



**Demersal Working Group
Airport Hilton, Schiphol
6th September 2011**

Rapporteur: Tony Hawkins

Draft 8th September

1. Introduction and apologies

- 1.1 Barrie Deas welcomed participants to the meeting. He especially welcomed Steve Mackinson and his colleagues from CEFAS who would update us on the GAP2 project. The agenda was adopted. Apologies had been received from Antoine Le Garrec, Caroline Gamblin, Willem de Boer, Peter Breckling, Bruno Dachicourt, Arnold Locker, Christien Absil and Nigel Proctor.
- 1.2 The report of the previous meeting of the WG, held in London in May, was adopted. The Rapporteur summarised the action points.

2. Matters arising

- 2.1 There had been no reply from the Control Agency or the Commission to the NSRAC correspondence on the Omega Gauge and the attached TNO report on the operation of the gauge. We would send them a reminder, seeking a response.
- 2.2 The NSRAC had sent further comments to the Commission on Real Time Closures (RTCs). ICES is setting up a Working Group to look at RTCs but it will not meet until 2012. Michael Park pointed out that Regulation 783/2011 had now amended the threshold for declaring RTCs to 200 kilos, and the trigger point was now 10% of the catch being cod rather than 15%. Leslie Tait reported that vessels from other states were continuing to fish through Scottish RTCs. We had made this point in our letter to the Commission. It was suggested that this behaviour was almost inevitable given that fishers from those other states received no incentives to observe Scottish RTCs, and were not consulted on their establishment.

3 Cod Management Plan

- 3.1 The NSRAC, together with the NWWRAC, had submitted a paper on the Cod Management Plan to STECF/ICES joint meeting in Hamburg in June. An accompanying document had been prepared, illustrating the impact that the Cod Management Plan and its effort controls had upon the fishing fleets and this had been included as Annexe 17 to the STECF report. The final report had now been issued by STECF. The STECF/ICES report pointed out that:

Mortality of cod had not declined as envisaged by the plan

Despite that, Spawning Stock Biomass had increased in recent years in the North Sea

There were uncertainties, including the magnitude of 'unrecorded removals'.

There had been high discards of cod

There had been a substantial decline in effort although much of this had occurred before the current plan had been implemented

Beam trawl effort was significant in the North Sea

Effort associated with Article 11 is relatively low (Article 11 allows for vessels to achieve exemptions from the plan where cod catches are low).

Article 13c had made a positive contribution and had allowed a local tailored response to promoting cod avoidance

Fishing mortality should not be expected to follow trends in fishing effort

Article 11 should be based on the contribution to total out-take

- 3.2 The Commission is convening a meeting on the 7th October to discuss Cod Management. The main issue for the NSRAC is whether the current plan is fit for purpose. To establish this an impact assessment would be necessary from STECF/ICES to evaluate the effect of the plan and perhaps point the way towards a new plan. However, because of co-decision taking with the Parliament any new plan would take at least two years to gain approval. It is likely that we will have to continue to operate within the existing plan for an interim period, and as part of that plan automatic changes in TACs and effort may continue to be triggered.
- 3.3 Should the NSRAC produce a paper for the meeting on the 7th October? We should certainly make a clear statement of our position at the meeting but we do not yet know the format of the meeting and should learn more about it before submitting a paper. We would be able to ask the Commission its intentions at the meeting on the 8th September on the State of Northern European Fish Stocks.
- 3.4 Michael Andersen said that the Baltic Cod Management Plan was being revised and STECF had been sympathetic to that revision, but the Commission had now put that

initiative on hold. The current plan would stand until a Multispecies Management Plan could be prepared.

