



Demersal Working Group Record of Meeting November 25th 2008, Brussels, Belgium

Rapporteur: Tony Hawkins

Draft

1. Welcome, Condolences, Agenda, Apologies & Matters Arising

- 1.1 Barrie Deas welcomed participants to the Demersal WG. He expressed the profound sorrow of the Working Group over the death of Flemming Kristensen of the Danish Fishermen's Association. Flemming had been a strong and active member of the North Sea RAC and had brought good sense to all its meetings. A minutes silence was observed.
- 1.2 The agenda for the meeting was agreed. Chris Darby reminded members that the ICES Benchmark Working Group considering cod and whiting would take place in the week 16-23rd January in Copenhagen. The Flatfish Benchmark Working Group, which would consider plaice, was planned for the week 6-13th February. It was pointed out that this was a prayer week for the village of Urk in the Netherlands, where key members of the fishing fleet were based. Mark Tasker offered to raise this problem with ICES.
- 1.3 The report of the previous meeting in Schiphol in July was approved. There were several matters arising.
- 1.4 Barrie Deas mentioned the issue of the 8% margin of tolerance on weighings of fish discussed at previous meetings. The new EU Cod Recovery Plan requires that the 8% margin applies only to species under recovery. However, in the Proposal for a revised Control Regulation, recently published, the margin of tolerance had been reduced to only 5% for all species. As it was already impossible to conform to the 8% margin, let alone 5% the Commission representatives at the meeting were asked to take the deep concerns of the Working Group over this issue back to the Commission.
- 1.5 The Secretariat had been asked to investigate the possibility of producing a sustainability initiative booklet, perhaps involving sponsors or third parties. The booklet would give examples of the different sustainability initiatives being undertaken by the different fishing fleets. The Secretariat would take this forward

by seeking quotes for the production of the booklet, and would bring an estimate of the costs back to the ExCom meeting in February.

2. EU/Norway Talks

2.1 An earlier round of EU/Norway talks had taken place in Bergen. This week the talks had re-opened in Brussels. Michael Park said that the focus of Norway at the talks had been the introduction of more selective fishing practices, aimed at avoiding discards. There were problems in negotiating with Norway over the balance of payments for stock transfer, especially as the TAC for blue whiting had been cut by 50%. Norway was in a strong position to negotiate and had listed discard measures which it would like to see introduced. However, the Norwegian legal regime was very different to that prevailing under the CFP. Their system was able to forbid the discarding of fish whereas the CFP regulations encouraged discarding. The opening demands of Norway were:

- A discard ban on plaice in the North Sea by 2011
- The introduction of a ban on the hi-grading of cod in 2009
- All fish caught in the Norwegian zone to be landed
- Vessels entering and fishing in the Norwegian zone to supply information on their quota allocations
- The introduction of a network of real time closures and seasonal closures
- The use of active 'move-on' procedures, based on new minimum catch sizes as follows:
 1. Cod, 30-40 cm
 2. Haddock, 27-31 cm
 3. Whiting 23-32 cm
 4. Saithe, 32-40 cm

2.2 The EU response had been:

- It was moving towards reducing discards but could not commit to a discard ban, although the reforms proposed to the CFP might change that position.
- It was looking to introduce a ban on hi-grading for cod
- The EU did not currently have the legislation to allow all fish caught in the Norwegian zone to be landed.
- The various quota systems in Community member states made it difficult for the Community to supply information on quotas of vessels entering Norwegian waters in the way that Norway had requested although

arrangements consistent with EU quota management systems would probably be possible

- The Community was intending to move on the issue of real time closures and seasonal closures. A group would sit to create a common approach to this and other issues during 2009.

Norway was insisting that the degree to which it could be flexible on TACs was linked to progress on the discard issue.

