



**Demersal Working Group
London, 5th May 2011**

Rapporteur: Tony Hawkins

May 10th

1. Introduction and apologies

- 1.1 Barrie Deas opened the meeting and wished participants a good morning. He welcomed Lex Vredeveltdt from TNO, who would be talking about the Omega Gauge. Apologies had been received from Michael Andersen, Christien Absil, Euan Dunn, Giles Bartlett and Antoine Le Garrec. The agenda was agreed with some additions.
- 1.2 The report of the previous meeting, held on the 18th February in Edinburgh, was agreed. The rapporteur went through the Action Points from the meeting. The letter to the Commission seeking greater transparency in the EU/Norway talks was currently with Niels Wichmann. A meeting of the Directors, to set priorities for the NSRAC, had taken place in April. A letter to Member States seeking information on the whiting fisheries had not yet been sent out, but now would be. Other points would be dealt with under agenda items.

2 Further measurements with the Omega Gauge

- 2.1 Barrie Deas introduced Lex Vredeveltdt, a naval architect from the Dutch measurement standards institute (TNO), who would report on further tests with the Omega Gauge, introduced by the Commission Control Agency to improve measurements of mesh sizes.
- 2.2 Initial tests with the gauge had shown that it gave lower measurements than the old wedge gauge. Now, further tests had been carried out, aided by additional measurements using a tensioned device owned by TNO. Tests had been done in the laboratory and also at sea with 17 trips on 10 different vessels. The objective series of measurements had shown that the meshes became more elongate with repeated testing. This is characteristic of synthetic fibrous material. It had also been shown that the greater the load applied the greater the elongation. With repeated measurements the results reach an asymptotic value. This value is reached more quickly with a heavier applied load. These results are not surprising.
- 2.3 Measurements on board ship involved 20 measurements from each row of meshes in a net. Each individual mesh measurement was repeated 3 times. As in the laboratory,

each repeated test showed a greater elongation of the mesh. All the tests had been done with a new Omega Gauge straight from the factory. The result of these tests was that 3 nets fell below the 79mm limit (set for nominal 80mm nets).

- 2.4 The measurements were analysed in an appropriate statistical fashion using the Student's T Test. Probability density functions were prepared. From these it was possible to estimate the percentage of measurements that would fall below the limit value. If the scatter around a measurement is very small, the probability of a measurement falling below the limit is almost zero. With a higher scatter the probability of an unjustified rejection becomes higher. For measurements done in the field, the scatter was sufficient for between 0 and 19% of cases to be rejected unjustifiably.
- 2.5 Essentially measurements on synthetic fibrous materials require some pre-stressing to give consistent readings. Uncertainty in the measurements can be reduced by increasing the pre-tension loads and by repeating the measurements several times.
- 2.6 Barrie Deas thought these were interesting results. They were potentially very significant. The simple measurements currently conducted by inspectors, with one measurement per mesh, did not apply any pre-stressing. Pim Visser emphasised that the tighter limits were set, the greater the proportion of unjustified rejections. We could conclude that the gauge itself is fine; but the protocols applied are wrong. Lex Vredevelde said that the setting of 125 Newtons used in the protocol was too low for pre-stressing the fibres. It should be higher. A value of 300 Newtons would be better. However, even at that setting repeating the measurements 3 times gave a stable and consistent pre-stressed value. He thought netting manufacturers were doing well to produce nets to the standard he had observed.
- 2.7 Michael Park thought the Commission were unlikely to move from their current position. They would say the measurements were good enough. Pim Visser remarked that mesh size underwater is usually stretched, so for the measurements to be fair they should stretch the meshes. Lex Vredevelde said that if you weighed yourself three times and got progressively heavier you would be concerned about the measurement system. Pim agreed; the measurements have to be done properly.
- 2.8 Barrie Deas concluded the discussion by proposing that as soon as the TNO report was available we would write to the Control Agency and ask whether it intended to review its protocols in the light of these new findings. This proposal was agreed. Pim Visser will draft a letter to go to the Commission, the Control Agency and Member States.