- 3.5 Member States have been invited to submit comments on effort management. It is quite difficult, however, to forecast the way these issues over cod management will be resolved. Despite the RACs, ICES/STECF and Member States pointing to flaws in the plan, that plan was likely to remain with us for an interim period. Leslie Tait said that the plan was causing great difficulties to fishers in the Shetland Islands. A paper had been prepared summarising the problems encountered. Barrie Deas asked that the paper be circulated to members.
- 3.6 Kenn Skau Fischer said that despite support from Member States on the need to revise the plan there would be pressure from Norway to tighten up on the target values for cod fishing mortality. Norway would expect further action from the EU on cod. Barrie Deas said that the STECF report made it clear that the current plan was not achieving the desired level of reduction in F. The Commission could not argue that the current plan was delivering its overall objective of reducing F.
- 3.7 It was agreed that the NSRAC should produce a short draft paper, condensing the main points made in the STECF report. The key points might be:

Fishing mortality should not be expected to follow trends in fishing effort

Article 13 had been a success in allowing a local tailored response to cod avoidance and had encouraged a reduction in F

Better governance is required

Discard reduction is now an important consideration and is made worse by reducing TACs when cod are abundant

The adoption of more selective fishing gears and the introduction of RTCs had brought benefits

- 3.8 Michael Andersen agreed that F had not declined to the extent that the Commission had wished, and that this was being blamed on 'unallocated removals'. That was not realistic. The figure of F adopted for determining the TAC was the key figure.
- 3.9 We should use the meeting on fishing opportunities later this week to test the waters with the Commission and to find out whether there was scope for an interim management regime. In the meantime we would draft a response and would make it available for the next meeting of the Demersal WG. We could then assess how best to present our views to the Commission and Member States. They must be concerned themselves at the lack of effectiveness of the Cod Management Plan

4. TACs and Quotas

- 4.1 Our response to the Commission on fishing opportunities for 2012 had been completed and sent off. We had been especially critical of the Commission's proposal that data deficient stocks should have their TACs cut by 25%. This proposal seemed

to have united fishermen, scientists and Member States in opposing it. If the Commission sticks to the timetable in its paper we should see proposals in October, with decisions on non-Norway stocks at the November Council. Decisions on Norway linked stocks would then be taken at the December Council. There were, however, question marks over this timetable. ICES advice had been quite positive for some of the North Sea demersal stocks, but there were issues for saithe and of course cod dominated the consideration of all species.

- 4.2 Michael Andersen emphasised that there was a huge problem for saithe. F was now above the safe level and the Commission was seeking a reduction of 15%. Yet this was a stock said to be exploited below MSY, and it had achieved MSC accreditation. This change in status shows what can happen to stocks despite the adoption of effective management measures. There is no guarantee that management measures will work.
- 4.3 It was decided that the NSRAC would not comment further on fishing opportunities for 2012 until after the meeting to be held with the Commission later this week. The proposal for a 25% reduction for data deficient stocks was the main concern. It was out of line with reality and would inevitably lead to discarding. All 27 Member States had objected to this proposal and there would have to be a political solution. The Commission had perhaps intended the proposal as a wake-up call. We would need to deal with it in a measured way and should emphasise the need to rectify data deficiencies. This was not just a matter of poor data, but also resulted from inadequate scientific resources to analyse the data that had been collected. Paula den Hartog thought we should also stress the inherent flaws in using TAC changes to manage fish stocks taken in mixed fisheries. There was also the danger that poorly set quotas led to discarding. It was decided that we could only prepare a proper response after finding out more about the Commission's intentions. We would hold a further meeting of the WG in November and would discuss fishing opportunities for 2012 then.

5. Conference on Mixed Fisheries

- 5.1 As a result of media pressure on discards and other issues, and the lack of understanding by the Commission on the problems of managing mixed fisheries, it had been suggested that we needed a workshop or conference to address the issues of managing mixed fisheries. We had previously made major progress through previous conferences, most notably the ones on Cod Recovery and on Reform of the Common Fisheries Policy. We needed to explore new thinking on mixed fisheries, by inviting world experts to present their views and then debating them. We could use the outcome of such a conference to feed into our work on Long Term Management Plans, discard reduction, TAC and quota issues, and CFP Reform. A teleconference had been held on 26th July to discuss the organisation of a conference. Could we now take the proposal forward?