- 2.3 The setting of new minimum catch sizes was queried. What was the justification for these? Michael Park pointed out that these were not new minimum landing sizes, they were the minimum catch lengths at which vessels would have to move on to new fishing areas. Their function was to avoid the capture of young fish
- 2.4 Barrie Deas suggested that in view of these continuing discussions focussing on discards there was little point this year in the NSRAC producing its usual position paper on TACs and quotas. A new cod recovery plan had already been agreed, and the EU/Norway talks could lead to new proposals on TACs. We had already presented our initial views to the Commission in July. Our main concern had been in relation to unused TACs, where the current position was 'use it or lose it'. We had also strongly emphasised the problems encountered when stocks like the cod were increasing but TACs were decreasing, or not keeping pace with fishing opportunities. Discarding was the inevitable result; unless ways could be found of avoiding cod. Pim Visser expressed his concern over the setting of too low a TAC for skates and rays, which was also leading to discards. He was also concerned at the forthcoming ban on the landing of sharks. The fish would still be caught but they would have to be discarded.
- 2.5 It was agreed that it was not necessary this year for the NSRAC to produce a position paper on TACs and quotas. Our time would be better spent on issues over which the RAC could exert some influence. At this juncture, if we wrote to the Commission on the specific issues which had been raised we would simply be referred back to the Commission's policy statement.

3. Technical Conservation Regulations

- 3.1 A NSRAC Focus Group had produced a draft response to the Council Regulation in time for the York ExCom. We now had a non-paper from the Commission on measures for the North Sea. The Dutch industry had produced its response to the new Regulations, and we had also received comments from the French industry. We now had to merge the different views to provide a response from the NSRAC to the Council Regulation, accompanied by separate comments on the proposals for the North Sea. François Thierry from the Commission pointed out that all comments should be sent to the Commission before the end of the year, as the French Presidency wished to make progress with this issue. The Rapporteur would complete the Focus Group paper on the Council regulation to reflect views expressed and circulate the paper again for comment. A new text would be produced in response to the non paper on North Sea measures.

- 3.2 Discussion first focussed on the response to the Council Regulation. French fishers did want to see the removal of an MLS for saithe, although they were content with the restoration of an MLS for cod, haddock and whiting and for crustacean species. They were especially concerned at the new MLS being proposed for saithe in the EU/Norway talks. However, Michael Park reiterated that what was being proposed by Norway was a minimum catch size for determining when fishing should move on from a vulnerable area. It was not an MLS.
- 3.3 Dutch fishers wished to see the removal of an MLS for plaice. Danish fishers wanted to see more consistency in the Regulation and were concerned about an *ad hoc* approach being adopted. What was the point in encouraging the discarding some species which would not survive while putting no restrictions on species which would survive discarding? They wished to see an MLS for plaice and wondered whether a compromise could be reached on a particular value. The Dutch said that they could manage with an MLS of 27 cm for plaice but would still prefer the MLS to be removed because of problems with the fishery in the German Bight. In the meantime Dutch fishers were working with scientists to promote ways of reducing the capture of small plaice.
- 3.4 The Commission had suggested that the measures for controlling fishing within the new Natura 2000 offshore areas would be handled through the Council Regulation. Concern was expressed over this by fishers; in that currently the regulation was not proposing any specific measures. There was a danger that there would be numerous amending regulations coming forward in the future to match the management plans for each of the Natura 2000 areas. Pim Visser thought there would have to be specific measures for each N2000 area. One size could not fit all. It would be preferable to have a separate N2000 Regulation and a clear message on this should go back to the Commission. Euan Dunn pointed out that the TACs and Quotas Regulation was not a suitable vehicle either. That is why general provision was being made within this regulation. The NGOs supported the proposal that the Technical Measures Regulation should deal with N2000 controls.
- 3.5 Giles Bartlett had a different concern. Under towed gears there was no mention of scallop dredging. Dredging was a destructive fishing method and although the dimensions and characteristics of gears like beam trawls were being regulated there was no mention of regulating the number of scallop dredges which could be fished, or the dimensions of the dredge. He thought there should be. Others believed that the problems with dredging centred on regulating fishing effort, rather than the adoption of technical measures to avoid the capture of young fish. François Thierry from the Commission said that the regulation was essentially concerned with avoiding juvenile fish and discards. With scallop dredging the main issue was one of placing restrictions on fishing effort. It transpired later that scallop dredges were exempted from the provisions on catch composition in the North Sea, underlining the fact that the focus of the regulation was on avoiding the capture of juvenile fish by fishing gears, and that dredges were exempt from this regulation.
- 3.6 It was agreed that there had to be a vehicle for dealing with N2000 regulations, but there was concern that this might not be the right place for it. Mark Tasker said

that there would be no need for detailed regulations for each site. It was better to place a general provision in one regulation and this was probably the best place for it. François Thierry agreed. The Technical Conservation measures Regulation was dealing with other types of area with restrictions on fishing, and it was sensible to deal with N2000 areas here too. Euan Dunn pointed out that the new N2000 areas would now be put in place quite quickly. It would simply not be possible to introduce a separate new regulation in time.

