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General Assembly

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# ELEVENTH ANNUAL REPORT OF THE NORTH SEA ADVISORY COUNCIL

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# Introduction

The North Sea Advisory Council (NSAC) was the first Regional Advisory Council to be formed. The Advisory Council held its First General Assembly in Edinburgh in November 2004. This is the annual report on NSAC activities during 2014/15: to be presented to the Twelfth General Assembly at the Husa President Park Hotel, Brussels, on Wednesday 23rd September 2015.

The report summarises the various meetings held throughout the year. An overall summary of the principal issues discussed is also provided.

# Foreword from the Chairman of the General Assembly

During the year the members of the NSAC have continued to prepare for the introduction of the Landing Obligation for the demersal fisheries of the North Sea. We have continued to work with the Scheveningen High-level Group of Fisheries Directors. We have been invited to attend to present our advice at meetings of the High-level Group and its sub-groups but have not been invited to fully participate in an entire meeting. Moving forward, we would like to see this relationship with the Scheveningen Group develop into a more open and closer partnership arrangement. We do recognise however that the Scheveningen Group has accepted some of the advice NSAC has presented to them on limited phasing and a hybrid fisheries approach; both of which were included in the Joint Recommendation Discard Plan for Demersal Fisheries in the North Sea.

We see the Discard Plan as only a starting point. Beyond 2016 there will still be a great deal of further work needed to fully implement the Landing Obligation. We will continue to develop our advice and our members are currently considering TAC uplift, quota flexibility, monitoring, control and enforcement and the issue of potential choke species.

Our work this year has not been completely focused on the Landings Obligation. We have continued to develop management plans, within the context of a mixed fishery, for *Nephrops*, Brown Shrimp and Sea bass. We are also working with our members to produce advice on Pulse Fishing.

The implementation of the Marine Strategy Framework Directive is also an area of extreme importance to our members. Recently we have been working with Member States to assess the impact of proposed measures upon fishing and the ecosystem. We have also been working with Member States on management measures for Natura 2000 areas in the North Sea.

All of these subjects are extremely important to our members and during this year we have experienced a high demand to attend external meetings and have had to arrange additional NSAC meetings to develop and agree advice. All of this additional activity comes at a cost. Unfortunately we have seen no increase to our contribution from the European Commission or from Member States during the 11 years the NSAC has been operating. The financial position of the NSAC is now at a critical point and if additional funds are not found soon we will have to start to cut back on our activities. This may result in the NSAC being unable to produce advice on critical issues. This is occurring at a time where we had hoped that the introduction of a regionalised approach to management would increase stakeholder involvement.

Guus Pastoor

Chairman of the NSAC General Assembly

# Summaries of Meetings Held

## Eleventh General Assembly, Government Offices, Rosenbad 4, Stockholm, Sweden, 24th September 2014

The chairman Jan Willem Wijnstroom welcomed participants to the meeting including members, candidate members and observers. The General Assembly of the NSAC oversees and scrutinises the work of the Advisory Council. We were now entering a new era with the recent reforms to the CFP.

Jan Willem invited the Swedish Minister for Rural Affairs Eskil Erlandsson to address the meeting. Minister Erlandsson agreed that we were now entering a period of great change with the reforms to the CFP. There would be many challenges but many opportunities. Countries were now cooperating in the North Sea through the Scheveningen Group. The North Sea Advisory Council had existed for a decade. Its advice had supported decision taking at many levels. The North Sea States must now engage in a constructive dialogue with the NSAC. The input from the Advisory Council would be especially valuable in the preparation of discard plans for the North Sea, Skagerrak and Kattegat.

Jan Willem Wijnstroom stepped down as chairman of the General Assembly. There was applause and thanks for Jan Willem on his retirement as chairman. Guus Pastoor of the European Organisation for Fish Processors and Wholesalers was elected as the new chairman.

The rapporteur, Tony Hawkins, gave a presentation on the work of the past year. The key topics that had been discussed included:

* North Sea Cod; TACs for 2014; Cod Management Issues; Development of a new Cod Management Plan
* Implementation of the Landing Obligation – the Discard Ban; Preparation of a NSAC “Vision” document; Discussion of discard plans
* Revision of the NSAC Long Term Management Plan for *Nephrops* – a Fishing Plan for the Farne Deeps; Discussion of the Fladen Ground; Development of *Nephrops* Advice for 2014/15
* Response to the Dogger Bank Teesside A & B draft Environmental Statement; Wind farm proposals for the Dogger Bank
* The Omnibus Regulation
* Development of a new framework for technical measures in the reformed CFP
* Mixed Fishery Plans; Changing ICES advice - the management of mixed fisheries taking account of multi-species interactions
* The proposed prohibition on Drift Net Fisheries
* Electrically pulsed fishing gear
* Engagement with the Group of North Sea Fishery Directors – the Scheveningen Group
* Fishing Opportunities for 2015

The Audited Accounts for 2012-13 were approved and the Finance Report for Nov 2013 – August 2014 was noted. An update was provided on the deficit, which had arisen because earlier expenditure of the Advisory Council had failed to comply with retrospective Commission rules. The Work Plan together with the 2014-15 Budget was approved. Several small changes to the Rules of Procedure were also approved.

Dr German Jeub, Chair of the Scheveningen Group gave a talk on the work of the Scheveningen Group, which provides the framework for regional coordination of North Sea Member States. The coming year would be dominated by discussion of the Landing Obligation. The Group would have to prepare joint recommendations for discard plans. Preparatory work had started on drafting recommendations for a discard plan for the demersal fisheries. Regionalisation was a particular feature of the reformed CFP and consultation with the Advisory Councils was seen as an opportunity to involve stakeholders at an early stage. However, consultation did not mean a permanent seat on the High-level Group nor at any technical group meeting. Niels Wichmann, the chairman of the Executive Committee, suggested that the NSAC did require a closer relationship with the Scheveningen Group than was being provided through the current arrangements.

Client Earth was presented for approval as a Member of the General Assembly and membership was agreed. Nominations for membership of the Executive Committee had been received for Client Earth, the Marine Conservation Society and the Environmental Defense Fund. All three organisations were approved for membership.

## Executive Committee Meeting, Government Offices, Rosenbad 4, Stockholm, Sweden, 23rd and 24th September 2014

Peter Hopkins provided an update from the European Commission. It was hoped that proposals for a mixed fishery plan for the North Sea could be tabled by mid-2015. The key stocks involved were likely to be plaice, sole, cod, haddock, whiting and saithe, with perhaps other species like turbot and *Nephrops* also included. It was hoped that the mixed fishery plan might mitigate some of the consequences of the Landing Obligation.

At the forthcoming EU/Norway negotiations neither a new cod management plan nor sole/plaice plan would be coming forward and the meeting would therefore concentrate on TAC setting. A 20% reduction was required under the existing cod management plan, but this might not be the best thing to do as fishing mortality had been declining progressively for cod. Fishers were pleased that a pragmatic approach was being taken towards cod. However, some were concerned about the effort restrictions that still remained from the cod management plan. On the sole and plaice plan, it was pointed out that fishing was still being cut under the plan although circumstances had now changed. There was a need to move on to phase two of the plan.

Peter Hopkins was asked about progress with the Omnibus Regulation, which would probably not be adopted by the 1st January, when the Landings Obligation came into force. If the Omnibus Regulation was not agreed by then there would be conflicting technical rules. Fishers were concerned that the Commission still intended to implement the Landing Obligation even if the essential Omnibus Regulation had not been put in place. Peter replied that the Commission was also disappointed that the Omnibus Regulation had not yet been approved and would be seeking solutions to the problems likely to arise from the delay.

Poul Degnbol gave a briefing on future work within ICES. A risk-based approach to by-catch species was being discussed with the Commission. With low-risk stocks there was no immediate need for regulation. High-risk stocks might be dealt with by technical measures, as it would be better to avoid catching them rather than set TACs.

STECF had been asked to evaluate discard issues, amongst which is the survivability of different species. ICES scientists were working on the estimation of survival of discarded fish. They had provided guidance and best practice for discard survival studies and would now review current estimates of discard survival, as this would be important for implementation of the Landing Obligation.

The idea of Fmsy as a range rather than a point value, originally suggested by the NSAC, would now be incorporated into the new mixed fishery plans. ICES would advise on candidate ranges, limited by precautionary reference points. There was a need for a new advice format, addressing a wider range of fisheries issues. With respect to the Marine Strategy Framework Directive, the Commission was currently reviewing its earlier decisions on descriptors, especially for D3 (fish stocks), D4 (food webs) and D6 (benthic habitats). ICES were also trying to involve wider interests.

At the meeting Michael Park and Christine Absil were re-elected as the ExCom vice-chairs. The three Working Group Chairs were re-elected (Demersal WG, Barrie Deas; Skagerrak and Kattegat WG, Carl Jesper Hermansen; Spatial Planning WG, Euan Dunn). The bid from Loughine Ltd (Dr Anthony Hawkins) for rapporteur duties was accepted. The bid from Elle Dee Projects (Lorna Duguid) for the Secretariat role was also accepted. The draft Work Plan for 2015 was agreed and was passed to the General Assembly for approval together with the draft Budget for 2014-15.

A draft paper on Fishing Opportunities for 2015 from the NSAC was approved and would be forwarded to the Commission.

The *Nephrops* Focus Group had made further progress in developing the Long Term Management Plan. The draft plan had gone out to peer-review and responses had been received from three reviewers. Their comments had been very positive. However, they had commented that the Bbuffer concept should be defined more fully as this was a new concept and not everyone would be familiar with it.

The Demersal Working Group had produced a draft advice paper to deal with the problems arising from the poor state of the Farne Deeps functional unit, and to forestall the setting of TACs for the functional units by the Commission. The paper proposed a Fishing Plan for the Farne Deeps that included provision for an “of which no more than” measure once the Fishing Plan was triggered. A number of members were not happy with the advice paper. Provision was required for lifting any measures once the stock had recovered. More detail was also required on the management plan provisions for triggering and lifting management measures before this advice was finalised.

A Focus Group had been set up to deal with the Landing Obligation and would now meet to consider the questions put to the NSAC by the Scheveningen Group. A paper on phasing of the discard ban had been prepared for further discussion. The NSAC would be represented at the next meeting of the Scheveningen Group by both fishers and eNGOs.

The Pulse Fishing Focus Group would meet in November to discuss the application of this new fishing gear in the flatfish and shrimp fisheries. There was a need to summarise the information already acquired, and to address the sustainability of this new fishing gear. There was also a need to address the impact it would have on the total capacity of the fleet.

It would be necessary to prepare advice on sea bass. A workshop had been held in Dublin, organised by the Advisory Councils, to look at sea bass, and candidate measures for conserving stocks had been discussed. A range of different perspectives had been presented and it was not yet clear whether the Advisory Councils would be able to reach a common position on sea bass. The Commission intended to put forward its own proposals.

Last year the NSAC had reached consensus on its advice on cod management, recommending a 10% increase in the cod TAC rather than a rollover of the previous TAC. A small balanced group would now meet to consider the issues arising from current advice on the management of cod and report back the NSAC.