3. Cod Management Plan

- 3.1 A NSRAC Focus Group had met on the 8th April to consider the review of the Cod Management Plan. A report of that meeting was available. We had made progress on two fronts. We had taken up the suggestion by STECF to submit a research proposal to gather supporting information for the review; and we had drafted a Position Paper. With respect to the research proposal, we think we have been successful in gaining

the €5,000 on offer. STECF had approved our proposal and forwarded it to the Commission. The NWWRAC would share this resource with us. An independent scientist would gather information from individual fishing vessels to illustrate the breadth and variation of response to the Cod Management Plan. Vessels had been nominated from Scotland (including Shetland), England, and the Irish Sea. We now needed nominations from the fleets of other Member States. We must identify these vessels by the end of next week.

- 3.2 Derk Jan Berends asked what kind of vessels should be nominated. Barrie Deas thought we should include a wide range of vessels to illustrate the effects of the plan. We could not put together a fully representative sample but we could give a range of examples. Examples should be sent to Barrie Deas or the Secretariat. We could cope with 5 per Member State and perhaps more. This would help STECF flesh out the overall picture. We had not yet selected a scientist to carry out the study but he/she would need to be independent and authoritative. We would start to prepare a list of questions and could ask STECF's advice on these. They could be translated and then telephone interviews conducted with vessel operators.
- 3.3 We had also agreed to prepare a NSRAC Position Paper that would serve as an annexe to the STECF report, and introduce the case studies. A draft paper had been prepared by the rapporteur following the Focus Group meeting and was now on the website. Our comments on the Cod Recovery Plan fell under five headings:
 1. Design of the plan
 2. Implementation of the plan
 3. TAC setting and discards
 4. Cod avoidance.
 5. Fishers' responses to the plan
- 3.4 Comments on the draft paper should be submitted to the rapporteur as soon as possible and at the latest by the end of May. Henrik Lund said that in discussing cod avoidance measures there should be no mention of spawning cod. Rather, we should refer to unwanted cod. Mike Park thought that we should be trying to protect *aggregations* of spawning cod.

4. Discards

- 4.1 Our press release had been sent out, following the campaign in the press over discards, and seemed to have some influence. The Commission had held a meeting on discards on Tuesday with 200 people attending including TV crews and personalities. The Director General, Lori Evans, had – like us – referred to the need to avoid knee jerk reactions. It was evident that the Commissioner wanted to have a discard ban with a timetable introduced as part of the Reforms to the CFP to be announced on 13th July. However, the Commission has no idea how to reduce

discards at a practical level. It has made much of the need for a participative approach and a high degree of self-management. It has not moved on from its position of three years ago, to which we responded fully. The Commissioner now wants targets for reducing discards. Perhaps more seriously, some of the NGOs want all fisheries to be closed when the TAC for the weakest stock has been exhausted. If that was done, say for whiting, the consequences would be severe. There were suggestions that ICES scientists too were thinking along similar lines. Leslie Tait remarked that such lowest common denominator rules would cause particular problems. Barrie Deas thought that the model of setting targets and timetables at European level with implementation within these constraints delegated to Member States and the fishing industry owed more to the failed cod management plan than our aspirations for a decentralised CFP.

- 4.2 We had agreed to collate examples of successful discard reduction projects, fishery by fishery. We had now received a number of submissions from different fleets and we needed to put them into a common format. We would also need to write an introduction to the document. We had missed our initial deadline. We needed to complete the paper by May 15th. It should emphasise the need for incentives for fishermen to reduce discarding, like exemption from effort controls. Michael Park thought we should include mention of catch quotas, the removal of catch composition rules and Real Time Closures for juveniles. We have gone over these points many times before. We should emphasise that we share the Commissioner's wish to make progress and should be positive in explaining where incentives to reduce discards might come from. We need also to look at all the community legislation that causes discards. All this would need to be contained within a brief letter.
- 4.3 Derk Jan Berends said that discards could only be resolved fishery by fishery as there were lots of different reasons for discarding and many different solutions. Again this was a point we had made before. Discards had been on the agenda of all the meetings we had held. Paul Dolder thought we should set out clearly what was currently being done fishery by fishery to reduce discards.
- 4.4 It was agreed that the NSRAC should go ahead with this initiative. We had made the same points many times before, and had not been listened to. That could not continue. The NSRAC had important points to make and the Commission should start to listen. Caroline Gamblin thought that we should involve all the RACs in this approach. Should we call a meeting of the Inter-RAC group? Eamon Mangan pointed out that such an approach had been very effective in the past in relation to technical measures.
- 4.5 Barrie Deas concluded that we should complete the paper we were preparing, outlining progress achieved in reducing discards in the different fisheries, and should send with it a letter setting out our considered views on discards and how they might be reduced. We should also send a shorter letter to the Commission, jointly with the other RACs, seeking a meeting to discuss positive steps that might be taken.
- 4.6 There was a view by some participants that we should try to seize the initiative through the press and television and try to grab the headlines ourselves. Others thought the things we were doing were not new and exciting and would not attract press interest.