- 5.2 Currently, it was suggested that we choose a date in January and that we involve the other RACs – most notable the NWWRAC. We would need to establish a steering group, appoint organisers, and decide on the speakers and participants.
- 5.3 Kenn Skau Fischer had investigated funding. The MYFISH project was a possible source of finance, as it required a workshop with stakeholders to start the project off and to bring them into contact with fishers and the RACs. The project might be able to fund the conference venue but might not be able to fund travel for all the participants. Niels Wichmann thought that the Danish government might also make a contribution towards the cost. Steve Mackinson said that the GAP2 project was also framed around collaboration with stakeholders and it might be able to contribute.
- 5.4 It was agreed that a steering group should be set up to take this proposal forward. We would need to place emphasis on what the RACs would gain from the meeting if the proposal were to be successful. The conference would certainly contribute to many of the objectives of the RACs, and we would need to list these.

6. Discards

- 6.1 Following the first high profile media campaign on discards there had been a second campaign by Hugh Fearnley-Whittingstall, the crusading chef. However, much of the impact had been lost because of the wave of riots in British cities. Beyond stating that discards were a problem, neither the media campaign, not the response of the Commission in backing a discard ban, had achieved much in terms of practical solutions. The NSRAC had submitted a paper to the Commission, drawing attention to the initiatives already taken by the fleets to reduce discards and pointing to the difficulties in achieving a discard ban. There were likely to be problems on the fish market if all fish caught had to be landed, there would be problems in disposing of unwanted or unusable fish, and there would be high costs to the fishing industry.
- 6.2 There was support from fishers from Sweden and Denmark for the adoption of the Norwegian approach to a discard ban. The Norwegians of course had the advantage of a more flexible quota regime and a lack of effort controls. Their system worked because it did not work! Barrie Deas thought that although we could learn much from the Norwegian system, it would be necessary to adapt the approach to the specifics of the fisheries in our waters.
- 6.3 It was acknowledged that there is much support for a discard ban amongst Member States. Our task was to convince the Commission and Member States that we were equally committed to reducing discards but that at a practical level this could only be done through a broad range of tailored solutions. A simple ban on discards was at best a cosmetic solution. We wanted to reduce and eliminate the catch of unwanted species, and needed to change the nature of the discourse on discards. Nevertheless, the strong support from Member States meant that some kind of discard ban was likely to be implemented. There were already proposals to implement a discard ban in the Skagerrak by January 2013 (prompted by a Norwegian wish to

discontinue the old management regime). The Danish government liked the Norwegian system for banning discards. It makes a clear statement, but leaves room for manoeuvre. If you over catch your quota then your costs are still covered, and there is still scope for disposing of fish that are damaged. There are ways of introducing the necessary flexibility to enable the ban to work. Paula den Hartog said that the assumption that discarded fish showed 100% mortality was invalid. Some species survived in large numbers. It was pointed out that the Norwegian system recognised this and there was a long list of species that could be discarded legitimately. The Norwegian fleet did not carry cameras on board vessels and their fishers were resistant to introducing them.

- 6.4 Michael Park thought that a European discard ban would have to be tied into reform of the CFP. There would be real problems in introducing a ban under the current management regime. There were a number of 'choke' species including saithe and hake that would cause real problems. The current simplistic approach of the Commission would not work. We would need to convince the Commission that there would need to be fundamental changes to the management regime if their wish for a discard ban was to be implemented. We could perhaps draw attention to the elements of a low discard system that would meet the Commission's needs. That would involve fundamental changes to the effort management regime, to the system for setting TACs and quotas and to the technical conservation measures regulation. We could outline a practical way forward. The NSRAC should aim to becoming the driving force for reducing unwanted catches under a new regional approach within a reformed CFP.
- 6.5 It was agreed that we would try to refine this approach at the next Demersal WG. We could not simply adopt the Norwegian system. Many features of our current regime will have to go before we could adopt a discard ban. We have to seek our own solution appropriate to the North Sea fisheries. The chairman and rapporteur will prepare a draft document for further discussion for the next meeting.

7. Maximum Sustainable Yield (MSY)

- 7.1 Following the last meeting of the ExCom, which had received an unsatisfactory reply from the Commission in response to a NSRAC Position Paper on MSY, it had been decided that a response should be prepared. A draft paper had been produced, circulated to members for approval by written procedures, agreed, and sent to the Commission. There had not yet been time for a reply to be received.
- 7.2 Steve Mackinson pointed out that the new MYFISH project was all about the different variants in MSY. It was a 4-year project, which could provide support to the NSRAC. Carl O'Brian and his colleagues were also advising the Commission on implementing MSY from a single stock standpoint. Currently, it was proposed that management be based on F_{MSY} , which, however, was a dynamic quantity that changed. The project aimed to evaluate the success of that approach. Was it realistic as a basis for management?