The Skagerrak & Kattegat Working Group had discussed a NSAC response to the proposed EU ban on drift nets and had prepared a letter for the Commission asking it to revise its position on this issue and re-open consultation.

Recent developments with regard to the designation of Natura 2000 sites for the Dogger Bank were discussed. There was a need for further coordination between Member States. The proposed management measures were also due to be discussed at a future meeting of the Scheveningen Group.

## Landings Obligation Focus Group, Doubletree Hotel, Amsterdam, 7th October 2014

The purpose of the meeting was to develop NSAC advice on the implementation of the Landings Obligation in the North Sea. Member States had not yet reached agreement on defining the fisheries and deciding upon phasing. Defining the fisheries was a key issue. It was intended that a paper would be developed by the NSAC setting out the pros and cons of a *species* based approach; a *fisheries* based approach; and a *hybrid* approach. Some participants thought that all the key species should be brought into play in the first year. Others preferred the phasing in of species as experience was gained progressively. Additional issues thrown up in the discussions included the application of quota uplift to fisheries.

It was decided that any decisions on *de minimis* exemptions would be deferred until later. We would, however, modify the draft paper to include the different views expressed on high survivability. The important point was to avoid any increase in fishing mortality through the landing obligation. As we might wish to include skates and rays among the species with high survivability we should flag this up with Member States, so that experiments on survival were given priority for these species.

A project had been launched by the European Fisheries Control Agency to control, monitor and evaluate compliance with the Landing obligation and promote the accurate recording of discards. The NSAC wished to hear more from the Scheveningen Control Experts Group on the documentation of catches. So far, the NSAC had been excluded from attending meetings of this Group

The Scheveningen Group would like the NSAC to specify Minimum Conservation Reference Sizes for different species. However, we needed to discover why MCRSs need to be set, and on what basis they might be decided. We would ask the Commission to arrange a seminar on the setting of MCRSs, to involve processors, marketing people and fishers.

The Commission and some individual Member States might wish to carry out their own impact assessments of the Landing Obligation to evaluate whether discards had been reduced and to assess the overall impact of the policy, including impacts on the science base. The NSAC would closely monitor any impact assessments. We would also ask the Commission whether scientific data was being collected on defining disproportionate handling costs, which have a bearing on the *de minimis* exemptions.

The NSAC would need to look more closely at the issue of choke species in order to provide advice on this issue to the Scheveningen Group.

## Mixed Fishery Plan Focus Group, DoubleTree Hotel, Amsterdam, 8th October 2014

The Focus Group meeting was convened to develop and draft advice from the NSAC on the Commission’s proposals for a mixed fishery plan for the North Sea. A Scoping Meeting had been held by the Commission to discuss its proposals for the North Sea demersal fisheries in Brussels on 29th and 30th September. ICES would now provide advice on mixed fishery assemblages in October, the Commission would undertake a socio-economic assessment and then finalise a proposal during the second half of 2015.

It was pointed out that the Landing Obligation was going to have a major effect on all management plans. Developing a mixed fishery plan before the details for the implementation of the landing obligation were finalised would be very difficult. Three key issues had emerged from the scoping meeting: (1) dealing with cod; (2) Incorporating measures for dealing with by-catch species and species of lesser importance to the fishery; and (3) defining the areas to be covered by the mixed fishery plan.

All three of these issues were discussed, but without consensus being reached. It was noted that Fmsy ranges were to be used in TAC setting and that the mixed fishery plan would be quite simple, consisting of only six main stocks: cod, haddock, whiting, saithe, plaice and sole. There was concern that the plan would fail if it absorbed cod on the same basis as the other species. Fishers feared that the treatment given to cod within a mixed fishery plan could spell disaster for other fish stocks. Changing the MSY timeline for cod offered one way of resolving this tension.

With respect to by-catch stocks, some might be dealt with through TACs and MSY targets but others were not capable of being handled through TACs. Their catches would have to be monitored and safeguards included within the plan to prevent them falling outside safe biological limits.

The plan should be a core North Sea plan that would not incorporate peripheral areas because of jurisdictional difficulties. But there would need to be coherence with plans in adjacent areas with respect to shared stocks.

An outline paper would be prepared following the meeting for discussion at the next Demersal Working Group, focussing on defining the main issues. In the meantime additional work would be carried out in the three areas defined by the scoping meeting in an attempt to reach a consensus position. Three groups would look at these areas to put flesh on to our proposals.

## Spatial Planning Working Group, Martins Hotel, Brussels, 11th November 2014

There had been very close discussions with Forewind on their Dogger Bank proposals. Forewind had now been given planning consent for their wind farm developments. Creyke Beck would be the first stage of development in the Dogger Bank Zone. Creyke Beck A would be located in the southern part of the designated area. Creyke Beck B would be located in the western part of the area, and would be larger. These constituted the largest offshore renewable energy developments ever to receive planning consent in the UK.

There was disappointment that the development of a coordinated Dogger Bank fisheries management plan had been delayed, and the Working Group was not able to discuss this topic further. There were differences of opinion between the Netherlands on one hand, and the UK and Germany on the other. New Belgian proposals were coming forward that would also need to be discussed by the group.

The meeting discussed a paper on stakeholder engagement in spatial planning. The future of the Spatial Planning Working Group needed to be reviewed. Guidance was required on the nature of the advice to be provided to the NSAC. Members were invited to send suggestions to Euan Dunn on issues they would like the group to discuss.

## *Nephrops* Focus Group, Martin’s Hotel, Brussels, 11th November 2014

The draft management plan for *Nephrops* had been sent out to three peer reviewers, and their comments had been received. Those comments had been addressed at a small drafting group meeting in Aberdeen on the 27th October and the plan had then been revised.

The peer reviewers had put forward a number of suggestions. Some of these had been minor corrections and comments, but there were three major issues raised. The first of these was the compatibility of the plan with the Landing Obligation. Although the plan referred to this new development, the impact of the discard ban upon management measures for Nephrops required clarification. The plan had now been revised to deal with the Landing Obligation. In particular, the question of the survivability of discarded *Nephrops* was now addressed.

The second point raised had concerned the compatibility of the *Nephrops* Plan with the mixed fishery plan being developed for the North Sea. That plan would deal with the overall fisheries, including the *Nephrops* fishery, setting the ranges of Fmsy for the different species. However, in the North Sea *Nephrops* was divided into a number of separate stocks, defined by areas of appropriate substrate – the so-called Functional Units (FUs). ICES and others had suggested that these FUs required their own management measures. Our *Nephrops* plan was built around the concept of developing and implementing Fishery Plans for each of the FUs.

The third comment of the peer reviewers had concerned the definition of Bbuffer. The plan suggested the use of a Bbuffer value, set above Btrigger, to signal when to start taking action in the case of a deteriorating FU. It was felt that the definition of Bbuffer and how it was to be determined needed to be spelled out in more detail. At the Executive Committee meeting in September it had been agreed that more detail was required on the management plan provisions for triggering and lifting management measures.

At the drafting group meeting in October these issues had been discussed, and alternative text had been proposed and then subsequently inserted. In addition, the scientists present had agreed to discuss the definition of Bbuffer within an ICES Working Group on *Nephrops* that had then taken place at the end of October. They had then come forward with a new definition, which had been inserted into the revised plan, together with an annexe that described the different options in greater detail.

After further discussion of various points it was agreed that the draft Management Plan would now be discussed at the Demersal Working Group, amended, and then returned to the Executive Committee for approval

Draft advice had also been prepared by the Focus Group on the management of *Nephrops* stocks in the North Sea, especially in relation to the Farne Deeps fishery. Approval of the advice had been held up at the Executive Committee by a request that an exit strategy be inserted. Those changes had been made and the paper was now ready to go forward to the Executive Committee for approval.

It was agreed that an amended advice paper on the Management of *Nephrops* stocks in the North Sea would be forwarded to the Executive Committee for approval. If approved, the paper would then be submitted to the Commission along with the Long Term Management Plan for *Nephrops,* with the suggestion that consideration be given to implementation of the Long Term Management Plan in 2016, including the development and agreement of a Fishing Plan specifically for the Farne Deeps, pending resolution of any quota distribution problems.

## Demersal Working Group, Diamant Conference Centre, Brussels, 12th November 2014

A position paper on the proposed drift net ban had been modified, approved by the Executive Committee and submitted to the Commission. NSAC advice on Fishing Opportunities for 2015 had been finalised through written procedure, approved by the Executive Committee and sent to the Commission. However, the NSAC had failed to reach agreement on the advice to be given on the cod TAC. The Commission’s own proposals had now been received and these would be going to the EU/Norway negotiations and to the December Council. Arguments about cod were likely. In the context of the Mixed Fishery Plan, advice on F ranges was expected soon and this might affect future discussions on cod. It was agreed that the NSAC needed to retain contact with scientists to help members follow the developing concepts with respect to the management of mixed fisheries.

The Vision Paper from the NSAC on the Landing Obligation had been well received. Work now had to begin on the detailed implementation of the Landing Obligation, focussing on points identified by the Scheveningen Group. The Focus Group that had met on Amsterdam in October had not made much progress in achieving consensus on the various issues. A draft position paper had been prepared listing the pros and cons of different approaches. Members of the NSAC would be attending the Scheveningen Technical Group meeting in November and would say something about the process being adopted by the NSAC in providing advice on a discard plan for the North Sea. However, we had not yet reached a common view. The NSAC would try to produce an agreed paper for the December Scheveningen High-level Group by holding a drafting meeting in London at the end of November. Our advice would initially concentrate on defining the fisheries and on phasing.

The Commission was considering a new framework regulation on technical measures. Dominic Rihan provided an overview of the discussion document that had been circulated. The NSAC had previously submitted advice on technical measures, in response to the last consultation. The Commission was moving in the direction we had advocated. The NSAC would now prepare comments on the proposals from the Commission to consider Catch Metrics and Selectivity Profiles in preparing the new Technical Measures Regulation. Danish fishers would take the lead in preparing draft advice for consideration at the next Demersal Working Group.

The Commission had outlined its proposal for a mixed fishery plan for the North Sea One key feature was the setting of Fmsy ranges rather than a single point target. Also, how could cod be handled without affecting other stocks? And how should by-catch stocks be treated? Work by the NSAC to suggest a timeline for achieving MSY for cod would continue and a NSAC advice paper on a mixed fishery plan for the North Sea would be taken forward. The paper would also consider by-catch species.

The *Nephrops* Focus Group had put its Long Term Management Plan (LTMP) for *Nephrops* out to peer review and had now amended the draft to take account of the comments received. It would now go to the Executive Committee for approval before being forwarded to the Commission and Member States. Draft advice on the future management of *Nephrops* stocks, especially within Farne Deeps, had also been developed. Following further amendments by the *Nephrops* Focus Group, and approval by the Executive Committee, it was intended that the advice would be submitted to the Commission and Member States, alongside the updated LTMP, with the suggestion that a Fishing Plan should be developed specifically for the Farne Deeps, pending resolution of any quota distribution problems.