- 3.7 Michael Andersen was concerned that each N2000 area would have its own management plan, and that this would require detailed provision of measures. The regulation we were discussing could only provide an overall framework. It emerged, however, that a management plan was not obligatory. The competent authority simply had to take responsibility for measures. In terms of regulating fishing the competent authorities were the Commission and Council and a framework was needed for that within the Technical Conservation Measures Regulation. François Thierry added that the regulation would simply mention N2000 areas. The regulation would also be used for measures which applied to other types of regulated area. Control of fishing activities would be the responsibility of member states under the new Control Regulation.
- 3.8 The consensus which emerged was that the Technical Conservation Measures Regulation was a suitable place to provide a framework for spatial measures, including those for N2000 areas, but the inclusion of a detailed and complex set of measures specifically relating to N2000 areas would not be appropriate and would not be acceptable to the fishing industry. There was particular concern that repeated amendments to the regulation would be necessary to accommodate the N2000 areas and that this went against the broad principles behind the new Technical Conservation Measures Regulation. It was agreed that the NSRAC would pose the question to the Commission of whether consideration should be given to a completely new regulation, covering both the measures applying to N2000 areas and the control of fishing in these areas

4. The Commission Non-paper on Specific Technical Measures for the North Sea

- 4.1 Attention then turned to the non-paper on specific measures for the North Sea. Concern was expressed over Article 2, which placed emphasis on a catch composition approach. The NSRAC had expressed concern in the past over such an approach, as it led directly to discarding of fish. The timing of measurement of catch composition was an important factor, and was being dealt with here by provision of a 50% allowance for the first 24 h of a fishing trip. Fishers would prefer the catch composition to be monitored just before landing took place.
- 4.2 In terms of specific provisions for passive gears, there was concern over soak time (discussed previously in some detail during the Schiphol WG meeting). French fishers were concerned at the mesh size increase proposed for the saithe fishery. The increase in mesh size would not have a large effect upon the stock. An observer programme was planned for this fishery which would provide more information on any by-catches. The restrictions to areas where beam trawling could take place were also of concern to fishers. Dutch fishers were especially

worried about Article 6.2, which prohibited vessels from using beam trawls with a mesh size of less than 120 mm within certain geographical areas. In the past the mesh size of 100 mm had been used, and the fleet would like to retain that (or go to 80 mm). Fishing with an 80 mm mesh gave a by-catch of only 1-2%. Moving to 120 mm would result in a loss of all the Dover sole, lemon sole and dab. Changing the nets to 120 mm would also be very expensive.

- 4.3 François Thierry remarked that the intention was not to introduce additional regulation but to apply existing regulations more sensibly. Apart from the 45 mm and 70 mm square meshes applicable in specific fisheries the Commission wanted to have two basic mesh sizes, 120mm for whitefish and 80 mm for sole and *Nephrops*. If whitefish were caught in the 80 mm mesh fishery then the use of square mesh or other measures would be necessary. There would no longer be any 90, 100 or 110 mm mesh fisheries. There was an exception with gill nets which would increase from 90 to 100 mm. 100 mm mesh gill nets were already in use on some parts of the coast.
- 4.4 Fishers were concerned that some fisheries could not live with these mesh size changes. Some were concerned that the measures being introduced in the North Sea were different to those for North West waters, although the species being exploited were essentially the same. Others thought that measures should be tailored to particular fishing zones. François Thierry emphasised that the regulations were essentially the same for both areas. However, in the North Sea there were some specialised gears that had to be accommodated; for example gears using Swedish grids. Although there were 100 mm mesh gears in use in NW waters they were for deep water species and hake.
- 4.5 There was particular discussion of the catch composition rules. Previously, in some fisheries like that for sprats, catch composition had been expressed as a percentage of the targeted species. Danish fishers would like to see this retained.
- 4.6 French concerns were focussed on whiting and saithe, and were detailed in their paper. They also wished to retain a gill net mesh size of 90 mm. The maximum percentage of cod of only 5% in all gears was not sufficient. Others agreed and pointed out that the explosion in cod stocks in the North Sea would cause major problems and would lead to high levels of discarding. Barrie Deas made the general point that logically these catch percentages would have to change as the relative abundance of different stocks changed. Having fixed percentages would bring problems every year and would undoubtedly result in the discarding of any recovering stocks. Michael Andersen pointed out that although the purpose of the regulation was to reduce discards it was in fact creating discards. François Thierry said that this would be so – but there would be an overall move to larger mesh sizes, allowing fish to escape.
- 4.7 Barrie Deas thought that we should welcome the move to simplification, and consolidation and should emphasise that we were pleased with the regional provisions. However, we did have a number of specific queries and comments. Michael Andersen agreed but pointed out that many of the points which had been made related to particular fisheries. The NSRAC should not attempt to reach a consensus on these. The specific problems were for member states to deal with. We could only mention some of the concerns that fishers had. We could not arrive