The NSRAC existed primarily to provide advice to the Commission. It was for fishers' organisations to deal with issues raised by the media. We should be looking at what can be achieved for each fishery by 2015. We are considering these issues within the Long Term Management Plans we are preparing for different fisheries. However, we need help in setting out the solutions to discarding in these fisheries. We do not have in-house resources to do this.

5. CFP Reform

5.1 Leaked copies of the CFP proposals from the Commission were widely available. The headline provisions were:

1. Equal access re-affirmed
2. No change to 6/12 mile limits
3. Emphasis on long term management plans for fisheries (as opposed to stocks)
4. Discard ban with fixed timelines for different stocks, beginning with pelagic fisheries
5. Move away from micro-management but with scope, targets, indicators and timelines still controlled at European level (and possibly even harvest control rules)
6. Regional management; scope for Member States to implement policies through a tool-box approved at European level but with default powers from the Commission. Scope for Member States to cooperate with one another within the same sea-basin
7. Fast track for the Marine Strategy Framework Directive and Natura 2000 legislation
8. Mandatory system of transferable quota shares within each Member State for all vessels over 12m and under-12m trawlers; Member States may extend to all vessels; explicit use-rights of a public resource; 15 years notice of recall; provision for licence charges
9. Relative Stability confirmed but no reference to maintaining existing allocation keys
10. STECF replaced by new advisory committee with better balance of biological, economic and social science
11. Capacity reduction: reliance on tradable quotas
12. Increased role for POs in resource management; to be defined in Common Market Organisation rules
13. Access to EFF dependent on Member States levels of compliance
14. RACs replaced by ACs – new rules on composition etc
15. Increase in delegated powers to the Commission

- 5.2 We are now entering a new political phase of the reforms. The views of the College of Commissioners have been influential in the past, not always in a helpful direction. Moreover, we do not yet know how the Member States will align on these issues. Co-decision-taking may have some influence. What role should we now play? Should we comment on the composition of the RACs or leave that to the ExCom. Should an Inter-RAC group prepare a common response on such issues? Should we say something about decentralisation and regionalisation?
- 5.3 Pim Visser thought that the role of the RACs and regionalisation should be left to the ExCom. We needed to involve the NGOs in those issues. We should concentrate on the relevance of the management proposals coming forward. The N2000 and MSFD proposals should especially concern us. Thoughts on MSY also differ from the current treatment. Common Market Organisation rules are going to be changed. How can we deal with all of this? We could perhaps seek a draft response to the proposals to be taken further by a focus group. The issues are quite complex. We would also need additional expertise and should perhaps ask someone from the Commission to explain the background to some of the changes. Representatives from Member States might also be involved. The Dutch industry has already produced its response and others probably have too. However, formally the proposals would not be released until the 13th July. We do not know whether Council will adopt the proposals before the August break.
- 5.4 It was agreed that we would need to hold a focus group meeting soon after the 13th July – during the week 14th - 21st July. Otherwise we could not meet until mid-September. Papers produced by members of the NSRAC would be collated and sent to the rapporteur if they were available before that date, so that draft comments could be prepared for more detailed discussion.

6. Data deficiencies

- 6.1 A meeting had been held with the NWWRAC and ICES on 31st March to consider how to rectify those data deficiencies that impair stock assessments. ICES scientists and working group chairs, Member State representatives, and RAC participants had attended the meeting. There had been a general discussion of the broad principles. On the following day the Regional Task Force meetings had been split between the North Sea and North West Waters RAC and each had addressed their particular difficulties. The NSRAC had raised some data deficiencies but our main concern had been with Category 11 stocks, where there is no STECF advice, or the state of the stock is not known precisely and STECF does not advise on whether the stock is increasing or decreasing. Here, it is the Commission's approach to these stocks that is the main problem. The report from the NWWRAC part of the meeting has now been circulated and identifies 22 stocks requiring urgent remedial action, together with those who now need to take action to remedy the position. The NSRAC report is not yet available. ICES had been very supportive and JJ Maguire the chairman of ACOM, will speak to Barrie Deas on Friday to discuss this initiative. The Commission has remained rather hostile to the exercise.