With respect to sea bass, a number of suggestions had come forward from stakeholders, aimed at providing a good foundation for a management plan for this species. However, that work had now been overtaken by a Commission proposal for catch limits, effort controls, and bag limits for sea bass. The NSAC would continue its joint discussions on sea bass with the NWWAC.

A meeting about Aligning Spurdog Management with the Landing Obligation under the Reformed Common Fisheries Policy had been held by Defra. The report from the meeting would be placed on the NSAC website.

John Pope gave an update on the EU funded MAREFRAME Project which dealt with multi-species issues. Members were asked to comment on questions posed by John Pope with respect to the Project.

## Pulse Fishing Focus Group, IJmuiden, 17th November 2014

The Focus Group met in IJmuiden to review and consider the latest information about Pulse Fishing and consider the NSAC position regarding this fishing method. Information was exchanged about the application of this method in both the flatfish and shrimp fisheries. An overview of the discussions would be prepared; setting out questions and concerns about the fishing method and what further research the NSAC felt was required. A preliminary draft was discussed further at a Webex Meeting in January 2015 and a paper subsequently submitted to the Demersal Working Group.

## Landing Obligation Focus Group, Mary Sumner House, London, 26th November, 2014

The outcome of the meeting was an updated version of the Landings Obligation advice paper on phasing the Implementation of the EU Landings Obligation for the demersal fisheries of the North Sea.

## Skagerrak and Kattegat Working Group, Danish Fishermen’s PO, Copenhagen, 28th November 2015

The Working Group discussed the ongoing negotiations between EU and Norway from all relevant aspects, especially as regards cod in the Skagerrak and also shrimp.

There was also discussion of the situation on closed areas in the Kattegat. Since there was now a new minister in Sweden the Danish minister had made contact to discuss the future of the closed areas. However, full discussions had not yet taken place. A court case on the closed areas had yet again been postponed.

Other topics discussed included work done by a NSAC drafting group on the phasing of the Landing Obligation, the improved state of fish stocks in the Kattegat, sand extraction in the Öresund, and the MSC-certification of plaice in the Skagerrak.

## Landing Obligation Drafting Group, London, 19th January 2015

A small drafting group of the Landings Obligation Focus Group met in London. The outcome of the meeting was a paper providing further comments on the implementation of the EU Landing Obligation. The paper provided advice on other issues that related to the preparation of a discard plan for the North Sea demersal fisheries. The issues now addressed were:

* Provisions for *de* *minimis* exemptions
* Exemptions on the basis of high survivability
* Documentation of catches
* Fixing of Minimum Conservation Reference Sizes
* Identification of potential indicators for future impact assessments

## Pulse Fishing Focus Group, held by WebEx, 23rd January 2015

Group members had submitted papers highlighting their outstanding questions and concerns that they felt had not been addressed at the meeting on the 17th November. French fishers questioned the legality of issuing licences to undertake pulse fishing. Client Earth had similar questions regarding the legal basis of the licensing and scope of the pilot projects. They would like clarification as to why the Dutch Government had felt it was necessary to increase the number of licenses. The Dutch government would be asked to provide information on this.

It was also questioned whether the level of discards would be significantly reduced by pulse fishing. The interpretation of the results on this would be reconsidered, focusing on identifying significant changes in the levels of discarding rather than catch composition.

Others were concerned about the impact of pulse fishing for shrimp, and the effects of pulse fishing upon benthic communities, which was of particular interest to English fishers.

It was agreed that a list of these questions would be compiled, based on the papers submitted and comments during the meeting. These would be submitted to the Dutch Government, IMARES and the Pulse Fishing Steering Committee.

An update would be provided to the Demersal Working Group, setting out what still needed to be done. This would include the need to produce advice on the technical details of pulse fishing, identify additional research that we considered was required and stress the need for assessments of the impact on affected areas.

## Demersal Working Group, DGI–byen, Copenhagen, 4th February 2015

Representatives of the NSAC had attended a meeting of the Scheveningen Technical Group on the 25th November to discuss progress in developing advice on a discard plan for the North Sea. Subsequently, an advice paper on the Landing Obligation had been prepared at a drafting group meeting in London on the 26th November. The adoption of both a *species* approach and a *fisheries* approach to the Landing Obligation had been discussed at the drafting group meeting. The advice paper had been agreed by a majority of the Executive Committee. The paper had endorsed a *species* approach, but with a statement of minority positions. The paper had then been submitted to a subsequent meeting of the High-level Scheveningen Group in December. Some members of the Scheveningen High-level Group had expressed a view that a *species* approach was not compatible with Article 15 of the basic regulation. A further drafting group meeting had therefore taken place on the 19th January and a new advice paper on phasing had been prepared for consideration by the NSAC. This reiterated the view that a *species* approach was by far the most coherent way of phasing in the Landing Obligation. However, it also attempted to recast the *species* approach to fit the definitions of fisheries provided in Article 15.

The evolving position of the NSAC had been explained to the Scheveningen Technical Group on the 27th January – including a description of the hybrid *species/fisheries* approach that had considered (although with some misgivings). The technical group had appeared to have a good understanding of the issues and pitfalls associated with defining fisheries, and the risks that a *fisheries* approach posed for quota uplift. However, no consensus appeared to be reached at that meeting. It would seem that the High-level Group wished to retain its narrow interpretation of Article 15.

Two draft advice papers were presented to the Demersal WG; the first a revision of the earlier paper on phasing, and the second on exemptions and other aspects. The phasing paper developed the *hybrid* framework, in which some of the problems highlighted for the *fisheries* approach might be mitigated. After discussion it was agreed that the paper would reaffirm our original advice based on a *species* approach, with any minority positions stated. We would emphasise that any further attempts to devise a *hybrid* or *fisheries* approach ran the risk of opening up divisions within the NSAC.

A new paper dealt with exemptions on the basis of high survivability, provisions for *de minimis* exemptions, documentation of catches, fixing of Minimum Conservation Reference Sizes, and identification of potential indicators for future impact assessments. Following discussion it was agreed that the advice would be revised to reflect the views expressed, and it would then be considered again at the next Executive Committee meeting in March.

A paper had been received from the eNGOs setting out provisional views on the distribution of quota in relation to Article 17. The paper advocated a reward-system for creating incentives for those vessels that made an effort to reduce unwanted catches by changing to more selective gear. Other participants were invited to submit their comments on the paper.

Danish fishers had prepared a draft paper relating to the new framework regulation technical measures. Other participants were invited to submit comments on the paper.

The Long Term Management Plan for *Nephrops* had been revised and re-circulated. No further comments had been received on the latest version. A second *Nephrops* paper provided a specific plan for managing the Farne Deeps Functional Unit. It was suggested that there were one or two inconsistencies in the latter paper. However, following discussion both the *Nephrops* advice paper and the *Nephrops* Long Term Management Plan were agreed on behalf of the Executive Committee. They would now be sent to the Commission and Member States.

Two seminars had been held by the Commission to discuss a mixed fishery plan for the North Sea. A draft position paper had been prepared for the NSAC to consider. It was agreed that the NSAC would develop its ideas further through a Focus Group on a Mixed Fishery Approach to the North Sea Demersal Fisheries.

The Pulse Fishing Focus Group had met in IJmuiden in November, and a draft paper had been prepared that highlighted the benefits and risks of this fishing technique and listed questions to be submitted to the Dutch Government, IMARES and the Pulse Steering Committee. The Focus Group would meet again in March to finalise its advice.

It was agreed that the Brown Shrimp Focus Group needed to be revived.

The Commission had now put emergency measures in place for sea bass. The NSAC had participated earlier in an Inter-AC meeting held in Dublin on sea bass but a planned follow-up meeting had not yet taken place. We would connect with the other Advisory Councils to get things moving.

## Pulse Fishing Focus Group, Amsterdam, 5th March 2015

Following discussion of the history and legal aspects of the introduction of pulse fishing attention was focused on scientific research into this new fishing method. A number of questions raised by the NSAC were addressed, but not all of them were answered satisfactorily. These questions would need further consideration. The advice paper would be updated and presented to the next Executive Committee Meeting.

## Skagerrak & Kattegat Working Group, Fiskets Hus, Göteborg, 6th March 2015

The Working Group considered the outcome of the EU/Norway negotiations in February, which NSAC representatives had attended. The meeting had discussed the development of a long-term management plan for shrimp, with provision for real-time closures and technical rules.

Some cross-border control issues had been identified. However, Danish and Swedish fishers thought there were few problems and the rules did not need to change. It was thought that the implementation of the Landing Obligation was going to be very complicated in the Skagerrak. There had been an explosion in the numbers of cod in the Kattegat and discarding was taking place.

There was on-going discussion of closed areas in the Kattegat. There were also continuing pollution problems from a Swedish factory in the Kattegat and legal proceedings would commence in June.

## Mixed Fisheries Focus Group, Copenhagen Plaza Hotel, Copenhagen, 10th March 2015

The purpose of the meeting was to develop NSAC advice on the Commission’s proposals for a Multi-annual Mixed Fishery Plan for Demersal Fisheries in the North Sea. A Consultation paper had now been sent out by the Commission. In the meantime the NSAC had prepared a draft advice paper for further consideration.

Chris Darby guided the meeting through the scientific advice from ICES, which had been circulated to participants. Steve Mackinson, who was engaged in the GAP2 project case study, advised the group on the extent to which cutting edge scientific advice on multispecies and mixed fisheries might be incorporated into the NSAC advice.

It was evident that the Landing Obligation and now this proposal for a multi-annual plan, both posed major challenges for the NSAC. Member States were keen to hear our views on these proposals and we should continue to develop our own advice. We had prepared advice on mixed fishery plans and the ideas within the paper had been discussed at the Demersal Working Group. Comments made by the Focus Group would now be taken into account and the latest draft would be revised, and recirculated to participants. The new advice paper would then be presented to the Demersal Working Group in Paris in April.

## Executive Committee, Danish AgriFish Agency, Copenhagen, 11th March 2015

The NSAC had presented its latest advice paper on the phasing of the Landing Obligation, arrived at by majority decision (with a minority position described) to the High-level Scheveningen Group. The paper had proposed phasing species-by-species, breaking the clusters of species provided in Article 15 of the basic regulation. The High-level Group had told us that this approach was not possible. It had to be an approach based on defined fisheries. We had subsequently considered a hybrid approach and had discussed a draft paper setting this out at the last Demersal Working Group meeting. However, the Working Group had concluded that the hybrid approach would only lead to confusion and that we would stand by our original advice supporting a species-by-species approach. That decision had been recorded in a further draft document: with the minority positions appended. The Commission had seen that draft paper, and had suggested to the Scheveningen Group that the hybrid approach discussed in the draft paper might be worked upon further.

The draft paper on the Implementation of the EU Landings Obligation for the Demersal Fisheries of the North Sea on exemptions & other issues was now presented for adoption. There were a number of comments upon the text and it was agreed that changes would be made. The draft paper would be revised and would include minority positions as footnotes. The revised paper would be submitted to the Commission

Concern was expressed at the meeting that late comments on papers had been submitted, but had not received full consideration before the meeting. It was agreed that the procedures for submitting comments and agreeing on papers would be discussed at the next meeting of the NSAC Directors. Concern was also expressed that the Commission had circulated what had been a draft paper to the Scheveningen Group.