8. Long Term Management Plans

8.1 Discussion of LTMPs began with a presentation from Steve Mackinson of CEFAS on the GAP2 project. This is a 5-year project that has just started. It involved scientists working with stakeholders to improve management and governance of fisheries and connected science to the stakeholders and to policy. It is based on a series of case studies. The project could make a particular contribution to the development of LTMPs by the RACs.

8.2 In Steve's view, Long Term Management Plans aim to achieve

Sustainable fisheries on healthy stocks

Demonstrate fishers and other stakeholder's *ability* to play a stronger role in management of fisheries (and avoid EU micro-management)

LTMPs are comprehensive plans carefully considered. They do not just set fishing targets. They are based on long-term objectives, and they include economic and social evaluation.

8.3 Steve described the management & science issues of a LTMP for the whiting fisheries. The GAP2 project could help to evaluate management strategy. It would assist in developing a management plan to achieve a wide range of goals: economic, social, biological and environmental. Currently, ICES did simulations of the effects of management plans but they focused on the biology and were therefore limited in scope. Through Management Strategy Evaluation it would be possible to simulate the whole fishery process: including the biology, fleet dynamics, assessment, management etc. That approach could be used to evaluate the management process and compare its performance against the goals. It would provide a framework for how successful a plan was going to be.

8.4 Pim Visser remarked that it was very important to incorporate an ecosystem approach; that was a feature of our draft plan for the *Nephrops* fishery. Michael Park said that cod preys upon *Nephrops*. This relationship is important to the plan and is part of the ecosystem approach. Steve Mackinson drew attention to the importance of partitioning whiting mortality between the different fisheries and between predators. Biological interactions (predator-prey) and fishery interactions (mixed fisheries) were important.

8.5 Barrie Deas liked the checklist approach to the evaluation of management plans. Tony Hawkins appreciated the importance of ecosystem aspects. However, the problems that we had encountered in drawing up LTMPs for *Nephrops* and whiting had been rather different. With *Nephrops* there was the problem of uncertainties over the assessments for each of the functional units in the North Sea. There were also major problems in reconciling the views of fishermen over the management measures to be adopted. For whiting, the problem was in obtaining even the simplest data on catch rates and especially discard rates in the fishery.

8.6 Barrie Deas emphasised the difficulties in making this kind of approach, including the checklist, available and accessible to fishermen at the ports. It is incumbent upon us

to explain these things in a way that fishermen can understand. Pim Visser said that these concepts were scientifically very interesting but the harsh reality from day to day was the setting of TACs and quotas. Michael Park disagreed. Currently we are looking at single stocks and we have to develop a multi-species and multi-fishery approach in formulating LTMPs. Michael Andersen agreed with that. In the Baltic and North Sea it is important to understand the interactions between species.

- 8.7 It was acknowledged that the provision of good data for making a start with LTMPs is important. If you do not have the basic data on the stocks then the quota will be set at zero. That provided an incentive to improve data collection. Michael Andersen said that it was not always the lack of data that was the problem. It was the lack of scientific time devoted to sorting out the data that was limiting. Barrie Deas concluded by saying that this had been a very helpful presentation and discussion that will feed into our future work on LTMPs. He thanked Steve and his colleagues for taking part and asked that the slides be made available to the NSRAC.
- 8.8 In terms of progress with the Nephrops LTMP, the latest version of the plan had been sent to the Commission as 'work in progress'. The purpose had been to delay the Commission in setting individual TACs for each of the functional units in the North Sea. This would not be a sensible way forward. Instead we wished to retain the flexibility of a TAC for the North Sea as a whole and had suggested that where there were problems within a functional unit these should be dealt with through a sustainable fishing plan, which set out the management measures to be applied. Defra was currently funding a small project which was attempting to develop a prototype sustainable fishing plan for the Farne Deeps. We are awaiting the results of this project. In the meantime the development of the plan would continue although we would probably not see any progress in the adoption of new management plans until the basis of CFP reform had been decided.
- 8.9 On whiting, we were held up by the lack of basic data. We had twice asked fisheries administrations for data on the whiting fisheries in each Member State, the discards by method, and mesh size in different areas, and the distribution of quotas. We had made little progress in acquiring these data. It was agreed that the chair of the ExCom should now write to the Director of each fisheries administration asking for the required data.
- 8.10 On flatfish, a Management Plan was currently with the Commission, and the next phase of the plan could not continue until the Commission gave its answer on how the next phase should go forward. The plan deals with a typical mixed fishery, catching a mix of plaice and sole. The plan has yielded successful results for the sole, although it is not yet reached MSY targets.
- 8.11 On brown shrimps there were lots of issues, including questions of competition law. The new market regulation would be likely to affect the competition issue. Discussions are taking place between the Dutch, Danish and German Ministries and a Focus Group will meet on the 4th October. IMARES would present an ecosystem approach for the fishery. We would need to find a collective way forward.

