Commission in the key role that RTCs can play in reducing discards. As mentioned above, RTCs provide a potentially very valuable measure for reducing the capture of juvenile fish by protecting nursery grounds. Rather than making grandiloquent pronouncements on the need for a discard ban, which would not prevent damage to nursery areas, the Commission should pay more attention to implementing concrete measures that will be effective in protecting fish stocks. RTCs have an important role to play in protecting juveniles, reducing discarding which can go unnoticed, and allowing aggregations of spawning fish to go about their business without disturbance by fishing. We ask the Commission to re-address its lack of enthusiasm for improving RTCs. We must take steps to ensure that RTCs are implemented more effectively and fairly than they are at present without slipping towards a top-down dictatorial approach.

The Commission considers that ideally closed areas, whether permanent or temporary, should be closed to all fishing gears to have maximum effect. We disagree. There may be a case for restricting access of all fishing gears to sites of strong ecological interest, where any fishing activity might be damaging. However, RTCs are temporary measures, introduced for particular purposes (to avoid the capture of juvenile fish or the disturbance of spawning aggregations). We see no reason why derogations should not be allowed in these areas for fishing gears that can be shown not to risk damage to fish stocks. The rigid and inflexible approach by the Commission reduces the likelihood of fishers endorsing these temporary measures and makes the measures less likely to be complied with.

The Commission has observed that under regulation 1342/2008 vessels from other member states cannot be rewarded for 'good behaviour' following the establishment of

Chairman – **Niels Wichmann**, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 1224 664 754, email nsrac@aberdeenshire.gov.uk

NSRAC is a company limited by guarantee, registered in Scotland No 273169
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA

The North Sea Regional Advisory Council

NSRAC Secretariat
Woodhill House
Westburn Road
Aberdeen AB16 5GB
Scotland



NSRAC

an RTC by another member state. Effort “buyback” was one of the progressive and positive provisions in the revised cod management plan and RTCs make an important contribution to this form of cod avoidance. The challenge that faces us all is to develop new instruments and means of avoiding cod whilst the stocks recover. We do not consider that changing the regulation should be an insuperable obstacle. We are sure that agreement to the extension of the benefits to vessels of other member states would be forthcoming should the Commission propose a change. We have previously emphasised the need for the Commission to operate flexibly, without the strong degree of micro-management that currently characterises its style of management.

The NSRAC has welcomed the initiative by ICES to establish a Study Group to consider RTCs, although we are unhappy that it will not be meeting until 2012. It seems to us that examination of the uncertainties associated with the operation, implementation and evaluation of RTCs should begin now; especially in view of the major contribution that RTCs can make in reducing discards.

Yours sincerely,



Niels Wichmann
Chairman of the North Sea Regional Advisory Council

Chairman – **Niels Wichmann**, tel: +45 70 10 40 40, email: nw@dkfisk.dk
Secretariat - tel: +44 1224 664 754, email nsrac@aberdeenshire.gov.uk

NSRAC is a company limited by guarantee, registered in Scotland No 273169
Registered Office: Johnstone House, 52-54 Rose Street, Aberdeen, AB10 1HA