The revised paper from the NSAC commenting on the Commission’s proposal for the Development of a New Framework for Technical Measures in the Reformed CFP was adopted without further change. It would now be submitted to the Commission

A Focus Group had met to discuss the draft advice to the Commission on its proposals for a Mixed Fishery Plan for the North Sea Demersal Fisheries. A draft advice paper would be sent out for comment before the end of March. The paper would then go to the Demersal Working Group meeting in April. The Commission’s latest consultation paper on a mixed fishery plan had asked a series of questions. A group would be convened to consider those questions and to prepare a second advice paper if necessary.

A further meeting of the Pulse Fishing Focus Group would be held to discuss and develop the advice further.

Cristina Morgado presented an update from ICES, including an overview of the plans for 2015. The new format of ICES advice would address fisheries issues; integrate with ecosystem advice; introduce simplification; seek multiple communication avenues; and would aim to achieve greater efficiency. For each ecosystem there would be ecosystem overviews, taking the next steps towards an ecosystem approach to fisheries.

Erik Lindebo of the Environmental Defense Fund introduced a forthcoming publication: the EDF EU Discard Reduction Guide. The guide discussed different options that could be tailored to the diverse circumstances of fisheries in EU waters.

There was discussion of NSAC participation in a number of scientific research projects, including Gap2, Mareframe, Myfish and Discardless.

An application from BLUEFISH to join the NSAC General Assembly was approved by the Executive Committee. There was a problem over membership by the European Transport Workers Federation. The Commission had decided that this organisation had to be transferred from the “others” group to the Fishing Industry group. The NSAC now had one member too many in the latter group. The European Association of Fishing Ports and Auctions had not paid their membership fees, nor attended recent meetings, and it was agreed that they would therefore be removed from membership.

## Brown Shrimp Focus Group, World Trade Centre, Amsterdam, 31st March 2015

The NSAC had agreed to resurrect the Brown Shrimp Focus Group, as it was believed that the fishery was entering a new phase. The Group also wished to comment on the ICES advice from 2014.

It was agreed that improvements were needed in the management of brown shrimp. However, there was a general wish to stay away from Brussels management as much as possible and develop a system of adaptive management. The Focus Group would produce draft advice on brown shrimp for consideration by the Demersal Working Group and this would then go to the NSAC Executive Committee for approval.

## Demersal Working Group, CNPMEM Offices Paris, 14th April 2015

A paper had been sent to the Scheveningen Group re-emphasising the NSAC’s original advice on the phasing of the Landing Obligation, based on a *species* approach. The paper had included statements of the minority positions. At a meeting on the 25th March the Scheveningen Technical Group had agreed that species and gear categories would be used to define the fisheries. At a subsequent High-level meeting the Member States had agreed to go forward with this *hybrid* approach. Their approach was some distance away from our majority advice on a *species* approach but it did provided a significant degree of phasing. It was agreed that the NSAC would send them a short letter, acknowledging that the group had done the best that they could within the constraints, and supporting their adoption of a phased approach, but that we wished to engage with them further over a number of aspects. In particular we would wish to contribute to future discussions on exemptions, quota uplift, quota flexibilities, and other issues.

The text of a second paper on exemptions and other issues under the Landing Obligation had been revised and then discussed at the Executive Committee. Some members were subsequently unhappy that their minority positions had not been presented to their satisfaction. The paper had been recalled and re-formatted to fully incorporate minority positions.

Irene Kingma had submitted a discussion paper on Monitoring Control and Enforcement under the Landing Obligation. After considering the paper it was agreed that a small balanced group of members would use the paper as a basis for reaching consensus on advice on monitoring, control and enforcement.

Stella Nemecky introduced a Quota Uplift Conditions paper. The paper addressed Article 17 of the CFP and suggests giving preferential access to quota for fisheries that take up measures to reduce their environmental impact by changing to more selective gear and/or adopt cameras on board to improve monitoring. It was agreed that Stella would revise and resubmit her paper on Quota Uplift Conditions in the light of the comments received. The NSAC would then return to this subject at a future meeting.

Danish fishers had also prepared a draft paper on quota uplift proposals. There was some divergence of views and it was agreed that a small group would revisit the paper to see if there was common ground for providing NSAC advice.

The NSAC was still awaiting further information from the Commission on the overhaul of the Technical Measures Regulation.

Ian Kinsey of the Norwegian Fishermen’s Association was attending the meeting and asked that the Association be included as a full member of the NSAC, not just as an observer. As the European Commission regulates the Advisory Councils it was thought this might pose problems, but the NSAC would consider the request and seek advice from the Commission.

A Focus Group meeting had been held in Copenhagen in March to discuss a draft advice paper on a Mixed Fishery Plan for the North Sea Demersal Fisheries. Following discussion it was agreed that the paper would be revised and circulated to Executive Committee members for approval before submitting it to the Commission.

There would be a further meeting of the Pulsed Fishing Focus Group to reconsider the draft advice paper. The Brown Shrimp Focus Group would meet on May 19th to finalise its advice for presentation to the Executive Committee.

The *Nephrops* Long Term Management Plan had now been sent to the Commission and Member States for comment. A list of specific questions had been prepared for answering by STECF, and had also been sent to the Commission. The NSAC would write to Norman Graham, the chairman of the STECF technical group, to seek his assistance in ensuring that appropriate scientific expertise was available when the group considered the NSAC *Nephrops* paper.

The Commission had now put emergency measures in place for sea bass – mainly affecting the French pelagic fleet. The NSAC would continue its attempts to arrange a joint workshop on sea bass with the NWWAC. Members were asked to come forward with suggestions to assist with developing objectives and outcomes aimed at influencing the Commission’s thinking on measures to be applied to sea bass.

Irene Kingma gave a presentation on sharks and rays, and the priorities for management of the fisheries that catch them in the North Sea.

## Brown Shrimp Focus Group, Stichting De Noordzee, Utrecht, 19th May 2015

A drafting group had met to prepare an advice paper on brown shrimp for discussion. The group would recommend to the Executive Committee that there was a need to develop new management arrangements for brown shrimp and to begin drafting a management plan. Scientific support would be required. However, there was a need to consider whether the NSAC was the right forum to further develop the advice. A budget was needed if a scientific report was to be prepared on brown shrimp and authorisation was needed from the Executive Committee to continue the work. Member States would have to provide support to the NSAC to complete this work, with mainly the Dutch and Belgian authorities involved.

## Pulse Fishing Focus Group, Stichting De Noordzee, Utrecht, 19th May 2015

The Focus Group met to prepare a new draft of the Pulse Fishing Advice paper. The paper was developed further as a result of discussions at the meeting and subsequently submitted to the Demersal Working Group.

## Skagerrak and Kattegat Working Group, Danish Fishermen’s PO, Copenhagen, 8th June 2015

The main features of talks between the EU and Norway at a meeting on management plans at Lofoten in May 2015 were discussed. Management plans for cod, saithe, haddock and shrimps had been examined. Furthermore, the EU had informed Norway of its new management strategies, with ranges of fishing mortality options included in plans. The meeting also discussed the regionalisation within the “new” CFP. The Working Group discussed relevant aspects of what occurred at the meeting.

The Working Group also discussed a joint letter entitled “Fishing across the border between the EU and Norway in the Skagerrak” from the Danish Fishermen’s Association PO, the Swedish Fishermen’s Federation and the Norwegian Fishermen’s Association to the Ministry of Trade, Industry and Fisheries in Norway, the Swedish Ministry for Rural Affairs, the Ministry of Food, Agriculture and Fisheries of Denmark and the Commission, DG Maritime Affairs and Fisheries. The letter had advocated maintaining the present regime, or making as few changes as possible.

The main features of the recently received Joint Recommendation of the Scheveningen Group for a Discard Plan for the Demersal Fisheries in the North Sea were discussed. Two particular issues were considered; (1) the implications of reducing *Nephrops* minimum size (MLS/MCRS) in the Skagerrak and Kattegat and (2) Gear effects on the mortality of discarded *Nephrops* in Swedish fisheries. The need for quota uplift was also discussed.

The state of stocks in the Kattegat was considered. Fishers felt that scientists were underestimating stock abundance. The Working Group would have to do more work on the cod situation in the Kattegat and the sole situation in the Skagerrak and Kattegat. The results from the cod and sole surveys in the Kattegat should be presented at the next meeting of the Working Group.

A group of experts from Denmark and Sweden had worked on the closed areas in the Kattegat. The outcome of that work would be published in the near future.

The shrimp population was in a very good condition, prices were good and recruitment to the stocks had been high. There was a discussion in the Working Group on proposals from Norway to introduce Real Time Closures in the fishery as well as to increase the minimum size for shrimp to 6cm. A new grid was being developed in Norway and they were very positive about promoting it. Work was continuing on developing a Joint Management Strategy.

## Executive Committee Meeting, Royal Scot’s Club, Edinburgh, 19th June 2015

The Scheveningen Group had now produced its Joint Recommendation for a Discard Plan for the Demersal Fisheries in the North Sea, and had submitted it to the Commission. It was noted that the NSAC had been able to participate in Technical Group meetings but participation in the High-level Group meetings had been limited. We had been present at their meetings but we needed a closer, more-interactive relationship with the group, similar to that experienced with STECF and ICES.

The discard plan recommended a hybrid solution to the Landing Obligation for certain species and gears for 2016. No solution for 2017 and 2018 had yet been set out so work would have to continue for those years.

The chairman, Niels Wichmann, had given a presentation on 29th May to the High-level Group. He was not able to present a consensus view on the draft discard plan due to short time constraints, and had pulled together a presentation representing the opinions of different interest groups The Commission was now looking at the Joint Recommendation, while STECF was now looking at high survival and *de minimis* exemptions. Quota uplift issues still had to be discussed. Some members were disappointed that they had not been consulted over what had been presented to the Commission on behalf of the NSAC.

There was agreement that the working relationship between the Scheveningen Group and the NSAC had not been as close as expected. The Group had declined our proposal that a Memorandum of Understanding should be drawn up. We should now try to improve our working relationship with them. The current Chairman, Mme Bigot had been invited to attend the NSAC General Assembly in September.

Despite limited access to meetings, however, the influence of the NSAC advice to the Scheveningen Group had been significant. They had adopted our ideas on limited phasing and their hybrid fisheries approach was close to NSAC thinking. If there had been more time our influence might have been greater. There were questions that still needed to be resolved for the North Sea demersal fisheries and work would need to continue on these over the autumn. The Commission had still to take decisions on implementation, including issues like quota uplift, quota, mixed fisheries, and the effort regime. We needed to stimulate the Scheveningen Group to continue working on these issues.

The April meeting of the Demersal Working Group had reached a consensus on mixed fisheries issues and an advice paper had now been submitted to the Commission. We were continuing our work on the Landing Obligation. Papers were also being prepared on: (1) Monitoring and Control; (2) the Commissions Communication on the approach to TAC’s and quotas for 2016 which included the quota uplift issue; and (3) Quota Distribution.