at a definitive NSRAC position. François Thierry agreed. Some common views had emerged from the discussion, but there were differing points of view on some issues.

- 4.8 Barrie Deas concluded that there were really two major concerns from a NSRAC standpoint. Firstly, there was the general concern that these measures would encourage discarding, especially for recovering stocks. Then there was the concern over any read-across to the effort regime. With the strong emphasis on gear categories based on new mesh sizes would there be implications for days-at-sea? Michael Park thought there would not be now that member states were given their own effort ceilings based on past record. Each member state could take care of any problems within its own effort envelope. Others opined that there would inevitably be implications for days-at-sea in moving, say, from 80-99 mm to >120 mm. The latter category had the least days at sea. There would also be a reduction in catches. Discussion concluded with the recognition that the new effort regime is not well understood and that in our response we would have to flag the possible read-across to the cod recovery plan and its effort limitations as a potential area of concern.

5. Long Term Management Plan for the *Nephrops* fishery

- 5.1 The attempt of the NSRAC to develop long term management plans for each of the key fisheries had stalled. We had failed to gain access to relevant scientific advice and we lacked the resources to engage in a full programme of stakeholder consultation. In these circumstances we had decided to concentrate on developing a long term management plan for the *Nephrops* fisheries within the North Sea. How would we take this forward?
- 5.2 Michael Park would chair the development group preparing the plan. Fisheries Research Services in Aberdeen had agreed to join with the group to provide scientific advice. However, the development group should not be too UK-centric and it would be desirable to assemble a wider group of scientific experts. Our next step was to establish a timetable of meetings for 2009. In preparing the plan we could draw on the broad-based advice from the Edinburgh Workshop on Long Term Management Planning.
- 5.3 Chris Darby of CEFAS summarised the scientific problems. Currently, *Nephrops* was assessed for the North Sea as a whole, but it was evident that the fisheries took place in a number of different areas which might have their own separate stocks. Some switching of effort was taking place between smaller areas within a larger management area. Regulation of the smaller spatial units might be necessary. There were problems in ageing individuals, growth rates were variable, and there were difficulties in setting reference points. However, *Nephrops* stocks themselves had proved quite resilient, in part because females were less susceptible to capture. One of the important factors to be considered was whether there were discards in the fisheries. How could the discarding of other species, including whitefish, be reduced? There would be an ICES *Nephrops* Benchmarking Workshop during 2009 on the 2-6th March in Aberdeen. It would

concentrate on assessments using CCTV surveys and whether these were capable of indicating just trends or absolute values. Perhaps the NSRAC could attach a development group meeting to that workshop to help formulate ideas on a long term management plan?

- 5.4 Michael Andersen thought that it was not necessarily critical to establish reference points for *Nephrops*. We should be able to devise a long term management plan with the information we already have. Chris Darby agreed that we should not regard reference points as 'lines drawn in the sand'. We simply needed a scale or continuum to enable us to move in the right direction and generate consistent scientific advice.
- 5.5 Michael Park emphasised that the development group would not just deal with the biology of *Nephrops*. We would be looking at all aspects of the *Nephrops* fishery. Others agreed that species interactions – and especially predation by cod – were important for *Nephrops* and needed to be taken into account, especially as cod were increasing in the North Sea. We also needed to consider socio-economic factors, supply-chain considerations, the impact of accreditation and a range of wider aspects. It would also be important to create a dialogue with the right people and to interface with the broader stakeholder community. Chris Darby agreed that benchmarking was not just about reference points. It had to cover wider aspects of the fishery and it would provide an opportunity for ICES to engage in joint working with stakeholders.
- 5.6 Michael Park pointed out that the Scottish *Nephrops* fishery was already seeking MSC accreditation. He agreed that any management plan had to be complete and deal with all aspects of the *Nephrops* fishery. He would try to arrange for a development group meeting to coincide with the ICES Benchmarking Workshop.