- 6.2 It would be important to retain momentum on this initiative. Caroline Gamblin thought that it would be useful if ICES, in producing its advice, highlighted what the RACs could do to remedy data deficiencies.

7. TACs & Quotas

- 7.1 On TACs and quotas we were still awaiting a communication from the Commission. The policy paper due later this month was expected to have only 4 categories of stock, compared with the previous 11. A multi-year approach to TAC setting was also anticipated. The Council would decide non-Norway quotas in November rather than December. We will have to deal with this document when it is issued
- 7.2 Concern was expressed about the amount of work we had to engage in without our having either the time or the resources to hold additional meetings. It was agreed that the Secretariat would explore the avenue of conference calls, or Skype links for dealing with such matters.

8. Long Term Management Plans

- 8.1 The LTMP for Nephrops had been taken forward to a further stage after a recent meeting of the Development Group. The draft plan was emphasising the need to protect vulnerable functional units, but not through the setting of individual TACs. Rather, each functional unit would have a Sustainable Fishing Plan. We now want to agree the LTMP as work in progress and submit it to the Commission. In particular, we wish to forestall any premature action by the Commission to introduce individual TACs.
- 8.2 Swedish fishers objected to a statement that the amount of discards in the Skagerrak and Kattegat was large. They asked that this statement (which came from the ICES advice) be removed, as it is not true. They asked whether the plan applies to the Skagerrak and Kattegat as well as the North Sea. The rapporteur replied that it had been agreed at the outset that the plan would be developed for the North Sea with the option that the Skagerrak and Kattegat could be included if fishers so wished. The plan referred to the Skagerrak and Kattegat but these references could be removed later if required. The plan also included a great deal of background material that have been important in its development but which could now be removed.
- 8.3 It was agreed that the latest draft plan should now be sent to the Commission with a covering letter prepared by the rapporteur. It would point out that the plan was still under development, but we wished to draw their attention at this stage to the inclusion of Sustainable Fishing Plans as an alternative to individual TACs for the functional units.
- 8.4 We had now heard that Newcastle University had been successful in obtaining a grant from DEFRA to prepare a Sustainable Fishing Plan for the Farne Deeps. This might serve as a model for the other functional units and would provide us with experience in drawing up such plans. It would take the LTMP one stage further forward.

- 8.5 With respect to the development of an LTMP for the whiting fisheries, a meeting had been held in January and a full report produced. One of the conclusions had been that further information was required on those fisheries that caught whiting in each Member State. Information on the discarding of whiting would be especially valuable. We could then go forward in preparing a draft plan for discussion with fishers as we had with the *Nephrops* plan. Michael Park will send out a reminder on the information required on the whiting fisheries and whiting discards from each Member State. Without this information it would be difficult to take the plan forward.
- 8.6 No further action was required on the flatfish management plan. The plan had recently been evaluated by STECF and we were awaiting developments. However, Pim Visser is preparing to hold a meeting on a management plan for brown shrimp in the North Sea. Currently he is drafting a paper for the meeting and is trying to gain knowledge of the prevailing economic state of the fishery.