The Long Term Management Plan for *Nephrops* had been sent to the Commission with questions for STECF. The STECF had responded that they were unclear how the plan would sit alongside the framework of a multi annual mixed fishery plan, and they had expressed concern about duplication of process. They had agreed that the plan was a positive step towards sustainability and that it had demonstrated a consultative approach in its development. They were concerned, however, that the approach would not determine out-take levels at the Functional Unit level consistent with mortality rates at MSY. We would have to look at the plan again in the light of the STECF comments.

A Joint Advisory Council workshop on sea bass had been held in Paris on the 26th May. ICES advice was that stocks were in a very poor state. Emergency measures had been introduced by the Commission to prohibit fishing with pelagic trawls on spawning sea bass. There had been amendments to the TAC and quota regulations, and a bag limit had been set for recreational fishers. There was now a proposal pending on monthly catch limits for fisheries. A proposal to set the MCRS to 42 cm would be decided on 2nd July. The outcome of the Paris meeting was a table listing various points of view from stakeholders.

The Brown Shrimp Focus Group had prepared an advice paper, which would be discussed at the next Demersal Working Group meeting. The NSAC needed to take a decision on whether it should develop a management plan for the fishery.

The Pulse Fishing Focus Group had prepared an advice document following intensive discussions about this type of fishing. Some parts of the paper still had to be confirmed. The Dutch government was hosting a workshop on the 2nd July and the meeting was open for registration

The Skagerrak and Kattegat Working Group had discussed a meeting with Norway on management plans and regionalisation within the new CFP. Control and enforcement in the Skagerrak was a concern; countries currently have free access to each other’s waters without need for notification. If this were not maintained it would be difficult for fishermen. Fishing organisations had sent a letter to the relevant Member States requesting that the current regime be maintained.

There had also been discussion about lowering the MCRS for *Nephrops*, incentives to further increase selectivity, and quota uplift. Fishers in the Kattegat do not think that the latest ICES advice reflects the stock levels they are experiencing, especially for cod.

The Norwegian government want to increase the Minimum Landing Size of shrimp to 6cm, which the industry had protested against. They were looking at a grid to increase selectivity.

Within the Commission, Bernhard Friess had recently taken over responsibility from Carla Montesi for the North Sea, Baltic and Atlantic areas. The Commission had proposed a Mixed Fisheries Plan (MFP) for the Baltic a year ago; legislation for this should be finalised soon. The Council of Ministers had adopted the management plan and had reached the last step of the process, which involved discussion with the European Parliament to agree a final version of the plan. This process of legislation would have relevance to mixed fishery plans for other sea basins. Mr Friess presented elements of the plan that would be required for the North Sea. The management plan would cover all demersal fisheries in the North Sea and would replace the current cod plan system of effort management and days at sea. Member States, would agree detailed fisheries management arrangements, including technical measures. The objective of the plan was to meet Maximum Sustainable Yield. Where science to assess MSY was not available then a precautionary approach would be followed. It was hoped that a mixed fishery plan would avoid choke species by being more flexible.

A system of ranges (brackets) for fishing mortality targets would be set around the value of MSY. The authorities that determined quota would be given leeway to adopt whatever worked best within a fishery whilst keeping within sustainability objectives. There would be biomass safeguards; if biomass was falling below the precautionary level, measures would have to be taken and there would be an obligation to take action. One of the most important elements of the reformed CFP was through the regional implementation of legally approved management plans. The regional development of Discard Plans had been a very positive experience, moving to a situation where practical solutions had been agreed between Member States. Consideration could be given within the North Sea plan to ecosystem impacts, endangered species, gear design and sensitive species.

It was noted that Norway had indicated that it was not so keen on a mixed fish approach, and it might be difficult to make progress without their agreement. Bernard Friess was not aware, however, of any firm objections from Norway.

The Spatial Planning Working Group had continued to discuss Dogger Bank issues. The Dutch government had reconsidered its position and new proposals were coming forward.

Reports were received on research projects that the NSAC had engaged with, including GAP2, MAREFRAME, and Discardless.

A protocol had been prepared for the production of NSAC papers. The remarks made during discussion would now be taken into account and the protocol recirculated for approval.

The Secretary, Lorna Duguid, provided a financial update. She noted that there had been increased expenditure in travel and subsistence due to the higher number of people attending meetings, and the larger number of other meetings attended. We would have to be cautious with expenditure to the end of the year. If travel and attendance at meetings were to continue at current levels we would have to review membership fees. The NSAC Directors would discuss any such changes.

An application for General Assembly membership by Oceana was approved.

## Spatial Planning Working Group, Schiphol, 7th July 2015

The Dutch Government was proposing measures in order to meet their obligations under the Marine Strategy Framework Directive. The government had initiated a consultation process and any views from the Working Group would be fed back via the NSAC Executive Committee as part of the stakeholder process.

The Dutch government was drafting a policy document for the North Sea that would act as a draft spatial maritime plan. The government had an obligation under the MSFD to implement measures to achieve good environmental status. To achieve this they must work within the CFP and MSFD and the relationship between the 2 policies was very important. They were working with OSPAR to help them to implement the MSFD.

In addition to proposing two Natura 2000 areas (the Dogger Bank and Cleaver Bank) the government was considering additional protective areas to contribute towards seabed protection, namely the Frisian Front and the Central Oyster Grounds. It had not yet been agreed that they would become protected areas. The government wanted to find solutions in cooperation with stakeholders based on scientific information. A societal cost-benefit analysis (SCBA) was in preparation.

Until it was presented with a specific proposal for measures, the NSAC could not take a formal position. The information provided would allow us to consider what approach to take once something firmer was on the table. Individual stakeholders would continue with their respective responses to proposals once the Netherlands had a firmer position and NSAC would also consider any proposals and try to arrive at a joint position.

Ton IJlstra gave a presentation on the history and current position of the Dogger Bank discussions. The process had commenced in 2009 with discussions regarding fisheries and the Marine Protected Areas process. The Netherlands had discussed the Dogger Bank with Germany, Denmark and the UK. Formal consultations were held to find out if a collective protection plan could be developed for the Dogger Bank. All apart from Denmark wanted to adopt the Dogger Bank as a Natura 2000 site. In 2011 The Dogger Bank Steering Group had been established and stakeholders from the fishing industry, NGOs, scientists and observers from European Commission had been invited to participate. In May 2013 a text was adopted regarding protective measures. In December 2014 Dutch minister had decided not to agree with the Dogger Bank Steering Group proposals. However, in June 2015 the question had been debated again in the Dutch Parliament and in July the government had agreed to the Dogger Bank package.

Now that the Dutch obstacle had been removed the consultation required under Article 11 of the CFP had started. The DBSG Member States (minus Denmark) would propose to set up an ad hoc Natura 2000 Working Group within the Scheveningen Group. However, the role of stakeholders in the consultation process was not entirely clear. Currently the Advisory Councils only attend as observers at the working groups of the Scheveningen Group. The NSAC had proposed an MOU with the Scheveningen Group but this had been declined. It was important to agree terms of reference for future consultations.

Ton IJlstra described proposals for the Frisian Front and Cleaver Bank to fulfil obligations under the Marine Strategy Framework Directive. The conservation objective for the Cleaver Bank (underwater reefs) was to maintain and improve the quality of the area. Protection was required from the effects of intensive bottom trawling gear. He presented the proposed protected zones. Definition of the protected zones would be subject to ongoing political discussions. The Frisian Front was already a Natura 2000 area under the Birds Directive. The aim for the Frisian Front was to reduce the by-catch of birds in gill nets by prohibiting such gear from 1 June to 30 Nov each year. It was noted that the zoning proposed for Cleaver Bank was unacceptable to the Dutch fishing sector, and likely to trigger legal action. Seine-net fishing within management zones was still an outstanding issue.

The NSAC was being asked by Member States to participate in a number of stakeholder consultations. We could only participate if the issues were trans-national. However, often there was no agreed NSAC advice already in place and occasionally there was no possibility of a compromise being reached between the different interests represented on the NSAC. The NSAC would have to consider how to respond to stakeholder invitations on a case-by-case basis.

The NSAC had now been asked by Belgium to participate as stakeholders in relation to the proposed fisheries measures to be introduced in the Belgian part of the North Sea.

## Demersal Working Group, Scotland House, Brussels, 13th July 2015

Much work had been done by the NSAC on the Landing Obligation, and three advice papers had now been submitted. The joint recommendations from the Scheveningen Group were now with the Commission, and aspects of it were being evaluated by STECF. The NSAC now needed to consider other aspects of the Landing Obligation, including TAC uplift, quota flexibility, and control issues.

Concern was again expressed over relations with the Scheveningen Group. That group was not unified in its openness to stakeholder participation and some Member States wished to maintain a top-down approach. There was particular concern about the lack of cooperation from the expert Control Group. The NSAC needed clarity on its involvement with the Scheveningen Group and its sub-groups. A meeting was needed with the Scheveningen Group to discuss our relations with them and establish rules of engagement.

In terms of developing further advice on the Landing Obligation, it was agreed that a group should be convened, including scientists, to look at the avoidance of problems arising from choke species. However, currently the NSAC did not have funding for such a meeting. The NSAC would talk to the Commission about the need for the meeting, before assembling appropriate experts and taking this forward.

Scottish fishers would prepare a draft paper containing preliminary advice on dealing with choke species under the Landing Obligation. The paper would start with the Commission’s recent policy statement, the STECF advice, and the terms of the basic regulation, and would also take account of ongoing discussions within the Fisheries Council.

There had been several meetings of the Brown Shrimp Focus Group and a draft paper was now available for discussion. Comments on the paper were now required so that the paper could be amended and forwarded to the NSAC Executive Committee for approval. A covering letter to the Scheveningen Group would be drafted to accompany the paper.

The draft NSAC paper on Monitoring, Control and Enforcement would be developed further to provide substantive advice. It would make use of the report of the meeting held in Roskilde between the Advisory Councils and the Control Agency, and take account of the rolling review of the Control Regulation proposed by the Commission. Members were asked to send their comments and additions to the current paper to the Secretariat. A short letter would be sent to the Scheveningen Group, explaining our intention to produce a paper on MCE.

The NSAC draft Long Term Management Plan for North Sea *Nephrops* had been sent to the Commission. STECF had then been asked for their thoughts. The April STECF plenary report had been quite complimentary about the plan but had asked a number of further questions. The *Nephrops* focus group would meet in Edinburgh in September. It would consider the STECF’s comments, especially in relation to a Mixed Fishery Plan. It would also examine the immediate problems occurring in the Farne Deeps fishery.

An Inter-AC meeting on sea bass had taken place in May in Paris, but it had been difficult to reconcile all the different stakeholder views. The NWWAC had set up a focus group to deal with sea bass issues. The NSAC could seek observer status within that focus group, to integrate our work with theirs. In the meantime we would prepare our own draft paper, providing new advice on sea bass, to assist with the development of new management proposals.