6. ICES Benchmark Workshops

- 6.1 ICES is arranging separate benchmark working groups on gadoids and flatfish. The cod/whiting meeting is to take place on 16-23rd January in Copenhagen, and the flatfish meeting is planned for 6-13th February (although Mark Tasker is to investigate whether the latter dates can be changed).
- 6.2 Barrie Deas thought these meetings would be important to the NSRAC. We needed to prepare for them in terms of issues to be raised and data to be taken along. There will be discussion of reference points. Chris Darby pointed out that the benchmark workshops were intended to be repeated in a 3-5 year cycle. They would especially benefit from any new data coming from the industry and of course from the experience and knowledge of fishers. Information from Fisheries/Science Partnerships and industry surveys would be especially valuable. Martin Pastoors thought that ICES would be looking for data with some time-span. Data obtained over only one or two years was more difficult to deal with, although spatial data would also be welcomed.
- 6.3 A number of members of the NSRAC declared their intention of going to the benchmark workshops. Tony Hawkins suggested that Chevonne Laurenson, who

had compiled the results of the Fishers' Survey should also attend and Michael Anderson thought that Chevonne should attend in her own right. Chris Darby said that where people could not attend themselves they would be able to ask representatives of the national laboratories to present data on behalf of the industry and the RACs. Barrie Deas concluded by affirming that this was a major opportunity to introduce fishers' knowledge in a systematic way. Those who wished to attend should notify the Secretariat, who would forward a list of attendees from the NSRAC.

7. The JAKFISH project

- 7.1 Martin Pastoors, Vice-chair of the ICES Advisory Committee, gave a presentation on JAKFISH – a research project he was engaged in. He emphasised that he would be speaking on behalf of CEFAS, the co-ordinators of the project, and not ICES. The presentation had been jointly developed by himself with Clara Rescan (Denmark), Doug Wilson (Denmark) and Laurie Kell (UK) on behalf of the JAKFISH research team.
- 7.2 Martin pointed out that new EU policies called for direct involvement of stakeholders. The whole governance process was changing. The RACs were a direct manifestation of these new policies. The RACs needed to acquire scientific support for their policy recommendations and the JAKFISH project offered opportunities for stakeholders and scientists to work together. JAKFISH stands for “Judgement and Knowledge in Fisheries involving Stakeholders”. The project consortium consists of researchers from 9 institutes and 8 countries. It explicitly allows for stakeholder participation and is funded by the European Union through the 7th Framework Programme. It aims to develop tools, practices and institutions that facilitate participatory decision-making in fisheries policies. It asks how we can jointly develop a long-term strategy that will satisfy the objectives of multiple user-groups and that is in line with overall European policy objectives. The project team proposes to achieve these objectives by carrying out case studies with different RACs. The North Sea RAC is one of the RACs that is being approached. It is suggesting that the JAKFISH project should be used to solve an “issue” that is important to the RAC. As an added benefit the project would show how participatory processes and participatory modelling could work and the benefits they would bring.
- 7.3 The first step would be to set up a Science-Stakeholder Group. This group would need to define:
- a) the topic
 - b) objectives and
 - c) acceptable risks
- 7.4 The second step would be to develop a modelling approach to implement the case study. And the third step would be to present initial results to the Science-Stakeholder Group. This process would then be reiterated until the issue had been resolved. The JAKFISH project offered excellent opportunities for stakeholders and scientists to work together and to build lasting science-stakeholder partnerships.

With JAKFISH we could develop the tools, practices and institutions that facilitate participatory decision-making. It would make objectives and trade-offs explicit (stakeholders); and make the modelling transparent (scientists). Science would play a facilitating role (rather than a norm setting role). The project could show how scientists and stakeholders working together can make a difference and can improve the decision-making process.