9. Real-Time Closures

- 9.1 We have had a reply from the Commission to our Position paper on RTCs. The Director General had pointed out that the European regulation is the first step towards harmonisation with Norway. Such RTCs are mandatory. She goes on to refer to CFP reform and future scope for a regional approach. She agrees that evaluation of RTCs is tricky but is very hostile to any derogations, even if the catch of cod is small. National RTCs are voluntary, and the Commission's reply does not satisfactorily deal with how the difficulties experienced with them might be resolved. On research they have replied that there is no additional funding.
- 9.2 Dutch flatfish vessels have expressed concerns about the establishment of poorly evidenced English RTCs in areas like the Dogger Bank. The Marine Management Organisation has been contacted and has reacted positively. The difficulties may be resolved. Willem de Boer made the point that RTCs will not achieve any conservation unless all vessels cease fishing. There should be full correspondence and agreement between states before any RTC was established. Leslie Tait had experienced vessels from other states continuing to fish through Scottish RTCs. If RTCs were to be effective there had to be endorsement by all Member States. Michael Park pointed out that only the state declaring an RTC could draw down additional days at sea in proportion to the reduction in F achieved. Some states did not need to draw down effort for reasons we had discussed before. It would also be impossible to gain international approval for RTC measures in real time. He pointed out, however, that although there is a binding EU regulation for RTCs to protect juvenile cod, some vessels continued to fish because their Member State had not told them to stop. Pim Visser said that we should encourage informal contacts between officials to help resolve these problems. The main object is to save cod. Willem de Boer agreed but said that if fishing continued in an RTC it would not save cod. Arnold Locker said that some of the English RTCs were historical. There aren't any cod there! If they were based on vessel boardings these areas would not be identified for RTCs. Paul Dolder asked if we needed formal links to resolve these problems. Barrie Deas replied that initially improved communications through informal contact might suffice to iron out

some of the problems of implementing member state RTCs. The main reason for establishing RTCs was to save cod and Member States have agreed that we should be saving cod. Where RTCs were saving cod they should be observed. This included some RTCs that are established with the dual purpose of saving cod and being established to allowing vessels to draw down more days at sea. It was important to balance and maintain these two objectives. Michael Park added that RTCs in UK waters were a business necessity. Some other Member States had less restrictive effort regimes and therefore had no need for incentives for establishing RTCs. Barrie Deas said that we would write back to the Commission on these points and will copy the letter to Member States, emphasising the need for cooperation over these closures. This issue also has relevance to our letter on discards.

10. Marine Strategy Framework Directive

- 10.1 Poul Degnbol had given a presentation to the ExCom on the MSFD, which may set the framework for fisheries management in the future. The arrangements to be adopted must be workable and must not preclude all economic activity. ICES scientists wish to work with the RACs in defining Good Environmental Status (GES) for fishing and that would provide us with a route to express our views. The Dogger Bank may provide a test case for introduction of MSFD principles. An Intergovernmental Workshop is being held in June to develop a regional approach to the management of fisheries on the Dogger Bank. The meeting will have to define favourable conservation status for this area and achieving GES for the Dogger Bank will be part of that.
- 10.2 Caroline Gamblin said that ICES planned to have a meeting to discuss Descriptor 3 in June, and to decide how this will be implemented. The meeting would be open to observers. We should consider sending representatives. Barrie Deas said that there was a danger we could sleepwalk into a position where far-reaching decisions affecting our industry had been taken by others. It is very important that the NSRAC should be represented at any discussions of GES for fishery descriptors. Pim Visser emphasised that it is the Member States that have to decide on GES. The Netherlands wishes to take a lead in guiding Member States on this. Paul Dolder said that Defra also has an interest in this subject. The ICES meeting will combine views from national laboratories on GES. Pim Visser deplored the lack of guidance from the Commission on implementing GES. We had to avoid micromanagement and look at GES on a North Sea Scale.
- 10.3 Barrie Deas said that it had become evident at yesterday's meeting of the Spatial Planning Working Group that current conservation status will to some extent reflect historical levels in fishing activity. There have been major decommissioning schemes within the North Sea and many steps had already been taken which had reduced the impact of fishing. It may take some time for the impact of these, in some cases very significant, management measures to be reflected in a zone's conservation status. This should be taken into account but so far had not. We must attend any meetings organised by ICES on GES for fishing. Luc Corbisier reminded participants that Poul Degnbol had reminded us to keep things simple when defining GES, although, as Pim

Visser pointed out, scientists tend to make things more complicated than they needed to be.

10.4 It was agreed that the NSRAC's main engagement on this important issue should be through closer engagement with ICES by taking up the offers that were available.

11. Maximum Sustainable Yield

11.1 The NSRAC had submitted a comprehensive paper to the Commission on MSY. As yet we have had no reply. The subject will be placed on the agenda of the next meeting.

12. European Parliament

12.1 Achieving good relations with the Parliament was a major aim for the NSRAC. Co-decision-taking between the Commission and the Parliament was now part of the CFP but we had gained little traction in our dealings with the Parliament and MEPs. Contact with the Fisheries Committee would be especially important in the context of CFP reform.