The Commission had presented a paper on fishing opportunities for 2016. A major difference this year was acceptance of the need for quota uplift to deal with the Landing Obligation and the adjustments needed to TACs. A short paper would be prepared, highlighting any points of significance in the Commission’s paper, for discussion at the September Executive Committee.

Carmen Fernández presented the latest ICES advice. She described the basis for arriving at the management advice, and then provided detailed advice on the key North Sea species. A number of points arose during discussion. Local stock components of plaice in the Skagerrak cannot be distinguished and assessed separately. Catches in the Skagerrak should not increase to avoid local depletions. A new management plan was needed for plaice. There were problems with the way that the level of FMSY was arrived at for plaice. Also the assumption of zero survival of discarded plaice was likely to be flawed. Fishers were seeing stable recruitment of plaice and an increase in Spawning Stock Biomass, and yet the advice is for a reduction in fishing mortality. It was also pointed out that combined TACs should be allowed for species like witch and lemon sole as both these are by-catches in fisheries for other species. They were not being targeted. Carmen would take these points back to ICES.

There had been a Dutch seminar on pulse fishing on the 2nd July, and it was clear that it had already been influenced by the work of the NSAC Focus Group. The main issue now was how fishers wishing to use pulse gear could engage with the Scheveningen Group on the introduction of this new fishing gear. What impact assessments would be required? A small drafting group would be formed go through the draft paper on pulse fishing and prepare a new version with a few agreed amendments. Any additional comments from members should be forwarded to the drafting group.

## Pulse Fishing Focus Group, by Webex, 9th September 2015

The group discussed the development of the NSAC Draft Advice on pulse fishing, and preparations for a forthcoming presentation to the Executive Committee on the 22nd September. The paper noted that the catching of marine organisms using electrical currents was forbidden according to Article 31 of the Technical Measures Regulation. However, in December 2006 derogation from this ban had allowed fishing with beam trawls using electrical pulse current in parts of ICES divisions IVc and IVb, where no more than 5% of the beam trawler fleet per Member State was permitted to use the electric pulse trawl. This was the basis of the first licences granted to the Dutch fleet. In 2011, 20 more licences had been provided to the Dutch fleet under Article 43 of the Technical Measures Regulation, which related to scientific investigations. In 2014, 42 more licences were provided to the Dutch fleet in the framework of a pilot project under Article 14 of the CFP. This had brought the total number of licences granted to the Dutch fleet to 84. In the brown shrimp fisheries there are fewer vessels involved and as a consequence less data on the use of pulse trawls.

The benefits provided by pulse fishing were presented in the paper, together with perceived risks. Areas that required further investigation were identified. The paper concluded with a number of recommendations.

The paper would be revised before it was presented to the next meeting of the Executive Committee.

## Nephrops Focus Group, Edinburgh, 10th September 2015

The meeting discussed the relationship between the NSAC’s *Nephrops* LTMP and the new Mixed Fishery Plan being proposed for the North Sea by the Commission. Revision of the *Nephrops* LTMP would have to take place in the context of the Mixed Fishery Plan currently being developed. Decisions would be taken by the NSAC on whether there should be mention of the proposals for Fishing Plans for individual Functional Units within that Mixed Fishery Plan, and whether there was a need to specify Fmsy ranges for the individual FUs.

Specific management measures for *Nephrops* would need to be discussed with Member States through the Scheveningen Group. That group would be able send proposals for management measures to the Commission for implementation through specific regulations, once the mixed fishery plan had been agreed by the Council and Parliament.

The draft advice paper on the Farne Deeps would now be revised and commented upon by members of the Focus Group before it was forwarded to the Executive Committee for approval. It would suggest the adoption of an “of which no more than” approach for the Farne Deeps FU and recommend a 2-stage approach, pending the consideration of additional complementary management measures, and plans for dealing with the displacement of fishing effort. The advice would reflect concerns over quota availability but would not propose specific quota allocation measures. Proposals would be included for lifting the measures once the stock had recovered.

## Spatial Planning Working Group, Brussels, 22nd September 2015

The group discussed progress with actions from the previous meeting in relation to developments with respect to fisheries management measures for the Dogger Bank, and the implementation of the Marine Strategy Framework Directive through the establishment of other protected areas. Proposed Fisheries Measures in the Belgian region of the North Sea were also discussed.

# Summary of Key Advisory Activities

## Implementation of the Landing Obligation

Along with its reforms to the Common Fisheries Policy the EU had introduced a Landing Obligation, or discard ban. To allow fishermen to adapt to the change, the Landing Obligation was to be introduced gradually between 2015 and 2019 for all commercial fisheries (species under TACs, or under minimum sizes) in European waters. Under the Landings Obligation all catches would have to be kept on board, landed and counted against quotas. The Landings Obligation would be applied fishery by fishery. Details of the implementation would be included in multiannual plans or in specific discard plans when no multiannual plan was in place.

The NSAC became heavily engaged in 2013-14 in preparatory work for the discard ban. In August 2014, the NSAC submitted a Vision Paper to the Commission and Member States on the implementation of the Landing Obligation outlining how it considered that the new requirements should be implemented, within the specific conditions of the North Sea fisheries. The paper emphasised that the transition from the current arrangements to a fully-fledged Landing Obligation would be complex, difficult and painful for the fishing industry. No formal response to the paper was received from the Commission. However, the paper had been discussed and regarded as a useful contribution by the Scheveningen Group.

In December 2014 a paper on Phasing the Implementation of the EU Landings Obligation for the Demersal Fisheries of the North Sea was submitted to the Commission and to the North Sea cooperating Member States (through the Scheveningen Group) as they prepared their joint recommendation for a discard plan for the North Sea demersal fisheries.

The NSAC paper pointed out that the Landing Obligation represented the most profound series of changes to the Common Fisheries Policy since its inception. The NSAC considered that a phased, adaptive approach was a prerequisite for the transition to the full implementation of the landings obligation. A phased approach was necessary because of the extent and complexity of the changes proposed to well-established systems. Phasing was also necessary to limit the scope for adverse and unintended consequences, and to avoid fishers, shore-facilities, control and enforcement authorities, quota managers and Member State authorities being swamped by the scale and extent of the changes.

The NSAC concluded, by a majority decision, that a *species* approach should be adopted for phasing the introduction of the Landing Obligation in the North Sea demersal fisheries. Taking account of the needs of different fleets the NSAC advocated the following phasing:

* In 2016, the landing obligation will apply to haddock, sole and Northern prawn across all fisheries in the North Sea.
* In 2017, whiting, saithe and *Nephrops* will be added to the list above.
* In 2018, cod, hake and plaice will be added to the list above.
* By 2019, all other species subject to catch limits will be included, across all the fisheries in the North Sea.

The phasing would need to be complemented with firm commitments from Member States to:

* Fully implement existing and proven selectivity measures.
* Significantly expand Fully Documented Fisheries (FDF) coverage.
* Undertake more pilot studies and trials, co-financed by the EMFF, to develop new and effective measures and incentives in the lead- up to the implementation of the Landing Obligation for each species.
* Extend those pilot studies and trials to include the testing of innovative quota management approaches such as quota transferability, quota buffers, risk pools, etc.

The advantages and disadvantages of a *species* approach were discussed within the paper. The approach would provide the opportunity for fleets to trial new technical measures for species like whiting and plaice, and would allow more discard information to be gathered, quantified and verified from the different fleets catching cod, hake, and some other species. The phasing also allowed more time for survival studies, for example on *Nephrops* and some of the flatfish species.

Several member organisations within the North Sea Advisory Council registered minority positions with respect to the approach outlined in the paper including Rederscentrale (Belgium), Deutscher-Fischerei-Verband (Germany), and the Scottish Fishermen’s Federation/Scottish Fishermen’s Organisation. The position of the Scottish Fishermen’s Federation/Scottish Fishermen’s Organisation was presented in an annexe to the paper.

The advice on phasing was submitted to a meeting of the High-level Scheveningen Group in December. Some members of the Scheveningen High-level Group expressed a view that a *species* approach was not compatible with Article 15 of the basic regulation. At a NSAC drafting group meeting in January an additional draft note on phasing was therefore prepared. This reiterated the view that a *species* approach was by far the most coherent way of phasing in the Landing Obligation. However, the paper also attempted to recast the *species* approach to fit the definitions of fisheries provided in Article 15. The Commission had noted the draft paper and had indicated to the Scheveningen Group that the hybrid approach outlined within it could provide a basis for a workable approach to implementing the landings obligation. However, the Scheveningen Technical group was by now working on its own métier-by-métier approach. At its meeting on the 25th March the Scheveningen Technical Group agreed that species and gear categories would be used to define the fisheries. At a subsequent High-level meeting the Member States agreed to go forward with this *hybrid* approach. Their approach differed from the NSAC majority advice but it did provided a significant degree of phasing, as requested by the NSAC.

New advice was then prepared by the NSAC, providing further comments on the Implementation of the EU Landings Obligation. The issues addressed included:

* Provisions for *de* *minimis* exemptions
* Exemptions on the basis of high survivability
* Documentation of catches
* Fixing of Minimum Conservation Reference Sizes
* Identification of potential indicators for future impact assessments

This advice paper was discussed at the Executive Committee meeting in March, adopted (together with statements of minority positions) and forwarded to the Commission and Member States.

The Commission replied that within the framework of regionalisation it was up to the Member States concerned to consider the NSAC’s recommendations and integrate them into their future joint recommendations. The Commission emphasised, however, that the NSAC’s engagement in the development of the joint recommendations was essential.

The NSAC responded to the recommendations on phasing that had been adopted by the Scheveningen Group by sending a short note stating that the recommendations were at variance with our majority advice, and that there would be adverse consequences from that. Nevertheless, we recognised that Member States had been constrained by the way the Regulation had been drafted. We would wish to engage with them further over a number of additional aspects of the discard plan.

Subsequently, the Scheveningen Group submitted its joint recommendations on a discard plan for the North Sea demersal fisheries to the Commission. The NSAC decided that it was necessary to continue to comment on aspects of the Landing Obligation, including provisions for TAC uplift, quota flexibility, and control issues. In particular, there was a need to look at the avoidance of problems arising from choke species, in order to minimise impacts on the fisheries. Expert advice would be needed and it was suggested that a workshop be held, including scientists. Currently, the NSAC did not have funding for this, but we would talk to the Commission about the need for such a workshop, before assembling appropriate experts and taking this forward. In the meantime, preliminary advice on dealing with choke species would be prepared. In addition, advice on Monitoring, Control and Enforcement would be developed further, together with advice on Quota Uplift conditions.

Throughout the process of engaging with the Scheveningen Group over the Landing Obligation NSAC members expressed concerns over the lack of formal arrangements for contact with the Group. The NSAC will be seeking a meeting with the Scheveningen High-level Group to discuss the improvement of relations with them and to establish appropriate rules of engagement.