- 8.12 A LTMP is being prepared for saithe in the Skagerrak in the absence of any analytical assessment. The plan could be presented to the next ExCom meeting.
- 8.13 Barrie Deas ended the discussion by emphasising the unity of interest between fisheries managers and the industry in developing LTMPs for fisheries. At the very least, if the fishery is managed through a management plan then the TACs are likely to be higher. There are strong practical reasons for pushing forward with LTMPs.

9. ICES

- 9.1 The data deficiency meeting held with ICES had concluded that there were not a lot of fisheries in the North Sea where data deficiencies are a big issue. The actual issue is one of insufficient scientists being available to process the data. There is also an issue of data quality in some fisheries.
- 9.2 In the ICES benchmarking process, it is intended that the RACs will play a preparatory role in terms of plugging any data deficiency holes. However, these holes exist for a variety of reasons, and cannot always be plugged. Moreover, in some cases there were problems with the models. We should however give priority to providing assistance to ICES with the benchmarked stocks. The next one to come up for benchmarking is the monkfish. Then saithe and perhaps cod will be focused upon. The NWWRAC have appointed a person to liaise with ICES on each fishery, with Michael Park agreeing to look after monks and megrims. Perhaps Michael could take responsibility for the same species for the NSRAC? Antoine le Garrec and Caroline Gamblin might be asked to do the same for saithe. We could take cod as it comes. What was needed in each case was a conversation with the assessment coordinator within ICES to establish lines of communication.

10. Technical Conservation Regulation

- 10.1 The EU rules covering mesh size, minimum landing size, and the selectivity of fishing gears have been dealt with through the Technical Conservation Regulation. It is recognised that the current regulation (750/1998) is not fit for purpose. Amendments were subsequently adopted to patch some of the holes and the list of these has grown longer as time passes. Additional technical rules associated with specific recovery programmes have been introduced in parallel. The Commission consulted in 2009 on a replacement regulation, with simplification as one of its objectives. However, this stalled in the face of strong opposition, and proposals to revise it are now intertwined with proposals for CFP reform.
- 10.2 The NSRAC has put a great deal of effort into commenting on technical conservation measures and in criticising both the old regulation and the proposed replacement. We have always sought a less prescriptive approach. We now need to be updated on the Commission's thoughts with respect to future changes. Where will the new proposals sit within a reformed CFP? And how will they relate to the proposed discard ban? Pim Visser remarked that progress with introduction of the new electrical pulsed fishing

technique had to wait until the problems with the technical conservation regulations were resolved.

- 10.3 It was agreed that we would invite Dominic Rihan, formerly of BIM, and now responsible for the regulation within the Commission, to attend a future meeting to discuss the Commission’s proposals with the NSRAC.

11. Fleet overcapacity

- 11.1 A report from the Court of Auditors of the EU on fleet overcapacity is with the Commission and seems likely to be critical of the Commission. The Fishing News reports that Axis 1 grants under the European Fisheries Fund have been suspended indefinitely, pending consideration of the report. We should ensure that we discuss this topic once the report has been released, either at the next ExCom or the October Demersal WG.