12.2 We had tried to engage with the Fisheries Committee but so far they had not responded. Perhaps a small group from the NSRAC should present information to the Committee on the recent work we had carried out. It was agreed that we would look out for an opportunity to present the NSRAC's work to the Fisheries Committee. Martin Brebner said that a letter had now been drafted to the three MEPs from the Committee designated to liaise with the NSRAC, asking how we might work more effectively with them. The draft was currently with Niels Wichmann.

12.3 Pim Visser said that the Fisheries Committee is soon to discuss a report on the brown shrimp fishery in the North Sea. This shows that their interest can be engaged. We must make stronger attempts to show them what we do.

13. Next Meeting

13.1 The next Demersal WG will take place in mid-September at a location to be decided.

14. Action Points

1. Pim Visser will draft a letter on the latest tests on the Omega Gauge to go to the Commission, the Control Agency and Member States (2.8).	Pim Visser Secretariat
2. Participants will identify vessels from Member States to be included in the survey of the impact of the cod	Participants

management plan (3.2).	
3. We will prepare a list of questions for the vessels. They could be translated and then telephone interviews conducted with vessel operators (3.2).	Barrie Deas Participants
4. Comments on the draft Position Paper on the Cod Management Plan should be submitted to the rapporteur as soon as possible and at the latest by the end of May (3.4).	Participants Rapporteur
5. We will complete the collation of information on discard initiatives and produce a coherent paper by May 15 th (4.2; 4.5).	Secretary
6. An accompanying letter will be drafted setting out the NSRAC position on discards (4.5).	Rapporteur
7. A shorter letter will be prepared and circulated to the other RACs expressing concern at the Commission's proposal for a discard ban (4.5).	Barrie Deas
8. A focus group meeting to prepare a Position Paper on reform of the CFP will meet soon after the 13 th July; during the week 14 th - 21 st July (5.4).	Secretariat Participants
9. The Secretariat will explore the idea of using conference calls, or Skype links, for dealing with matters like TACs and Quotas, or where there is no opportunity to hold a full meeting (7.2).	Secretariat
10. The latest draft LTMP for <i>Nephrops</i> will be sent to the Commission with a covering letter prepared by the rapporteur. It will point out that the plan is still under development, but we wish to draw their attention to the inclusion of Sustainable Fishing Plans as an alternative to individual TACs for the functional units (8.3).	Rapporteur
11. A reminder will be sent out to fishers' representatives on the information required on the whiting fisheries and whiting discards from each Member State (8.5).	Michael Park
12. A reply will be sent to the Commission on the points raised over RTCs and will be copied to Member States, emphasising the need for cooperation over area closures (9.2).	Rapporteur Secretariat

13. Participants will be encouraged to send representatives to any meetings being held by ICES to discuss Good Environmental Status for fishing (10.3).	Participants
14. The topic of Maximum Sustainable Yield will be placed on the agenda for the next meeting, when a reply to our paper should be received from the Commission (11.1).	Barrie Deas Secretariat
15. The next Demersal WG will take place in mid-September (13.1).	Barrie Deas Secretariat

15. Attendance

Forename	Surname	Organisation
Derk Jan	Berends	Dutch Fishermen's Representative
Lex	Vredevelde	TNO
Fredrik	Lindberg	Swedish Fishermen's Federation
Peter	Olsson	Swedish Fishermen's Federation
Henrik	Lund	Danish Fishermen's Association
Martin	Brebner	NSRAC Secretariat
Luc	Corbisier	SDVO
Bruno	Dachicourt	Union Nationale Des Syndicats Marins-Pechers CFTC
Eamon	Mangan	French Ministry
Leslie	Tait	Shetland Fishermen's Association
Barrie	Deas	NFFO; Chairman
Paula	den Hartog	Stichting Van De Nederslandse Visserij
Paul	Dolder	DEFRA
Caroline	Gamblin	Comite-peches
Tony	Hawkins	NSRAC Rapporteur
Arnold	Locker	NFFO
Mike	Park	SFF
Nigel	Proctor	EAA
Robert	Stevenson	North East of Scotland Fishermen's Organisation
Pim	Visser	Stichting Van De Nederslandse Visserij/EAFPA
Antony	Viera	French fishermen's representative
Willem	De Boer	Visned