## Long Term Management Plan and Advice for *Nephrops*

During 2013/14, attention was focused by the NSAC on refining a Long Term Management Plan for the North Sea *Nephrops* fishery. In the North Sea, *Nephrops* stocks are divided into separate Functional Units (FUs) for assessment purposes. Management is achieved through the setting of an overall TAC for the North Sea area, based on the aggregated abundance of *Nephrops* in the different FUs. A major management consideration for *Nephrops* stocks is whether management should be at the FU level rather than a North Sea level. Advice from ICES and STECF has been that current management of *Nephrops* in the North Sea (both in terms of TACs and effort) does not provide adequate safeguards to ensure that local effort is sufficiently limited to avoid depletion of resources in the FUs. Catches can be taken anywhere in the North Sea and vessels have the flexibility to move between grounds. This freedom, although it provides operational flexibility for fishing vessels, might lead to unacceptably high harvest rates from some of the FUs.

The LTMP developed by the NSAC proposes the following biological targets for the North Sea *Nephrops* fishery:

* To maintain the biomass of each FU at a sustainable level, above MSY Btrigger.
* To exploit *Nephrops* in the North Sea at a rate that is sustainable and consistent with Fmsy through the setting of Fmsy targets and limiting fishing mortality for each FU accordingly.
* A biomass trigger point (Bbuffer) should be set for each FU that will prompt a revision of the target value for fishing mortality in the event of a major change in stock size.

As the main management measure, a TAC should be set for the North Sea as a whole, consistent with the aggregated assessments for the individual FUs. Management at the FU level should be achieved not through the setting of individual TACs, however, but through the adoption of specific, defined, management measures for vulnerable FUs or for FUs for which there are few data.

The NSAC management plan suggested that Fishing Plans be developed for each FU. The first step in preparing Fishing Plan would be to ensure that full information relating to the state of the fishery, and the state of the resource was provided. Where information was lacking the Fishing Plan would be suitably precautionary. The plan would then consider how the *Nephrops* stock could be rebuilt in that FU, in a manner that was fair and equitable to all fishers – allowing participants in the fishery to continue fishing.

The NSAC had provided a draft Fishing Plan for the Farne Deeps; which had previously been identified as the most vulnerable FU in the North Sea. The NSAC consulted fishers and other stakeholders on a number of measures and came forward with an “of which no more than” approach, limiting the quantities of *Nephrops* to be taken from the Farne Deeps, as the best solution to the problems on that fishing ground.

The draft management plan for *Nephrops* was sent out to three peer reviewers, and the plan had then been revised to take account of their comments. Additional draft advice had also been prepared by the Focus Group, especially in relation to the Farne Deeps fishery. Approval of the plan and the advice had been held up at the September Executive Committee by a request that Bbuffer should be defined more completely, and an exit strategy inserted. The plan was subsequently revised, approved, and forwarded to the Commission and Member States. The advice on the Farne Deeps was not submitted.

The Commission replied in June that they had started to prepare a proposal for a demersal mixed-fisheries multi- annual plan for the North Sea. They were currently working on the impact assessment, which would examine different possible options for the outline of the proposal. The Commission would take the NSAC advice on *Nephrops* into account both in the context of the development of the new plan, and for the preparation of its proposals for fishing opportunities for 2016.

At the suggestion of the Commission a list of specific questions had been prepared for answering by STECF, and the NSAC had written to the chairman of the STECF technical group, to seek assistance in ensuring that appropriate scientific expertise was available when the group considered the NSAC *Nephrops* papers.

The STECF had responded that they were unclear how the plan would sit alongside the framework of North Sea mixed fishery plan. They had also expressed concern about a duplication of process in preparing management plans. They had agreed that the plan was a positive step towards sustainability and that it had the merit of having involved consultation with stakeholders during its development. They were concerned that the approach adopted would not determine outtake levels at the Functional Unit level consistent with mortality rates at MSY, this was something that the NSAC would have to look at again. They had agreed that the Bbuffer reference points would be consistent with the precautionary approach. They had mentioned that the absence of detailed information explaining how the plan would be put into practice was a flaw, as it was not possible to judge whether it would achieve CFP objectives. They had concerns about the setting of an overall TAC (which is how currently North Sea stocks are managed) and had suggested that there should be a limited out-take on each Functional Unit.

The *Nephrops* Focus Group met in Edinburgh in September to reconsider the development of the long-term management plan, especially in the context of the Mixed Fishery Plan being prepared by the Commission. The meeting also examined the immediate problems occurring in the Farne Deeps *Nephrops* fishery.

It was evident that future revision of the *Nephrops* LTMP would have to take place in the context of the Mixed Fishery Plan currently being developed by the Commission. Decisions would have to be taken on whether there should be specific mention of NSAC’s *Nephrops* proposals for Fishing Plans for the FUs within that Mixed Fishery Plan, and whether there was a need to specify Fmsy ranges for the individual FUs. It was considered that it might be better for the plan simply to provide for a global TAC for *Nephrops*. The mixed fishery plan would provide a legal basis for the regional management of *Nephrops* stocks within the North Sea. The NSAC would need to develop specific measures for *Nephrops* with the Member States. With the implementation of the Mixed Fishery Plan it was anticipated that the Scheveningen Group would be able send proposals to the Commission to implement additional measures through specific regulations. They would be able to support a system of Fishing Plans for the management of the individual FUs, and propose specific measures within those plans for consideration by the Commission.

In terms of advice on the Farne Deeps fishery, the draft advice paper would be revised and commented upon by members of the Focus Group before it was forwarded to the Executive Committee for approval. It would suggest the adoption of an “of which no more than” approach for the Farne Deeps Functional Unit and recommend a 2-stage approach, pending the consideration of additional complementary management measures, and plans for dealing with the displacement of fishing effort. The advice would reflect concerns over quota availability and effects on different sectors of the fleet, but would not propose specific quota allocation measures. Specific proposals would be included for lifting the measures once the stock had recovered.

## Development of a New Framework for Technical Measures in the Reformed CFP

During 2013/14 the Commission consulted on a new technical measures framework regulation that would take into account the reforms to the CFP. The implementation of the existing EU Technical Conservation Regulation (EC 850/98) had brought many problems. STECF, in evaluating the value of technical measures, had come to the conclusion that the overall effect of management measures had been a *reduction* in the average size of mesh size in use in the North Sea. The overall effect had been a shift of mesh size in the opposite direction to that intended!

The latest proposals, within a reformed CFP, were based on the principle of results-based management. The focus of past technical measures on regulating the inputs and specifying details of what can and cannot be used was now to be replaced by measures for achieving the intended and desired results. The NSAC fully supported this change in approach. However, by making a case for the retention of minimum common standardsat EU level, some members thought that the Commission was undermining the benefits that would accrue. Technical regulations were best achieved through fishery management plans, arrived at through discussions with stakeholders. In terms of presenting technical measures, it was time for the Commission, Council of Ministers and European Parliament to leave the stage. Co-decision taking was absolutely the wrong place for deciding on details of mesh size, net configuration or twine thickness.

In responding to the Commission’s consultation there had been general support across stakeholders and Member States for the broad approach outlined in the consultation paper (i.e. a move away from micromanagement and towards a regionalised, results-based approach). The Advisory Councils and industry groups had stressed the need for stakeholder involvement in developing technical measures as part of multiannual plans. They saw this as essential to the successful implementation of the landing obligation.

Following their initial public consultation, the Commission had circulated a second note in October 2014 highlighting two issues that required further discussion:

* The development of options for replacing mesh size and catch composition rules
* A review of existing closed areas.

At its Executive Committee Meeting on 11th March 2015 the NSAC approved new advice on these issues.

For the fisheries sector it was still questionable whether there was any requirement for a common EU Framework Regulation on technical measures. Those measures that were necessary could be decided on a regional level involving relevant stakeholders. The NGO and recreational angling representatives, however, believed that there was a need for a number of minimum common standards for technical measures, set within a common European framework.

The NSAC strongly supported the proposed move away from micromanagement and towards a results-based approach. Ideally, any measures that were necessary should be decided at a regional level in a relatively fast and efficient way in accordance with the basic regulation. Regional measures should be developed in consultation with the Advisory Councils: There was scope for technical measures to be tailored to specific fisheries at a regional level; through, for example, multi-annual plans.

STECF had been asked to consider whether using *catch metrics* or *selectivity profiles* (or a combination of both) could be used as the basis of a results-based approach as an alternative to prescriptive gear-based or spatial measures.

There were risks in adopting such an approach. Introducing *catch metrics* would have a wider impact on national fisheries management. Furthermore, it was not at all clear how the introduction of *catch metrics* would affect the mind-set in the wheelhouse. The requirement for monitoring and documentation would create an additional burden for fishers. Pilot projects were needed to document the impacts and benefits of that type of measure before they were considered for implementation under the CFP.

The NSAC saw potential in the use of *selectivity profiles* for defining a baseline or default gear with a specific selectivity profile. This option would provide fishers with the flexibility to develop alternative fishing gears with demonstrated equivalent selectivity patterns, differing from those specified in the regulations. This was something that was frequently requested by fishers, and this approach would be one that would be relatively simple for both administrators and fishers to work with. However, a fast procedure for “certifying” that a modification to a gear did not jeopardize the selectivity profile of the gear would have to be an essential part of the arrangement.

The NSAC shared the view that the existing closed and restricted areas established through the CFP within the North Sea, the Skagerrak and the Kattegat should be reviewed to ensure that they had a sound conservation rationale and clear conservation objectives. Most of these areas had been established some time ago and there was only limited documentation of their objectives, and limited information on the degree to which their original objectives had been achieved. Such a review should of course take into account the impact that might be expected from reopening an area, or removing existing restrictions on fishing.

Even in the absence of clear scientific documentation it might sometimes make sense to establish temporal or spatial closures applicable to certain gears/fishing activities in certain habitats or targeting certain species. For reasons of legitimacy and to increase the effectiveness of potential measures, such closures should be developed on a regional basis, with input from relevant stakeholders.

A review of the technical measures framework could provide the opportunity to develop a regional management process to respond quickly to environmental changes (e.g. changes in the concentrations of juveniles) by being able to both adopt and remove spatial and/or temporal closures without going through the lengthy co-decision process. Transparent rules of procedures would of course be essential, together with close scientific monitoring and evaluation, both in the establishment of closures and in their removal. It would be relevant to incorporate provisions on Real Time Closures (RTCs) into this work as part of the multiannual plans.

Pilot projects should be encouraged for evaluating the impact of introducing *catch metrics*, *selectivity profiles*, and spatial measures. Fishers should also receive incentives and rewards for adopting conservation measures. Types of measures, and incentives to encourage their adoption, should be developed through discussions and decisions at a regional level, rather than through centralised co-decision; within an overall framework developed at the EU level.

The advice was presented to the Commission and Member States in March 2015. No reply has yet been received from the Commission.

## Mixed Fishery Plans

In recent years, consideration of multi-species interactions had become much more important for fisheries management. Mixed fisheries with their multi-species interactions have become central considerations within a reformed Common Fisheries Policy. It was no longer possible to manage a whole range of individual TACs in the context of both mixed-fishery advice and a discard ban. Throughout 2013/14 the NSAC had engaged in discussions with scientists about the adoption of a mixed fishery approach. It was now time to draw these discussions together.