- 7.5 In discussion, Michael Andersen said that the NSRAC as invited to take part in many of these projects but it was not always clear what the RAC was expected to deliver. We also had only limited time and resources. Martin Pastoors emphasised that the project team wanted to link into an existing process rather than develop a new case study. JAKFISH would link into existing meetings – adding perhaps a half day only. Barrie Deas wondered whether the Long Term Management Plan for *Nephrops* would make a suitable case study. It was a high priority for the NSRAC, and it was all about participatory science. It was a real project with long term aims. There was also an issue over how to involve real stakeholders in the preparation of the plan. Michael Park wondered if there were timing difficulties, however. We did want to complete the *Nephrops* plan during 2009. Martin Pastoors said that timing was not a problem for JAKFISH. They could start immediately and would be able to integrate new information into the case study. They would not necessarily resolve current problems of scientific advice but they could advise on what the long term needs of the management plan would be. Peter Breckling asked what links there would be with the GAP project. Martin replied that there were a number of projects currently under way - they are all slightly different and have different objectives. Michael Park thought that it was no bad thing to have several different approaches running at the same time. He asked what the next step would be. Martin replied that JAKFISH would simply attach itself to the NSRAC's *Nephrops* project. Contact would be directly with Michael Park. It was agreed that the NSRAC would gain from the involvement of JAKFISH in the preparation of a long term management plan for *Nephrops*. Michael and Martin would liaise with one another in taking the work forward.

8. Natura 2000; Further UK proposals

- 8.1 Charlotte Johnston, Paolo Pizzolla and Mark Tasker spoke about the latest UK proposals for offshore Natura 2000 sites as part of the 2008-09 offshore SAC consultation by the Joint Nature Conservation Committee (the UK agency which advises on nature conservation for UK offshore waters). The Natura Directives aim to stop biodiversity loss within the European Union by protecting natural habitats and species. There are two Directives: for 'Habitats' and 'Birds'. There are two types of designation: Special Areas of Conservation (SACs) for habitats and non-bird species; and Special Protection Areas (SPAs) for birds. The habitats requiring protection under the Habitats Directive in waters away from the coast are:

- Reefs
- Sandbanks which are slightly covered by seawater all the time
- Submarine structures made by leaking gases

Species requiring protection under the Habitats Directive for which SACs may be identified in future include the grey seal, common seal, bottlenose dolphin and harbour porpoise. Each country identifies SACs and SPAs in their territorial waters. The JNCC identifies SACs and SPAs for UK offshore waters, and coordinates SAC/SPA selection for the UK.

8.2 Previously there has been consultation on 7 offshore possible SACs. Five sites were submitted to Europe and are now candidate SACs:

- Darwin Mounds
- Stanton Banks
- Haig Fras
- Braemar pockmarks
- Scanner pockmark

Two sites remain as possible SACs pending further work:

- North Norfolk Sandbanks and Saturn reef
- Wyville Thomson Ridge

8.3 Two draft offshore SACs have now been identified for public consultation starting in December 2008:

- The Dogger Bank
- North West Rockall

The UK procedures are as follows:

- JNCC advise government of sites (SACs and SPAs) to be submitted to Europe
- A 12 week consultation on scientific justification for sites takes place, then the site list is submitted to European Commission by 1st Sept each year
- JNCC provide Conservation Objectives and Advice on Operations to Competent Authorities
- Competent Authorities must manage activities so that they do not affect the sites
- Plans and projects which may affect the integrity of a site require Appropriate Assessment
- Ongoing activities may require management measures if they affect the features of the site

The current proposal will go out for formal consultation on scientific aspects in December 2008, intended to lead to eventual submission to the Commission in August 2009.