12. Any other Business

- 12.1 On liaison with MEPs and the Fisheries Committee, we have written to the relevant MEPs offering to meet them and issuing an invitation for them to attend NSRAC meetings. In relation to subjects like CFP Reform and discards we need to liaise closely with them and keep them informed of the NSRAC position. There may be a need for some caution in engaging with them, as the RACs are advisory bodies to the Commission. Nevertheless we should try to make closer contact with them – perhaps by making presentations to the Fisheries Committee on specific issues.

13. Next meeting

- 13.1 The next meeting will take place on the 2nd November at a place to be decided by the Secretariat.

14. Action Points

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| 1. We will send a reminder to the Control Agency and the Commission reminding them of the TNO report on the Omega Gauge and seeking a response to our letter (2.1) | Secretariat |
| 2. A paper from Shetland commenting on the impact upon fishers of the Cod Management Plan will be circulated (3.5) | Leslie Tait Secretariat |
| 3. The NSRAC will prepare a short draft paper on cod management, condensing the points made in the | Chairman |

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| ICES/STECF report and raising key points of concern to the NSRAC; for discussion at the November Demersal WG (3.7) | Rapporteur |
| 4. The NSRAC will prepare a paper on Fishing Opportunities for 2012 once we know more about the Commission's intentions. To be discussed at the November Demersal WG (4.3) | Chairman |
| 5. The NSRAC will invite other RACs to join it in organising a conference on the Management of Mixed Fisheries, to be held in January. A steering group will be formed to take this forward (5.4) | Chairman Chairman of ExCom Kenn Skau Fischer |
| 6. The NSRAC will prepare a forward looking paper on discards for discussion at the next Demersal WG (6.5) | Chairman Rapporteur |
| 7. The NSRAC will write to the Director of each fishery administration requesting data on the whiting fisheries (8.9) | Chairman of ExCom Secretariat |
| 8. A Focus Group will meet on 4 th October to discuss management of the brown shrimp fishery (8.11) | Pim Visser Members |
| 9. A LTMP for saithe in the Skagerrak will be presented to the next ExCom (8.12). | Michael Andersen |
| 10. Individuals will be approached to take responsibility for liaison with ICES with respect to monkfish and saithe benchmark assessments (9.2) | Chairman |
| 11. The NSRAC will invite Dominic Rihan to address the next Demersal WG on the subject of changes to the Technical Conservation Regulation in the light of CFP Reform (10.3) | Secretariat |
| 12. Discussion of the Court of Auditor's Report on Fleet Overcapacity will take place at the next ExCom or Demersal WG (11.1) | Secretariat |
| 13. The next meeting of the Demersal WG will take place on November 2 nd (13.1) | |

15. Attendance

| Forename | Surname | Organisation |
|-----------------|----------------|---|
| Michael | Andersen | Danish Fishermen's Association |
| Svend-Erik | Andersen | Danish Fishermen's Association |
| Derk Jan | Berends | Nederlandse Visserbond |
| Martin | Brebner | NSRAC |
| Ned | Clark | NFFO |
| Luc | Corbisier | SDVO |
| Andries | de Boer | Visned |
| Joop | de Jong | Nederlandse Visserbond (Observer) |
| Barrie | Deas | NFFO |
| Anton | Dekker | Fisherman (Observer) |
| Paula | den Hartog | Dutch Fisheries Organisation |
| Tony | Hawkins | NSRAC |
| Anne-Marie | Kats | AIPCE |
| Steve | Mackinson | CEFAS |
| Johan | Nooitgedagt | Nederlandse Visserbond |
| Henk | Offringa | DG AGRO Netherlands Government (Observer) |
| Peter | Olsson | Swedish Fishermen's Federation |
| Mike | Park | SFF |
| Mark | Platts | CEFAS |
| Hendrik | Romkes | Fisherman (Observer) |
| Jane | Sandell | Scottish Fisherman's Federation |
| Finlay | Scott | CEFAS |
| Kenn | Skau-Fischer | Danish Fishermen's Associaton |
| Leslie | Tait | Scottish Fisherman's Federation |
| Huub | Tanis | Fisherman (Observer) |
| Antony | Viera | CNPMEM |

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| Pim | Visser | Dutch Fisheries Organisation |
| Niels | Wichmann | NSRAC |