A Focus Group meeting was convened in October 2014 to develop and draft advice from the NSAC on the Commission’s proposals for a mixed fishery plan for the North Sea. Three key issues had emerged from a scoping meeting held by the Commission to discuss the implementation of a mixed fishery plan: (1) dealing with cod; (2) Incorporating measures for dealing with by-catch species and species of lesser importance to the fishery; and (3) defining the areas to be covered by the mixed fishery plan.

An outline paper was prepared, focussing on these main issues. Three sub-groups were formed to look at the issues in greater detail. Following the receipt of a further Consultation paper from the Commission the Focus Group reconvened to take forward the NSAC’s position. Chris Darby guided the meeting through the scientific advice from ICES, which had been circulated to participants. Steve Mackinson, who was engaged in the GAP2 project case study, advised the group on the extent to which cutting edge scientific advice on multispecies and mixed fisheries might be incorporated into the NSAC advice. A new advice paper was then drafted and discussed at subsequent meeting of the Demersal Working Group. A consensus was reached on mixed fisheries issues and an advice paper was submitted to the Commission.

The NSAC’s Advice on a Mixed Fishery Plan for the North Sea accepted the need to explore a mixed fishery approach to management, and recognised that the current single stock regulatory approach had its limitations, especially in respect of the requirement to meet the Landing Obligation within a TAC management system. However, the current system did provide some safeguards for fishing businesses. Any mixed fishery approach that was adopted should be as simple as possible and not too prescriptive, at least at the outset; whilst incorporating the requirements set out in the CFP Basic Regulation. There were technical aspects to a mixed fishery approach that were best dealt with at a regional level and/or through delegated acts and not under co-decision procedures.

The objective of restoring and maintaining populations of cod above levels which could produce MSY had not been met, although MSY fishing mortality was considered to be achievable within the anticipated timeframe and by 2020 at the latest. The results of the latest surveys, provided in the Report of the ICES Benchmark Workshop on North Sea Stocks, suggested that a more positive picture was emerging for cod. Steady progress had been made towards reducing fishing mortality over the last eight years and SSB had responded by increasing steadily since the historic low point achieved in 2006. It would be important within the new mixed fishery plan to ensure that fishing mortality continued at levels that would meet the CFP objective of restoring and maintaining populations of cod above levels which could produce MSY. Annual TACs had to be set in line with this fundamental legal objective, aiming for a projected increase in biomass. The cod stock was now rebuilding steadily, and the central management aim should be to continue that trajectory.

Developing ranges for Fmsy, rather than fixed points, would certainly be a step forward, and multi-species models might be required to enable the magnitudes of these Fmsy ranges to be estimated. A mixed fishery approach might also assist in mitigating some of the adverse effects of the introduction of the Landing Obligation. However, any approach that was adopted should not be too prescriptive

Management measures were also required under the plan for non-target and/or non-commercial species. In mixed fisheries, it might be difficult to completely avoid catching non-target and/or non- commercial species. Adaptive changes to fishing patterns might go some way towards improving selectivity and/or catch composition; however it was unlikely that vessels would always be able to avoid all unwanted catches. Currently, tools were being developed with the aim of helping managers to make decisions about management of minor or by-catch species. One such method that was currently in development, including by ICES scientists, was a Productivity and Susceptibility Analysis (PSA). This method had wide applicability to risk analysis. With this methodology, the productivity of species was scored based on attributes such as maximum age, maximum size, reproductive strategy and number of young, and growth patterns. This helped determine how vulnerable a species might be to fishing pressure; a species would be “high risk” or “highly vulnerable” if they had attributes like slow growth, old age at maturity, and few young. The *susceptibility* of species was related to how “catchable” they were in relation to fishing patterns. This metric was based on attributes such as the overlap of the geographical range of the species with fishing activities, how likely the species was to encounter the gear and be caught in it, and what its post-encounter survivability was likely to be.

Conducting a PSA for minor, by-catch and benthic species typically caught or impacted by the North Sea mixed demersal fisheries, as advice became available, might allow decision-makers to prioritise “high risk” species (those with low productivity and high susceptibility) for more precautionary management measures and closer monitoring. Such prioritisation might be useful for management and monitoring purposes, although such management had to be in line with the CFP’s MSY objectives, which applied to all “harvested species”. Inter-linked with this obligation was the 2020 deadline for achieving GES under the MSFD, which included related MSY-based targets. Thus, conducting PSAs might also allow decision-makers to better highlight the trade-offs that were possible.

Management by Total Allowable Catches (TACs) might not be the most effective way of achieving the requirements of EU fisheries and environmental legislation (i.e. the CFP and MSFD) and/or might have undesired consequences regarding the exploitation of the main commercial species. It would be important to explore alternative measures for reducing the capture of minor and by-catch species. The NSAC advice listed several measures that might be adopted through regionalisation.

It would be important to ensure that the plan was compatible with plans in adjacent areas, which shared the same stocks. Although the plan for the North Sea had to concentrate on that core area for jurisdictional reasons, there needed to be coherence with plans for other areas. For the North Sea those areas included the Eastern Channel, the Kattegat and the West of Scotland.

Previous management plans had not achieved all they set out to, because they were designed in the absence of stakeholder involvement. The introduction of mixed fishery plans would be a major step forward and the NSAC would need to be involved closely in all future discussions of the plan. The NSAC would be able to present the views of industry and other stakeholders, and that would assist with achieving practical application of the plan.

The NSAC advice was submitted in April 2015. Further developments have still to take place. The Commission had proposed a Mixed Fisheries Plan (MFP) for the Baltic a year ago, and legislation for this should be finalised soon. The Council of Ministers had adopted that management plan and discussion has taken place between the Council and the European Parliament to agree a final version of plan. This legislative process will set a precedent for the development of mixed fishery plans for other sea basins.

The Commission’s proposed management plan would cover all demersal fisheries in the North Sea and would replace the current cod plan system of effort management and days at sea. Fisheries management would be agreed via the Member States and they would set the technical measures. The objective of the plan would be to meet MSY targets. Where science to assess MSY was not available a precautionary approach would be followed. The additional flexibility provided by a mixed fishery might avoid choke species. Everything applied would be achieved within good environmental practices.

Within the Baltic plan and also the North Sea plan there would be a system of setting ranges for the Fmsy targets – a proposal that originated with the NSAC. The authorities that determine quota would be given leeway to adopt whatever works best within a fishery whilst keeping within sustainability objectives. Such ranges would be introduced for cod, haddock, whiting, saithe, plaice and sole.

The plan would include biomass safeguards; if biomass fell below the precautionary level, measures would have to be taken and there would be an obligation to take action.

Groupings of Member States would consult with stakeholders and come up with management measures, within the framework of the agreed plan. Joint recommendations would be forwarded to the Commission and if they were scientifically defendable they would be implemented through EU delegated acts, with no need to take them to the European Parliament.

# POSITION AND ADVICE PAPERS, 2014 – 2015

## Advice submitted

1. Phasing the Implementation of the EU Landings Obligation for the Demersal Fisheries of the North Sea. 12th December 2014
2. A Long Term Management Plan for North Sea *Nephrops.* 16th February 2015
3. Development of a New Framework for Technical Measures in the Reformed CFP. 11th March 2015
4. The Implementation of the EU Landings Obligation for the Demersal Fisheries of the North Sea: Exemptions and Other Issues. 31st March 2015
5. Advice on a Mixed Fishery Plan for the North Sea. 30th April 2015

## Advice still in development

Use of Pulse Trawls in the North Sea

Advice on the Brown Shrimp Roadmap provided by ICES

Quota Uplift Conditions

Choke Species

Monitoring, Control and Enforcement

Revision of the Nephrops Management Plan

Management of *Nephrops* stocks in the North Sea, especially in relation to the Farne Deeps fishery

Sea Bass

Response to Fishing Opportunities 2016

# Membership of the Executive Committee (25 seats)

We currently have 22 members, 15 fishing and 7 other interest groups with 3 vacancies for other interest groups.

**Fishing Members**  
Association des Industries du Poisson de l’U.E – Comite des Organisations Nationales des Importeurs et Exportateurs de Poisson de l’U.E (AIPCE-CEP)    
Comite National de Peche Maritimes et des Elevages Marins (CNPMEM)   
Danmarks Fiskeriforeing (2 Seats)   
European Transport Workers Federation (ETF)    
National Federation of Fishermen’s Organisations (NFFO)    
Polnocnoatlantycka Organizacja Producentow (PAOP)    
Rederscentrale    
Scottish Fishermen’s Federation (SFF)    
Scottish Fishermen’s Organisation (SFO)    
Stichting van de Nederlandse Visserij (2 seats)  
Sveriges Fiskares Riskforbund    
Union des Armateurs á la Pêche de France (UAPF)  
Verband der Deutschen Kutter Und Kusterenfischer

**Other Interest Members**  
Birdlife International   
Client Earth   
Environmental Defense Fund   
European Anglers’ Alliance (EAA)   
Marine Conservation Society (MCS)   
Seas at Risk   
World Wildlife Fund for Nature (WWF)

# Membership of the General Assembly (38 organisations)

**Fishing Members**  
Aberdeen Fish Producers’ Organisation (AFPO)  
Association des Industries du Poisson de l’U.E – Comite des Organisations Nationales des Importeurs et Exportateurs de Poisson de l’U.E (AIPCE-CEP)  
Blue Fish   
Bundesverband der Deutschen Fischindustrie und des Fischgroshandels e.V  
Comite National de Peche Maritimes et des Elevages Marins (CNPMEM)   
Cooperatie Kottervisserij Nederland UA (Visned)  
Cooperative Maritime Etaploise OP (CMEOP)  
Danmarks Fiskeriforeing   
European Transport Workers Federation (ETF)    
Hallandsfiskarnas PO   
Mallaig & North West Fishermen’s Association  
Marine Ingredients Denmark  
National Federation of Fishermen’s Organisations (NFFO)    
Nederlandse Vissersbond   
New Under Ten Fishermen’s Association (NUTFA)   
North East of Scotland Fishermen’s Organisation (NESFO)   
Polnocnoatlantycka Organizacja Producentow (PAOP)    
Rederscentrale    
Scottish Fishermen’s Federation (SFF)    
Scottish Fishermen’s Organisation (SFO)    
Stichting van de Nederlandse Visserij   
Sveriges Fiskares Riskforbund    
Union des Armateurs á la Pêche de France (UAPF)  
Verband der Deutschen Kutter Und Kusterenfischer

**Other Interest Members**  
Birdlife International     
Client Earth   
Dutch Elasmobranch Society (NEV)   
Environmental Defense Fund   
European Anglers’ Alliance (EAA)   
European Bureau for Conservation and Development  
Federation Internationale De La Peche Sportive En Mer (FIPS-M/CIPS)   
Marine Conservation Society (MCS)    
North Sea Wildlife Trusts   
Oceana  
Seas at Risk     
Stichting voor Duurzame Visserijontwikkeling (SDVO)    
The Pew Charitable Trusts  
World Wildlife Fund for Nature (WWF)