- 8.4 The Dogger Bank site consists of sandbanks slightly covered by seawater all the time; the harbour porpoise is also present. Since initial investigations in 2005, the draft boundary has been modified to take account of new survey data. Slope analysis, and the examination of in-faunal species has led to refinement of the boundaries, although these may need to be adjusted to match those of similar areas designated by other member states. UK Government guidelines require an Impact Assessment for all policy changes (previously a Regulatory Impact Assessment or RIA). The Impact Assessments will examine the likely economic impacts of the proposal and the range of options for implementing it. Information is being requested from stakeholders Information on the activities undertaken in the area and their current and potential worth. Information is also required on likely additional costs incurred by industry if the site is designated. Initial information should be passed to JNCC's contractors during Nov-Dec 08 for inclusion in the Impact Assessment for consultation. Comment and further input is sought through the 12 week formal site consultation (Dec 08 to March 09). Current activities in the area include oil and gas installations, aggregate extraction, cables and pipelines, potential wind-farm licences and demersal fisheries. All the information for the consultation will be available on the JNCC website: www.jncc.gov.uk/marineconsult
- 8.5 JNCC's offshore survey and data collation programme provides data for identification of additional draft offshore SACs and the JNCC is conducting surveys and research towards identification of further draft offshore SPAs. The EC deadline for completion of the Natura 2000 network is 2010. Further sites will be proposed during 2009 including a site to the east of Shetland.
- 8.6 Fishers were concerned at the size of the proposed Dogger Bank SAC, which amounted to 15,000 km². In addition, two other member states would also be declaring SACs on the Dogger Bank, which would increase the size still further. There was also concern over the degree of coordination between the three proposals. The JNCC view was that it would be scientifically difficult to justify a reduction in the size of the site. Concern was also expressed by the industry over the social and economic impact of the proposal. Charlotte Johnston explained that it was not possible to take such factors into account in selecting the site – which had to be done on scientific grounds. However, the social and economic impact would be taken into account in the Impact Assessment which would inform the government of the consequences of the proposal. Information on fishing activities within the area would also be subsequently taken into account in proposing management measures for the site. There was certainly a need to work with other member states in considering the management regime to be imposed. In fact, the JNCC would not be devising the management plan. That would be for the competent authorities (the Commission and member states) to consider.
- 8.7 Peter Breckling pointed out that restrictions upon fishing could only be imposed if the conservation status was unfavourable. The conservation status would need to be defined, and Annex III of the Directive gave some guidance on how that should be done. He wondered whether there were sufficient data to define the conservation status of the area. He also believed that consultation on the management arrangements for the site would have to be discussed at an international level by the Commission, and that it would have to involve member

states and the RACs. Charlotte Johnston thought that there was already sufficient information to give an indication that the site was in a reasonable condition, but some areas within it were not at favourable conservation status and it would be necessary for some management to take place. The RAC would be consulted with respect to management of the site. Michael Andersen thought it was a democratic mockery that at this stage comment could only be made on the scientific justification for the site. Mark Tasker pointed out, however, that substantial changes had been made to the Stanton Bank boundaries as a result of representations from fishers. Peter Breckling thought it was important for fishers to respond to the consultation and to consider the advice provided by ICES. Willem de Boer had not received a clear answer to his question on what was to be protected at this large site. There are clear areas within it where there are no discards. Closing these areas would displace fishing elsewhere, where discarding might be a greater problem. Some of these areas had been fished for hundreds of years and they were important fishing grounds. He wondered whether there was any sense in fishermen becoming involved in this consultation as the scientists had already made up their minds.

- 8.8 Euan Dunn considered that not all parts of the Dogger Bank were in good condition. Restoration to favourable conservation status was necessary in some cases as part of a move to restore a heavily used site. There were industry concerns over aggregate dredging and the licensing of wind-farms on the Bank which the NSRAC would have to wrestle with on quite a short time scale. The NSRAC Spatial Planning WG would need to deal with these challenges. We had to consider what information would help. We especially needed data on where fishermen fish. The final decision on whether fishing would be allowed to continue on the Bank would be decided by the Commission and Fisheries Council. Peter Breckling was interested in knowing how the Council would deal with these conflicts. Management restrictions would really hurt the fisheries in this area. It might be necessary to go to the European Court of Justice to see whether the procedures were in line with the requirements of the Habitats & Species Directive. Arnold Locker said the Dogger Bank was not all a sandbank. It is just a shallow bank. The UK Government was in danger of creating a monster here. The proposal needed further refinement.
- 8.9 In terms of the management regime, nothing had been ruled in or ruled out. Any management would be aimed at maintaining or restoring favourable conservation status. If there were areas which were not sandbank then the JNCC should be told. Currently, the JNCC had only a snapshot of fishing activities and to decide on the conservation status and to carry out the Impact Assessment much more information was required. Michael Andersen asked what proportion of sandbanks in the North Sea had to be designated; all of them, only half, or a smaller proportion? Mark Tasker said that a reasonable proportion of this habitat had to be protected at a European level. However, the Dogger Bank was a unique feature. It was a very old sandbank and it was not appropriate to subdivide it. We had to protect the whole feature.
- 8.10 Euan Dunn sought comment on how the Spatial Planning WG should take these issues forward. How did the NSRAC want to deal with N2000 proposals? One task would be to update information on fishing intensity, distinguishing between the different fisheries. The data available from the UK for 2004 was not

representative as in that year only vessels greater than 18 m had to have VMS installed. Mark Tasker thought that to fulfil the scientific data requirements any information on parts of the Bank which were not sandbank would be useful. With respect to the Impact Assessment, and the development of management proposals, information on the distribution and intensity of fishing activities would be important. It was suggested that the designation of the Dogger Bank as a N2000 area might form a suitable case study for JAKFISH. However, Martin Pastoor wished to reflect on that. Barrie Deas thanked the JNCC for attending the WG meeting. He thought that there was a consensus view that the N2000 process was inherently flawed. In this case it was still necessary to decide which features were being protected. How were the boundaries being defined? What would happen to the diverted fishing effort and what would be the impact if fishers were diverted into high discard areas?

9. Any Other Business

- 9.1 The next meeting of the Demersal Working Group will take place before the Berlin ExCom, probably in Berlin. At that meeting we would have to engage with the new Control Regulation.

10. Action Points

1. The ICES Flatfish Benchmark Workshop is planned for the week 6-13th February. This is a prayer week for the village of Urk in the Netherlands, where key participants from the fishing fleet are based. Mark Tasker offered to raise this problem with ICES (1.2).	Mark Tasker & Secretariat
2. In the new Control Regulation the margin of tolerance for the weighing of catches has been reduced to only 5%. Commission representatives at the meeting were asked to take the deep concerns of the NSRAC Working Group over this issue back to the Commission (1.4).	Commission representatives
3. The Secretariat will seek quotes for the production of a sustainability initiative booklet, detailed conservation actions taken by the fleets, and will bring an estimate of the costs back to the ExCom meeting in February (1.5).	Secretariat
4. The Focus Group paper responding on the Council Regulation on Technical Conservation Measures will be revised to reflect the views expressed by the WG and then circulated again for comment. A new text will be produced in response to the non paper on North Sea measures and that will also be circulated to members (3.1).	Rapporteur
5. A development group meeting to produce a Long Term Management Plan for <i>Nephrops</i> will, if possible, be attached to the proposed ICES <i>Nephrops</i> Benchmark Workshop taking place on the 2-6th March in Aberdeen (5.3). The management plan would look at all aspects of	Michael Park & Secretariat

the <i>Nephrops</i> fishery not just the biology of <i>Nephrops</i> (5.4).	
6. The ICES Benchmark Workshop on cod/whiting meeting will take place on 16-23rd January in Copenhagen. Members of the NSRAC wishing to attend the Workshop should notify the Secretariat who will forward a list to ICES (6.3)	Members & Secretariat
7. Michael Park and Martin Pastoors would liaise with one another in involving the JAKFISH project in the preparation of a Long Term Management Plan for the North Sea <i>Nephrops</i> fisheries (7.5).	Michael Park & Martin Pastoors
8. Those wishing to comment on the UK consultation on the proposal for a Natura 2000 site on the Dogger Bank should contact the JNCC. All the information for the consultation will be available on the JNCC website: www.jncc.gov.uk/marineconsult (section 8)	Members
9. The next meeting of the Demersal Working Group will take place before the Berlin ExCom. At that meeting we will engage with the new Control Regulation (9.1).	Chair of Demersal WG & Secretariat

8. In Attendance

Barrie Deas (Chair)	NFFO
Tony Hawkins	Rapporteur
Michael Andersen	Danmarks Fiskeriforening
Ben Daalder	Danmarks Fiskeriforening
Arnold Locker	NFFO
Luc Corbisier	SDVO
Michael Park	Scottish Fishermen's Federation
Willem de Boer	Dutch Fisheries Organisation
Paula den Hartog	Dutch Fisheries Organisation
Peter Breckling	DFV
Pim Visser	EAFPA
François Thierry	European Commission, DG Mare
Ana Olivert-Amada	European Commission, DG Mare
Antoine Le Garrec	UAFF/Euromar
Chris Darby	CEFAS
Leslie Tait	NAFC Marine Centre
Giles Bartlett	WWF-UK
Euan Dunn	Birdlife International
Caroline Gamblin	CNPMEM
Mark Tasker	JNCC
Charlotte Johnston	JNCC
Paolo Pizzolla	JNCC
Clara Rescan	JAKFISH
Martin Pastoors	JAKFISH
Aukje Coers	Pelagic RAC
Ann Bell	NSRAC

